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CITATION

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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of November 1988 pursuant to RCW 19.52.020 is twelve percent (12%).

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

The maximum allowable retail installment contract service charge applicable for calendar year 1988 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fourteen percent (14%) for the fourth calendar quarter of 1988.

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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 are 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 MATERIAL

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 material is new material;
 - (ii) ~~deleted material is ((timed 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's office. 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's office 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's office 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.

1988 – 1989

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
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¹All documents are due at the code reviser's office by 5:00 p.m. on or before 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 88-21-001
EMERGENCY RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Order 88-23—Filed October 6, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Room 334, Olympia, Washington, the annexed rules relating to chapter 296-62 WAC, General occupational health standards, which is being amended to adopt federal program changes to: WAC 296-62-300 through 296-62-3190, hazardous waste operations and emergency response, is being adopted identical to the OSHA proposed final rule published in Federal Register Vol. 52, No. 153, dated August 10, 1987; WAC 296-62-07523 through 296-62-07533, benzene, is being adopted at-least-as-effective-as the OSHA final rule published in Federal Register Vol. 52, No. 176, dated September 11, 1987; and WAC 296-62-07540 through 296-62-07550, formaldehyde, is being adopted at-least-as-effective-as the OSHA final rule published in Federal Register Vol. 52, No. 233, dated December 4, 1987, and Federal Register Vol. 53, No. 41, dated March 2, 1988:

- New WAC 296-62-07523 Benzene.
- New WAC 296-62-07525 Appendix A—Substance safety data sheet—Benzene.
- New WAC 296-62-07527 Appendix B—Substance technical guidelines—Benzene.
- New WAC 296-62-07529 Appendix C—Medical surveillance guidelines for benzene.
- New WAC 296-62-07531 Appendix D—Sampling and analytical methods for benzene monitoring and measurement procedures.
- New WAC 296-62-07533 Appendix E—Qualitative and quantitative fit testing procedures.
- New WAC 296-62-300 Scope, application, and definitions.
- New WAC 296-62-3010 General requirements.
- New WAC 296-62-3020 Site characterization and analysis.
- New WAC 296-62-3030 Site control.
- New WAC 296-62-3040 Training.
- New WAC 296-62-3050 Medical surveillance.
- New WAC 296-62-3060 Engineering controls, work practices, and personal protective equipment for employee protection.
- New WAC 296-62-3070 Monitoring.
- New WAC 296-62-3080 Informational programs.
- New WAC 296-62-3090 Handling drums and containers.
- New WAC 296-62-3100 Decontamination.
- New WAC 296-62-3110 Emergency response.
- New WAC 296-62-3120 Illumination.
- New WAC 296-62-3130 Sanitation at temporary workplaces.
- New WAC 296-62-3140 Certain operations conducted under the Resource Conservation and Recovery Act of 1976 (RCRA).
- New WAC 296-62-3150 Start-up dates.
- New WAC 296-62-3152 Appendices to Part B [P].
- New WAC 296-62-3160 Appendix A—Personal protective equipment test methods.
- New WAC 296-62-3170 Appendix B—General description and discussion of the levels of protection and protective gear.
- New WAC 296-62-3180 Appendix C—Compliance guidelines.
- New WAC 296-62-3190 Appendix D—References to appendix.
- New WAC 296-62-07540 Formaldehyde.
- New WAC 296-62-07542 Appendix A—Substance technical guideline for formalin.
- New WAC 296-62-07544 Appendix B—Sampling strategy and analytical methods for formaldehyde.
- New WAC 296-62-07546 Appendix C—Medical formaldehyde.

- New WAC 296-62-07548 Appendix D—Nonmandatory medical disease questionnaire.
- New WAC 296-62-07550 Appendix E—Qualitative and quantitative fit testing procedures.

I, Joseph A. Dear, 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 emergency adoption is necessary to cover eight days before permanently adopted rules become effective. This emergency adoption is in effect until November 7, 1988.

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

This rule is promulgated pursuant to chapters 49.17 and 34.04 RCW and chapter 1-12 WAC 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 October 6, 1988.

By Joseph A. Dear
 Director

PART P

- Hazardous waste operations and emergency response*
- WAC**
- 296-62-300 *Scope, application, and definitions.*
- 296-62-3010 *General requirements.*
- 296-62-3020 *Site characterization and analysis.*
- 296-62-3030 *Site control.*
- 296-62-3040 *Training.*
- 296-62-3050 *Medical surveillance.*
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- 296-62-3090 *Handling drums and containers.*
- 296-62-3100 *Decontamination.*
- 296-62-3110 *Emergency response.*
- 296-62-3120 *Illumination.*
- 296-62-3130 *Sanitation at temporary workplaces.*
- 296-62-3140 *Certain operations conducted under the Resource Conservation and Recovery Act of 1976 (RCRA).*
- 296-62-3150 *Start-up dates.*
- 296-62-3152 *Appendices to Part P – Hazardous waste operations and emergency response.*
- 296-62-3160 *Appendix A—Personal protective equipment test methods.*
- 296-62-3170 *Appendix B—General description and discussion of the levels of protection and protective gear.*
- 296-62-3180 *Appendix C—Compliance guidelines.*
- 296-62-3190 *Appendix D—References to appendix.*

NEW SECTION

WAC 296-62-300 SCOPE, APPLICATION, AND DEFINITIONS. (1) Scope for operations other than emergency response. This section covers employers and employees engaged in the following operations:

(a) Hazardous substance response operations that are conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (42 U.S.C. 9601 et seq.) (CERCLA), including initial investigations at CERCLA sites before the presence or absence of hazardous substances has been ascertained;

(b) Major corrective actions taken in clean-up operations under the Resource Conservation and Recovery Act of 1976 as amended (42 U.S.C. 6901 et seq.) (RCRA);

(c) Operations involving hazardous waste storage, disposal, and treatment facilities regulated under WAC 173-303-400 pursuant to RCRA;

(d) Hazardous waste operations sites that have been designated for clean-up by state or local governmental authorities; and

(2) Scope for emergency response operations. This section also covers employers whose employees have a reasonable possibility of engaging in emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to the location of the hazard.

(3) Application.

(a) All requirements of this chapter and chapters 296-24 and 296-155 WAC apply pursuant to their terms to hazardous waste operations whether covered by this part or not. In addition, the provisions of this part apply to operations covered by this part. If there is a conflict or overlap, the provision more protective of employee safety and health shall apply.

(b) All sections of this part except WAC 296-62-3110 and 296-62-3140 apply to operations involving hazardous substances conducted under CERCLA, major corrective actions taken in clean-up operations under RCRA, and hazardous waste operations that have been designated for clean-up by state or local governmental authorities.

(c) Only the requirements of WAC 296-62-3110 and 296-62-3140 apply to those operations involving hazardous waste storage, disposal, and treatment facilities regulated under WAC 173-303-400.

Exceptions: For small quantity generators and generators with less than ninety days accumulation of hazardous wastes who have emergency response teams that respond to releases of, or substantial threats of releases of, hazardous substances, only WAC 296-62-3110 is applicable. Small quantity generators and generators with less than ninety days accumulation of hazardous wastes who do not have emergency response teams that respond to releases of, or substantial threats of releases of, hazardous substances are exempt from the regulations of this section.

(d) WAC 296-62-3110 applies to all emergency response operations for releases of, or substantial threats of releases of hazardous substances including those releases of or substantial threats of releases that occur at worksites other than those sites identified in (a) through (c) of this subsection.

(4) Definitions.

(a) "Buddy system" means a system of organizing employees into work groups in such a manner that each employee of the work group is designated to observe the activities of at least one other employee in the work group. The purpose of the buddy system is to provide quick assistance to those other employees in the event of an emergency.

(b) "Decontamination" means the removal of hazardous substances from employees and their equipment to the extent necessary to preclude the occurrence of foreseeable adverse health effects.

(c) "Emergency response" means a coordinated response effort by employees from outside the immediate release area or by outside responders (i.e., mutual aid groups, local fire departments, etc.) to an occurrence which results, or is likely to result, in an uncontrolled release of a hazardous substance. Responses to incidental releases of hazardous substances where the substance can be absorbed, neutralized, or otherwise controlled at the time of release by employees in the immediate release area are not considered to be emergency responses within the scope of this standard. Responses to release of hazardous substances where the concentration of hazardous substance is below the established permissible exposure limits established in this standard are not considered to be emergency responses.

(d) "Established exposure levels" means the inhalation or dermal permissible exposure limit specified, in this chapter, or if none is specified, the exposure limits in "NIOSH Recommendations for Occupational Health Standards" dated 1986 incorporated by reference, or if neither of the above is specified, the standards specified by the American Conference of Governmental Industrial Hygienists in their publication "Threshold Limit Values and Biological Exposure Indices for 1986-87" dated 1986" incorporated by reference. The two documents incorporated by reference are available for purchase from the following:

NIOSH, Publications Dissemination, Division of Standards Development and Technology Transfer, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, OH 45226, (513) 841-4287; and

American Conference of Governmental Industrial Hygienists, 6500 Glenway Ave., Building D-7, Cincinnati, OH 45211-4438, (513) 661-7881 and are available for inspection and copying at the OSHA Docket Office, Docket No. S-760, Room N-3671, 200 Constitution Ave., N.W., Washington, DC 20210.

(e) "Facility" means (i) any building structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, storage container, motor vehicle, rolling stock, or aircraft, or (ii) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

(f) "Hazardous materials (HAZMAT) team" means an organized group of employees, designated by the employer, who are knowledgeable and specifically trained

and skilled to handle and control leaking containers or vessels, use and select special chemical protective clothing and perform other duties associated with accidental releases of hazardous substances. The team members perform responses to releases of hazardous substances for the purpose of control or stabilization of the release. A HAZMAT team is not a fire brigade nor is a typical fire brigade a HAZMAT team. A HAZMAT team, however, may be a separate component of a fire brigade.

(g) "Hazardous substance" means any substance designated or listed under (g)(i) through (iv) of this subsection, exposure to which results or may result in adverse effects on the health or safety of employees:

(i) Any substance defined under section 101(14) of CERCLA;

(ii) Any biological agent and other disease-causing agent as defined in section 101(33) of CERCLA;

(iii) Any substance listed by the United States Department of Transportation and regulated as hazardous materials under WAC 480-12-195; and

(iv) Hazardous waste.

(h) "Hazardous waste" means:

(i) A waste or combination of wastes as defined in WAC 173-303-040; or

(ii) Those substances defined in WAC 480-12-195.

(i) "Hazardous waste operation" means any operation conducted within the scope of this standard involving employee exposure to hazardous wastes, hazardous substances, or any combination of hazardous wastes and hazardous substances.

(j) "Hazardous waste site" or "site" means any facility or location within the scope of this standard at which hazardous waste operations take place.

(k) "Health hazard" means a chemical, mixture of chemicals, or a pathogen for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Further definition of the terms used above can be found in Appendix A to WAC 296-62-054 through 296-62-05427.

(l) "IDLH" or "immediately dangerous to life or health" means any atmospheric concentration of any toxic, corrosive, or asphyxiant substance that poses an immediate threat to life or would cause irreversible or delayed adverse health effects or would interfere with an individual's ability to escape from a dangerous atmosphere.

(m) "Oxygen deficiency" means that concentration of oxygen by volume below which air supplying respiratory protection must be provided. It exists in atmospheres where the percentage of oxygen by volume is less than 19.5 percent oxygen.

(n) "Permissible exposure limit" means the inhalation or dermal permissible limit specified in WAC 296-62-075 through 296-62-07515.

(o) "Post emergency response" means that portion of an emergency response performed after the immediate threat of a release has been stabilized or eliminated and clean-up of the site has begun. If post emergency response is performed by an employer's own employees as a continuation of initial emergency response, it is considered to be part of the initial response and not post emergency response.

(p) "Qualified person" means a person with specific training, knowledge, and experience in the area for which the person has responsibility.

(q) "Site safety and health supervisor (or official)" means the individual located on a hazardous waste site who is responsible to the employer and has the authority and knowledge necessary to implement the site safety and health plan and verify compliance with applicable safety and health requirements.

(r) "Small quantity generator" means a generator of hazardous wastes who in any calendar month generates no more than 1000 kilograms (2210 pounds) of hazardous waste in that month.

NEW SECTION

WAC 296-62-3010 GENERAL REQUIREMENTS. (1) Safety and health program.

(a) General. Employers shall develop and implement a written safety and health program for their employees involved in hazardous waste operations. The program shall be designed to identify, evaluate, and control safety and health hazards and provide for emergency response for hazardous waste operations. The program shall incorporate as a separate chapter the following:

(i) Organizational structure chapter,

(ii) A comprehensive workplan chapter, and

(iii) A site-specific safety and health plan chapter.

(b) Organizational structure chapter.

(i) The organizational structure chapter shall establish the specific chain of command and specify the overall responsibilities of supervisors and employees. It shall include at a minimum, the following elements:

(A) A general supervisor who has the responsibility and authority to direct all hazardous waste operations.

(B) A site safety and health supervisor who has the responsibility and authority to develop and implement the site safety and health plan and verify compliance.

(C) All other personnel needed for hazardous waste site operations and emergency response and their general functions and responsibilities.

(D) The lines of authority, responsibility, and communication.

(ii) The organizational structure shall be reviewed and updated as necessary to reflect the current status of waste site operations.

(iii) The original organizational structure plan and any changes to the overall organizational structure shall be made available to all affected employees.

(c) Comprehensive workplan chapter. The comprehensive workplan chapter shall address the tasks and objectives of site operations and the logistics and resources required to reach those tasks and objectives.

(i) The comprehensive workplan shall address anticipated clean-up activities as well as normal operating procedures.

(ii) The comprehensive workplan shall define work tasks and objectives and identify the methods for accomplishing those tasks and objectives.

(iii) The comprehensive workplan shall establish personnel requirements for implementing the plan.

(iv) The comprehensive workplan shall provide for the implementation of the training required in WAC 296-62-3040.

(v) The comprehensive workplan shall provide for the implementation of the required informational programs required in WAC 296-62-3080.

(vi) The comprehensive workplan shall provide for the implementation of the medical surveillance program described in WAC 296-62-3050.

(d) Site-specific safety and health plan chapter. The site safety and health plan, which is part of the overall safety and health program shall be available on the site for inspection by employees, their designated representatives, and WISHA personnel, shall address the safety and health hazards of each phase of site operation; and include the requirements and procedures for employee protection.

(i) The site safety and health plan, as a minimum, shall address the following:

(A) Names of key personnel and alternates responsible for site safety and health, including a site safety and health supervisor.

(B) A safety and health risk or hazard analysis for each site task and operation found in the workplan.

(C) Employee training assignments to assure compliance with WAC 296-62-3040.

(D) Personal protective equipment to be used by employees for each of the site tasks and operations being conducted as required by the personal protective equipment program in WAC 296-62-3060.

(E) Medical surveillance requirements in accordance with the program in WAC 296-62-3050.

(F) Frequency and types of air monitoring, personnel monitoring, and environmental sampling techniques and instrumentation to be used including methods of maintenance and calibration of monitoring and sampling equipment to be used.

(G) Site control measures in accordance with the site control program required in WAC 296-62-3030.

(H) Decontamination procedures in accordance with WAC 296-62-3100.

(I) An emergency response plan meeting the requirements of WAC 296-62-3110 for safe and effective responses to emergencies, including the necessary PPE and other equipment.

(J) Confined space entry procedures.

(ii) Preentry briefings shall be held prior to initiating any site activity and at such other times as necessary to ensure that employees are apprised of the site safety and health plan and that this plan is being followed.

(iii) Inspections shall be conducted by the site safety and health supervisor or, in the absence of that individual, another individual acting on behalf of the employer as necessary to determine the effectiveness of the site

safety and health plan. Any deficiencies in the effectiveness of the site safety and health plan shall be corrected by the employer.

(iv) When major spills may be anticipated due to the type of work involved, a spill containment program meeting the requirements of WAC 296-62-3080.

(2) Site excavation. Site excavations created during initial site preparation or during hazardous waste operations shall be shored or sloped as appropriate to prevent accidental collapse in accordance with WAC 296-155-650 through 296-155-66505.

(3) Contractors and subcontractors.

(a) An employer who retains contractor or subcontractor services for work in hazardous waste operations shall inform those contractors, subcontractors, or their representatives of any potential fire, explosion, health, safety, or other hazards of the hazardous waste operation that have been identified by the employer including the employer's information program.

(b) The safety and health program required in this section shall be made available to any subcontractor or its representative who will be involved with the hazardous waste operation and employees, their designated representatives, and WISHA personnel.

NEW SECTION

WAC 296-62-3020 SITE CHARACTERIZATION AND ANALYSIS. Hazardous waste sites shall be evaluated in accordance with this section to identify specific site hazards and to determine the appropriate safety and health control procedures needed to protect employees from the identified hazards.

(1) A preliminary evaluation of a site's characteristics shall be performed prior to site entry by a trained person to aid in the selection of appropriate employee protection methods prior to site entry. Immediately after initial site entry, a more detailed evaluation of the site's specific characteristics shall be performed by a qualified person in order to further identify existing site hazards and to further aid in the selection of the appropriate engineering controls and personal protective equipment for the tasks to be performed.

(2) All suspected conditions that may pose inhalation or skin absorption hazards that are immediately dangerous to life or health (IDLH) or other conditions that may cause death or serious harm shall be identified during the preliminary survey and evaluated during the detailed survey. Examples of such hazards include, but are not limited to, confined space entry, potentially explosive or flammable situations, visible vapor clouds, or areas where biological indicators such as dead animals or vegetation are located.

(3) The following information to the extent available shall be obtained by the employer prior to allowing employees to enter a site:

(a) Location and approximate size of the site.

(b) Description of the response activity and/or the job task to be performed.

(c) Duration of the planned employee activity.

(d) Site topography.

(e) Site accessibility by air and roads.

(f) Pathways for hazardous substance dispersion.

(g) Present status and capabilities of emergency response teams that would provide assistance to on-site employees at the time of an emergency.

(h) Hazardous substances and health hazards involved or expected at the site and their chemical and physical properties.

(4) Personal protective equipment (PPE) shall be provided and used during initial site entry in accordance with the following requirements:

(a) Based upon the results of the preliminary site evaluation, an ensemble of PPE shall be selected and used during initial site entry which will provide protection to a level of exposure below established permissible exposure limits for known or suspected hazardous substances and health hazards and which will provide protection against other known and suspected hazards identified during the preliminary site evaluation.

(b) During initial site entry an escape self-contained breathing apparatus of at least five minutes' duration shall be carried by employees or kept available at their immediate work station if positive-pressure self-contained breathing apparatus is not used as part of the entry ensemble.

(c) If the preliminary site evaluation does not produce sufficient information to identify the hazards or suspected hazards of the site an ensemble of Level B PPE shall be provided as minimum protection and direct reading instruments shall be used as appropriate for identifying IDLH conditions. (See WAC 296-62-3170 - Appendix B for guidelines on Level B protective equipment.)

(d) Once the hazards of the site have been positively identified, the appropriate PPE shall be selected and used in accordance with WAC 296-62-3060.

(5) The following monitoring shall be conducted during initial site entry when the site evaluation produces information that shows the potential for ionizing radiation or IDLH conditions, or when the site information is not sufficient to rule out these possible conditions:

(a) Monitoring for hazardous levels of ionizing radiation.

(b) Monitoring the air with appropriate test equipment for IDLH and other conditions that may cause death or serious harm (combustible or explosive atmospheres, oxygen deficiency, toxic substances).

(c) Visually observing for signs of actual or potential IDLH or other dangerous conditions.

(6) Once the presence and concentrations of specific hazardous substances and health hazards have been established, the risks associated with these substances shall be identified. Employees who will be working on the site shall be informed of any risks that have been identified. In situations covered by WAC 296-62-054 through 296-62-05425, training required by that standard need not be duplicated.

Note: Risks to consider include, but are not limited to:

Exposures exceeding the appropriate threshold limit values (TLVs), permissible exposure limits (PELs), or recommended exposure limits (RELs).

IDLH concentrations.

Potential skin absorption and irritation sources.

Potential eye irritation sources.

Explosion sensitivity and flammability ranges.

(7) Any information concerning the chemical, physical, and toxicologic properties of each substance known or expected to be present on site that is available to the employer and relevant to the duties an employee is expected to perform shall be made available to all employees prior to the commencement of their work activities.

(8) An ongoing air monitoring program in accordance with WAC 296-62-3070 shall be implemented after site characterization has determined the site is safe for the start-up of operations.

NEW SECTION

WAC 296-62-3030 **SITE CONTROL.** Appropriate site control procedures shall be implemented before clean-up work begins to control employee exposure to hazardous substances.

(1) A site control program for protecting employees which is part of the employer's safety and health program required in WAC 296-62-3010 shall be developed during the planning stages of a hazardous waste operation clean-up and modified as necessary as new information becomes available.

(2) The site control program shall, as a minimum, include: A site map, site work zones, the use of a "buddy system," site communications, the standard operating procedures or safe work practices, and identification of nearest medical assistance.

NEW SECTION

WAC 296-62-3040 **TRAINING.** (1) All employees (such as but not limited to equipment operators and general laborers) exposed to hazardous substances, health hazards, or safety hazards shall be thoroughly trained in the following:

(a) Names of personnel and alternates responsible for site safety and health;

(b) Safety, health, and other hazards present on the site;

(c) Use of PPE;

(d) Work practices by which the employee can minimize risks from hazards;

(e) Safe use of engineering controls and equipment on the site;

(f) Medical surveillance requirements including recognition of symptoms and signs which might indicate overexposure to hazards; and

(g) The site safety and health plan set forth in WAC 296-62-3010 (1)(d).

(2) All employees shall at the time of job assignment receive a minimum of forty hours of initial instruction off the site, and a minimum of three days of actual field experience under the direct supervision of a trained, experienced supervisor. Workers who may be exposed to unique or special hazards shall be provided additional training. The level of training provided shall be consistent with the employee's job function and responsibilities.

(3) On-site management and supervisors directly responsible for or who supervise employees engaged in

hazardous waste operations shall receive training as provided in subsections (1) and (2) of this section and at least eight additional hours of specialized training at the time of job assignment on such topics as, but not limited to, the employer's safety and health program and the associated employee training program, personal protective equipment program, spill containment program, and health hazard monitoring techniques.

(4) Trainers shall be qualified to instruct employees about the subject matter that is being presented in training.

Note: Trainers can show their qualifications by having the knowledge or training equivalent to a level of training higher than the level they are presenting. This may be shown by academic degrees, training courses completed and/or work experience.

(5) Employees shall not be permitted to participate in field activities until they have been trained to a level required by their job function and responsibility.

(6) Employees and supervisors that have received and successfully completed the training and field experience specified in subsections (1), (2), and (3) of this section shall be certified by their instructor as having completed the necessary training. Any person who has not been so certified nor meets the requirements of subsection (9) of this section shall be prohibited from engaging in hazardous waste operations.

(7) Employees who are engaged in responding to hazardous emergency situations at hazardous waste clean-up sites that may expose them to hazardous substances shall be trained in how to respond to expected emergencies.

(8) Employees specified in subsection (1) of this section and managers specified in subsection (3) of this section shall receive eight hours of refresher training annually on the items specified in subsection (1) of this section and other relevant topics.

(9) Employers who can show that an employee's work experience and/or training has resulted in initial training equivalent to that training required in subsections (1), (2), and (3) of this section shall not be required to provide the initial training requirements of those sections. Equivalent training includes the training that existing employees might have already received from actual site experience.

NEW SECTION

WAC 296-62-3050 MEDICAL SURVEILLANCE. Medical surveillance shall be provided in accordance with this section for employees exposed or potentially exposed to hazardous substances or health hazards or who wear respirators.

(1) Employees covered. A medical surveillance program which is part of the employer's safety and health program required in WAC 296-62-3010 shall be instituted by the employer for the following employees:

(a) All employees who are or may be exposed to hazardous substances or health hazards at or above the established exposure levels for these substances, without regard to the use of respirators, for thirty days or more a year,

(b) All employees who wear a respirator for thirty days or more a year, and

(c) All employees who are injured due to overexposure from an emergency incident involving hazardous substances or health hazards.

(2) Frequency of medical examinations and consultations. Medical examinations and consultations shall be made available by the employer to each employee covered under subsection (1) of this section on the following schedules:

(a) Prior to assignment or for employees covered on the effective date of this standard as specified in WAC 296-62-3150.

(b) At least once every twelve months for each employee covered.

(c) At termination of employment or reassignment to an area where the employee would not be covered if the employee has not had an examination within the last six months.

(d) As soon as possible upon notification by an employee that the employee has developed signs or symptoms indicating possible overexposure to hazardous substances or health hazards or that the employee has been exposed above the established exposure levels in an emergency situation.

(e) At more frequent times, if the examining physician determines that an increased frequency of examination is medically necessary. For employees covered under subsection (1)(c) of this section and for all employees who may have been exposed during an emergency incident to hazardous substances at concentrations above the established exposure levels without the necessary personal protective equipment being used:

(i) As soon as possible following the emergency incident;

(ii) Additional times, if the examining physician determines that follow-up examinations or consultations are medically necessary.

(3) Content of medical examinations and consultations.

(a) Medical examinations required by subsection (2) of this section shall include a medical and work history (or updated history if one is in the employee's file) with special emphasis on symptoms related to the handling of hazardous substances and health hazards, and to fitness for duty including the ability to wear any required PPE under conditions (i.e., temperature extremes) that may be expected at the worksite.

(b) The content of medical examinations or consultations made available to employees pursuant to this section shall be determined by the examining physician.

(4) Examination by a physician and costs. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician; and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(5) Information provided to the physician. The employer shall provide one copy of this standard and its appendices to the examining physician, and in addition the following for each employee:

(a) A description of the employee's duties as they relate to the employee's exposures;

(b) The employee's exposure levels or anticipated exposure levels;

(c) A description of any personal protective equipment used or to be used;

(d) Information from previous medical examinations of the employee which is not readily available to the examining physician; and

(e) Information required in WAC 296-62-071 through 296-62-07121.

(6) Physician's written opinion.

(a) The employer shall obtain and furnish the employee with a copy of a written opinion from the examining physician containing the following:

(i) The results of the medical examination and tests if requested by the employee.

(ii) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from work in hazardous waste operations or emergency response or from respirators used as required in WAC 296-62-071 through 296-62-07121.

(iii) The physician's recommended limitations upon the employees assigned work.

(iv) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(b) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(7) Recordkeeping.

(a) An accurate record of the medical surveillance required by this section shall be retained. This record shall be retained for the period specified and meet the criteria of Part B of this chapter.

(b) The record required in (a) of this subsection shall include at least the following information:

(i) The name and Social Security number of the employee;

(ii) Physicians' written opinions, recommended limitations, and results of examinations and tests;

(iii) Any employee medical complaints related to exposure to hazardous substances;

(iv) A copy of the information provided to the examining physician by the employer, with the exception of the standard and its appendices.

NEW SECTION

WAC 296-62-3060 ENGINEERING CONTROLS, WORK PRACTICES, AND PERSONAL PROTECTIVE EQUIPMENT FOR EMPLOYEE PROTECTION. (1) Engineering controls, work practices, PPE, or a combination of these shall be implemented in accordance with this section to protect employees from exposure to hazardous substances and health hazards.

(a) Engineering controls, work practices, and PPE for substances regulated in this chapter shall be instituted to reduce and maintain employee exposure to or below the permissible exposure limits of substances regulated by

this chapter, except to the extent that such controls and practices are not feasible.

Note: Engineering controls which may be feasible include the use of pressurized cabs or control booths on equipment, and/or the use of remotely operated material handling equipment. Work practices which may be feasible are removing all nonessential employees from potential exposure during opening of drums, wetting down dusty operations, and locating employees upwind of possible hazards.

(b) Whenever engineering controls and work practices are not feasible, PPE shall be used to reduce and maintain exposures to or below the permissible exposure limits or dose limits for substances regulated by this chapter.

(c) The employer shall not implement a schedule of employee rotation as a means of compliance with permissible dose limits except when there is no other feasible way of complying with the airborne or dermal dose limits for ionizing radiation.

(2) Engineering controls, work practices, and personal protective equipment for substances not regulated in this chapter. An appropriate combination of engineering controls, work practices, and personal protective equipment shall be established to reduce and maintain employee exposure to or below appropriate exposure levels for hazardous substances and health hazards not regulated by this chapter taking into account the established exposure levels.

(3) Personal protective equipment selection.

(a) Personal protective equipment (PPE) shall be selected and used which will protect employees from the hazards and potential hazards they are likely to encounter as identified during the site characterization and analysis.

(b) Personal protective equipment selection shall be based on an evaluation of the performance characteristics of the PPE relative to the requirements and limitations of the site, the task-specific conditions and duration, and the hazards and potential hazards identified at the site.

(c) Positive pressure self-contained breathing apparatus, or positive pressure air-line respirators equipped with an escape air supply shall be used in IDLH conditions.

(d) Totally-encapsulating chemical protective suits (protection equivalent to Level A protection as specified in Appendix B) shall be used in conditions where skin absorption of a hazardous substance may result in an IDLH situation.

(e) The level of protection provided by PPE selection shall be increased when additional information or site conditions show that increased protection is necessary to reduce employee exposures below established permissible exposure limits for hazardous substances and health hazards. (See WAC 296-62-3170 - Appendix B for guidance on selecting PPE ensembles.)

Note: The level of employee protection provided may be decreased when additional information or site conditions show that decreased protection will not result in increased hazardous exposures to employees.

(f) Personal protective equipment shall be selected and used to meet the requirements of chapter 296-24

WAC, Part A-1, and additional requirements specified in this part.

(4) Totally-encapsulating chemical protective suits.

(a) Totally-encapsulating suit materials used for Level A protection shall protect employees from the particular hazards which are identified during site characterization and analysis.

(b) Totally-encapsulating suits shall be capable of maintaining positive air pressure. (See WAC 296-62-3160 - Appendix A.)

(c) Totally-encapsulating suits shall be capable of preventing inward test gas leakage of more than 0.5 percent. (See WAC 296-62-3160 - Appendix A.)

(5) Personal protective equipment (PPE) program. A personal protective equipment program which is part of the employer's safety and health program required in WAC 296-62-3010 shall be established for hazardous waste operations which shall be part of the site-specific safety and health plan. The PPE program shall address the following elements:

- (a) Site hazards;
- (b) PPE selection;
- (c) PPE use;
- (d) Work mission duration;
- (e) PPE maintenance and storage;
- (f) PPE decontamination;
- (g) PPE training and proper fitting;
- (h) PPE donning and doffing procedures;
- (i) PPE inspection;
- (j) PPE in-use monitoring;
- (k) Evaluation of the effectiveness of the PPE program; and
- (l) Limitations during temperature extremes, and other appropriate medical considerations.

NEW SECTION

WAC 296-62-3070 **MONITORING.** Monitoring shall be performed in accordance with this section to assure proper selection of engineering controls, work practices, and personal protective equipment so that employees are not exposed to levels which exceed established permissible exposure limits for hazardous substances.

(1) Air monitoring shall be used to identify and quantify airborne levels of hazardous substances and health hazards in order to determine the appropriate level of employee protection needed on site.

(2) Upon initial entry, representative air monitoring shall be conducted to identify any IDLH condition, exposure over established exposure levels, exposure over a radioactive material's dose limits, or other dangerous condition, such as the presence of flammable atmospheres or oxygen-deficient environments.

(3) Periodic monitoring shall be conducted when the possibility of an IDLH condition or flammable atmosphere has developed or when there is indication that exposures may have risen since prior monitoring. Situations where it shall be considered whether the possibility that exposures have risen are when:

- (a) Work begins on a different portion of the site.
- (b) Contaminants other than those previously identified are being handled.

(c) A different type of operation is initiated (e.g., drum opening as opposed to exploratory well drilling).

(d) Employees are handling leaking drums or containers or working in areas with obvious liquid contamination (e.g., a spill or lagoon).

(e) A sufficient reasonable interval has passed so that exposures may have significantly increased.

(4) After hazardous waste cleanup operations commence, the employer shall monitor those employees likely to have the highest exposures to those hazardous substances and health hazards likely to be present above established permissible exposure limits by using personal sampling frequently enough to characterize employee exposures. The employer may utilize a representative sampling approach by documenting that the employees and chemicals chosen for monitoring are based on the criteria stated in subsection (1) of this section.

Note: It is not required to monitor employees engaged in site characterization operations covered by WAC 296-62-3020.

NEW SECTION

WAC 296-62-3080 **INFORMATIONAL PROGRAMS.** Employers shall develop and implement a program which is part of the employer's safety and health program required in WAC 296-62-3010 (1)(d)(iii) to inform employees, contractors, and subcontractors (or their representative) actually engaged in hazardous waste operations of the nature, level, and degree of exposure likely as a result of participation in such hazardous waste operations. Employees, contractors, and subcontractors working outside of the operations part of a site are not covered by this standard.

NEW SECTION

WAC 296-62-3090 **HANDLING DRUMS AND CONTAINERS.** Hazardous substances and contaminated soils, liquids, and other residues shall be handled, transported, labeled, and disposed of in accordance with this section.

(1) General.

(a) Drums and containers used during the clean-up shall meet the appropriate DOT, OSHA, and EPA regulations for the wastes that they contain.

(b) When practical, drums and containers shall be inspected and their integrity shall be assured prior to being moved. Drums or containers that cannot be inspected before being moved because of storage conditions (i.e., buried beneath the earth, stacked behind other drums, stacked several tiers high in a pile, etc.) shall be moved to an accessible location and inspected prior to further handling.

(c) Unlabeled drums and containers shall be considered to contain hazardous substances and handled accordingly until the contents are positively identified and labeled.

(d) Site operations shall be organized to minimize the amount of drum or container movement.

(e) Prior to movement of drums or containers, all employees exposed to the transfer operation shall be warned of the potential hazards associated with the contents of the drums or containers.

(f) United States Department of Transportation specified salvage drums or containers and suitable quantities of proper absorbent shall be kept available and used in areas where spills, leaks, or ruptures may occur.

(g) Where major spills may occur, a spill containment program, which is part of the employer's safety and health program required in WAC 296-62-3010, shall be implemented to contain and isolate the entire volume of the hazardous substance being transferred.

(h) Drums and containers that cannot be moved without rupture, leakage, or spillage shall be emptied into a sound container using a device classified for the material being transferred.

(i) A ground-penetrating system or other type of detection system or device shall be used to estimate the location and depth of drums or containers.

(j) Soil or covering material shall be removed with caution to prevent drum or container rupture.

(k) Fire extinguishing equipment meeting the requirements of Part G of chapter 296-24 WAC shall be on hand and ready for use to control incipient fires.

(2) Opening drums and containers. The following procedures shall be followed in areas where drums or containers are being opened:

(a) Where an airline respirator system is used, connections to the bank of air cylinders shall be protected from contamination and the entire system shall be protected from physical damage.

(b) Employees not actually involved in opening drums or containers shall be kept a safe distance from the drums or containers being opened.

(c) If employees must work near or adjacent to drums or containers being opened, a suitable shield that does not interfere with the work operation shall be placed between the employee and the drums or containers being opened to protect the employee in case of accidental explosion.

(d) Controls for drum or container opening equipment, monitoring equipment, and fire suppression equipment shall be located behind the explosion-resistant barrier.

(e) When there is a reasonable possibility of flammable atmospheres being present, material handling equipment and hand tools shall be of the type to prevent sources of ignition.

(f) Drums and containers shall be opened in such a manner that excess interior pressure will be safely relieved. If pressure cannot be relieved from a remote location, appropriate shielding shall be placed between the employee and the drums or containers to reduce the risk of employee injury.

(g) Employees shall not stand upon or work from drums or containers.

(3) Material handling equipment. Electrical material handling equipment used to transfer drums and containers shall be selected, positioned, and operated to minimize sources of ignition related to the equipment from igniting vapors released from ruptured drums or containers.

(4) Radioactive wastes. Drums and containers containing radioactive wastes shall not be handled until

such time as their hazard to employees is properly assessed.

(5) Shock-sensitive wastes.

Caution: Shipping of shock-sensitive wastes may be prohibited under United States Department of Transportation regulations. Employers and their shippers should refer to WAC 480-12-195.

As a minimum, the following special precautions shall be taken when drums and containers containing or suspected of containing shock-sensitive wastes are handled:

(a) All nonessential employees shall be evacuated from the area of transfer.

(b) Material handling equipment shall be provided with explosive containment devices or protective shields to protect equipment operators from exploding containers.

(c) An employee alarm system capable of being perceived above surrounding light and noise conditions shall be used to signal the commencement and completion of explosive waste handling activities.

(d) Continuous communications (i.e., portable radios, hand signals, telephones, as appropriate) shall be maintained between the employee-in-charge of the immediate handling area and the site safety and health supervisor or command post until such time as the handling operation is completed. Communication equipment or methods that could cause shock-sensitive materials to explode shall not be used.

(e) Drums and containers under pressure, as evidenced by bulging or swelling, shall not be moved until such time as the cause for excess pressure is determined and appropriate containment procedures have been implemented to protect employees from explosive relief of the drum.

(f) Drums and containers containing packaged laboratory wastes shall be considered to contain shock-sensitive or explosive materials until they have been characterized.

(6) Laboratory waste packs. In addition to the requirements of subsection (4) of this section, the following precautions shall be taken, as a minimum, in handling laboratory waste packs (lab packs):

(a) Lab packs shall be opened only when necessary and then only by an individual knowledgeable in the inspection, classification, and segregation of the containers within the pack according to the hazards of the wastes.

(b) If crystalline material is noted on any container, the contents shall be handled as a shock-sensitive waste until the contents are identified.

(7) Sampling drums and containers. Sampling of containers and drums shall be done in accordance with a sampling procedure which is part of the site safety and health plan developed for and available to employees and others at the specific worksite.

(8) Shipping and transport.

(a) Drums and containers shall be identified and classified prior to packaging for shipment.

(b) Drum or container staging areas shall be kept to the minimum number necessary to identify and classify materials safely and prepare them for transport.

(c) Staging areas shall be provided with adequate access and egress routes.

(d) Bulking of hazardous wastes shall be permitted only after a thorough characterization of the materials has been completed.

(9) Tank and vault procedures.

(a) Tanks and vaults containing hazardous substances shall be handled in a manner similar to that for drums and containers, taking into consideration the size of the tank or vault.

(b) Appropriate tank or vault entry procedures meeting WAC 296-62-14503 shall be followed whenever employees must enter a tank or vault.

NEW SECTION

WAC 296-62-3100 DECONTAMINATION. Procedures for all phases of decontamination shall be developed and implemented in accordance with this section.

(1) A decontamination procedure shall be developed, communicated to employees and implemented before any employees or equipment may enter areas on site where potential for exposure to hazardous substances exists.

(2) Standard operating procedures shall be developed to minimize employee contact with hazardous substances or with equipment that has contacted hazardous substances.

(3) Decontamination shall be performed in geographical areas that will minimize the exposure of uncontaminated employees or equipment to contaminated employees or equipment.

(4) All employees leaving a contaminated area shall be appropriately decontaminated; all clothing and equipment leaving a contaminated area shall be appropriately disposed of or decontaminated.

(5) Decontamination procedures shall be monitored by the site safety and health supervisor to determine their effectiveness. When such procedures are found to be ineffective, appropriate steps shall be taken to correct any deficiencies.

(6) All equipment and solvents used for decontamination shall be decontaminated or disposed of properly.

(7) Protective clothing and equipment shall be decontaminated, cleaned, laundered, maintained, or replaced as needed to maintain their effectiveness.

(8) Employees whose nonimpermeable clothing becomes wetted with hazardous substances shall immediately remove that clothing and proceed to shower. The clothing shall be disposed of or decontaminated before it is removed from the work zone.

(9) Unauthorized employees shall not remove protective clothing or equipment from change rooms.

(10) Commercial laundries or cleaning establishments that decontaminate protective clothing or equipment shall be informed of the potentially harmful effects of exposures to hazardous substances.

(11) Where the decontamination procedure indicates a need for showers and change rooms outside of a contaminated area, they shall be provided and meet the requirements of Part B-1 of chapter 296-24 WAC. If temperature conditions prevent the effective use of water, then other effective means for cleansing shall be provided and used.

NEW SECTION

WAC 296-62-3110 EMERGENCY RESPONSE. Emergency response at hazardous waste operation incidents shall be conducted in accordance with this section.

(1) General.

(a) An emergency response plan shall be developed and implemented by all employers within the scope of this section to handle anticipated emergencies prior to the commencement of hazardous waste operations. The plan shall be in writing and available for inspection and copying by employees, their representatives, and WISHA personnel. Employers who will evacuate their employees from the workplace when an emergency occurs and who do not permit any of their employees to respond to assist in handling the emergency are exempt from the requirements of this section if they provide an emergency action plan complying with WAC 296-24-567(1).

(b) Elements of an emergency response plan. The employer shall develop an emergency response plan for emergencies which shall address as a minimum, the following:

(i) Preemergency planning.

(ii) Personnel roles, lines of authority, training, and communication.

(iii) Emergency recognition and prevention.

(iv) Safe distances and places of refuge.

(v) Site security and control.

(vi) Evacuation routes and procedures.

(vii) Decontamination.

(viii) Emergency medical treatment and first aid.

(ix) Emergency alerting and response procedures.

(x) Critique of response and follow-up.

(xi) PPE and emergency equipment.

(2) Emergency response at hazardous waste clean-up sites.

(a) Training. Training for emergency response employees at clean-up operations shall be conducted in accordance with WAC 296-62-3040.

(b) Employers who can show that an employee's work experience and/or training has resulted in training equivalent to that training required in (a) of this subsection, shall not be required to provide the initial training requirements of (a) of this subsection. Equivalent training includes the training that existing employees might have already received from actual site work experience.

(c) Procedures for handling site emergency incidents.

(i) In addition to the elements for the emergency response plan required in subsection (1)(b) of this section, the following elements shall be included for emergency response plans:

(A) Site topography, layout, and prevailing weather conditions.

(B) Procedures for reporting incidents to local, state, and federal governmental agencies.

(ii) The emergency response plan shall be a separate section of the site safety and health plan.

(iii) The emergency response plan shall be compatible and integrated with the disaster, fire and/or emergency response plans of local, state, and federal agencies.

(iv) The emergency response plan shall be rehearsed regularly as part of the overall training program for site operations.

(v) The site emergency response plan shall be reviewed periodically and, as necessary, be amended to keep it current with new or changing site conditions or information.

(vi) An employee alarm system shall be installed in accordance with WAC 296-24-631 through 296-24-63199 to notify employees of an on-site emergency situation, to stop work activities if necessary, to lower background noise in order to speed communication, and to begin emergency procedures.

(vii) Based upon the information available at the time of the emergency, the employer shall evaluate the incident and the site response capabilities and proceed with the appropriate steps to implement the on-site emergency response plan.

(3) Emergency response at sites other than hazardous waste clean-up sites.

(a) Training. Employers shall provide the training specified by this section for those employees for whom there exists the reasonable possibility of responding to emergencies at sites other than hazardous waste clean-up sites.

(i) Emergency response organizations or teams. Employees on emergency response organizations or teams such as fire brigades, fire departments, plant emergency organizations, hazardous materials teams, spill response teams, and similar groups with responsibility for emergency response shall be trained to a level of competence to protect themselves and other employees in the recognition of health and safety hazards, methods to minimize the risk from safety and health hazards, safe use of control equipment, selection and use of appropriate personal protective equipment, safe operating procedures to be used at the incident scene, techniques of coordination with other employees to minimize risks, appropriate response to over exposure from health hazards or injury to themselves and other employees, and recognition of subsequent symptoms which may result from over exposures.

(A) Competency may be demonstrated by twenty-four hours of training annually in those areas with training sessions at least monthly or by demonstrations by the employee of competency in those areas at least quarterly.

(B) A certification shall be made of the training or competency and if certification of competency is made, the employer shall keep a record of the methodology used to demonstrate competency.

(C) An employer of employees for whom the reasonable possibility of responding to emergencies at other than hazardous waste clean-up sites exists need not train all such employees to the degree specified in (a)(i)(A) of this subsection if the employer divides the work force such that sufficient employees who have responsibility to control the emergency have the training specified in this section and other employees who may first respond to the incident have sufficient awareness training to recognize that an emergency response situation exists and are

instructed in that case to summon the employees who are fully trained and not attempt control activities for which they are not trained.

(D) An employer of employees for whom the reasonable possibility exists of responding to emergencies at other than hazardous waste clean-up sites need not train such employees to the degree specified in (a)(i)(A) of this subsection if:

(I) Arrangements have been made in advance for a fully-trained emergency response team to respond in a reasonable period; and

(II) Employees who may come to the incident first have sufficient awareness training to recognize that an emergency response situation exists and are instructed to call the designated fully-trained emergency response team for assistance.

(ii) Specialist employees. Employees who, in the course of their regular job duties, work with and are trained in the hazards of specific materials covered by this standard, and who will be called upon to provide technical advice or assistance at a hazardous substance release incident, are exempt from the monthly training sessions required in (a)(i) of this subsection. They must, pursuant to (a)(i) of this subsection, however, receive at least twenty-four hours of training annually or demonstrate competency in the area of their specialization.

(iii) Skilled support personnel. Personnel, not necessarily an employer's own employees, who are needed to perform immediate emergency support work that cannot reasonably be performed in a timely fashion by an employer's own employees, and who will be or may potentially be exposed to the hazards at an emergency response scene, are not required to have the twenty-four hours of annual training or demonstrate the competency required for the employer's regular employees. However, the senior official cited in (b)(i) of this subsection shall ensure that these personnel are given an initial briefing at the site of emergency response prior to their participation in that response that shall include instruction in the wearing of appropriate personal protective equipment, what chemical hazards are involved, and what duties are to be performed. All appropriate safety and health precautions provided to the employer's own employees shall be used to assure the safety and health of these personnel.

(b) Procedures for handling off-site emergency response.

(i) The senior officer responding to an emergency at other than hazardous waste clean-up sites involving a hazardous substance or health hazard shall establish and become the individual in charge of a site-specific incident command system (ICS). All emergency responders and their communications shall be coordinated and controlled through the individual in charge of the ICS assisted by the senior official present for each employer.

Note: The "senior official" at an off-site emergency response is the most senior official on the site who has the responsibility for controlling the operations at the site. Initially it is the senior officer on the first-due piece of responding emergency apparatus to arrive on the incident scene. As more senior officers arrive (i.e., fire chief, battalion chief, site coordinator, etc.) the position is passed up the line of authority.

(ii) The individual in charge of the ICS shall identify, to the extent possible, all hazardous substances or conditions present and shall address as appropriate site analysis, use of engineering controls, maximum exposure limits, hazardous substance handling procedures, and use of any new technologies.

(iii) Based on the hazardous substances and/or conditions present, the individual in charge of the ICS shall implement appropriate emergency operations, and assure that the personal protective equipment worn is appropriate for the hazards to be encountered. However, personal protective equipment shall meet, at a minimum, the criteria contained in WAC 296-24-58505 through 296-24-58507 when worn while performing fire fighting operations beyond the incipient stage.

(iv) Employees engaged in emergency response and exposed to hazardous substances shall wear positive pressure self-contained breathing apparatus while engaged in emergency response until such time that the individual in charge of the ICS determines through the use of air monitoring that a decreased level of respiratory protection will not result in hazardous exposures to employees.

(v) The individual in charge of the ICS shall limit the number of emergency response personnel at the emergency site to those who are actively performing emergency operations. However, operations in hazardous areas shall be performed using the buddy system in groups of two or more.

(vi) Back-up personnel shall stand by with equipment ready to provide assistance or rescue. Qualified basic life support personnel, as a minimum, shall also stand by with medical equipment and transportation capability.

(vii) The individual in charge of the ICS shall designate a safety official, who is knowledgeable in the operations being implemented at the emergency response site, with specific responsibility to identify and evaluate hazards and to provide direction with respect to the safety of operations for the emergency at hand.

(viii) When activities are judged by the safety official to be an IDLH condition and/or to involve an imminent danger condition, the safety officer shall have the authority to alter, suspend, or terminate those activities. The safety officer shall immediately inform the individual in charge of the ICS of any actions taken to correct these hazards at an emergency scene.

(ix) After emergency operations have terminated, the individual in charge of the ICS shall implement appropriate decontamination procedures.

(x) When deemed necessary for meeting the tasks at hand, approved self-contained compressed air breathing apparatus may be used with approved cylinders from other approved self-contained compressed air breathing apparatus provided that such cylinders are of the same capacity and pressure rating. All compressed air cylinders used with self-contained breathing apparatus shall meet United States Department of Transportation and National Institute for Occupational Safety and Health criteria.

(4) Hazardous materials teams (HAZMAT).

(a) Employees who are members of the HAZMAT team shall be given training in accordance with subsection (3) of this section that includes the care and use of chemical protective clothing and procedures to be followed when working on leaking drums, containers, tanks, or bulk transport vehicles.

(b) Members of HAZMAT teams shall receive a base line physical exam and have medical surveillance meeting the requirements of WAC 296-62-3050.

(c) Chemical personal protective clothing and equipment to be used by HAZMAT team members shall meet the requirements of WAC 296-62-3060.

(5) Post-emergency response operations. Upon completion of the emergency response, if it is determined that it is necessary to remove hazardous substances, health hazards and materials contaminated with them (such as contaminated soil or other elements of the natural environment) from the site of the incident the employer conducting the clean-up shall comply with one of the following:

(a) Meet all the requirements of WAC 296-62-3010 through 296-62-3130.

(b) Where the clean-up is done on plant property using plant or workplace employees, such employees shall have completed the training requirements of the following: WAC 296-24-567, 296-24-07109(6), 296-62-05415(2), and other appropriate safety and health training made necessary by the tasks that they are expected to be performed. All equipment to be used in the performance of the clean-up work shall be in serviceable condition and shall have been inspected prior to use.

NEW SECTION

WAC 296-62-3120 ILLUMINATION. Areas accessible to employees shall be lighted in accordance with the requirements of this section.

Work areas shall be lighted to not less than the minimum illumination intensities listed in Table 1 while any work is in progress:

TABLE 1 - 120.1 - MINIMUM ILLUMINATION Intensities in Foot-Candles

Foot-candles	Area or operation
5	General site area.
3	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 ten 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.

Foot-candles	Area or operation
10	General shops (e.g., mechanical and electrical equipment rooms, active storerooms, barracks or living quarters, locker or dressing rooms, dining areas, and indoor toilets and work-rooms).
30	First aid stations, infirmaries, and offices.

NEW SECTION

WAC 296-62-3130 SANITATION AT TEMPORARY WORKPLACES. Facilities for employee sanitation shall be provided in accordance with this section.

- (1) Potable water.
 - (a) An adequate supply of potable water shall be provided on the site.
 - (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) 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.
- (2) Nonpotable water.
 - (a) Outlets for nonpotable water, such as water for fire fighting purposes shall be identified 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.
- (3) Toilet facilities.
 - (a) Toilets shall be provided for employees according to Table 2.

TABLE 2 — TOILET FACILITIES

Number of employees	Minimum number of facilities
20 or fewer	One.
More than 20, fewer than 200 ..	One toilet seat and one urinal per 40 employees.
More than 200 ..	One toilet seat and one urinal per 50 employees.

(b) Under temporary field conditions, provisions shall be made to assure not less than one toilet facility is available.

(c) Hazardous waste sites, not provided with a sanitary sewer shall be provided with the following toilet facilities unless prohibited by local codes:

- (i) Chemical toilets;
 - (ii) Recirculating toilets;
 - (iii) Combustion toilets; or
 - (iv) Flush toilets.
- (d) The requirements of this section for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.
- (e) Doors entering toilet facilities shall be provided with entrance locks controlled from inside the facility.

(4) Food handling. All employees' food service facilities and operations for employees shall meet the applicable laws, ordinances, and regulations of the jurisdictions in which they are located.

(5) 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 operations where hazardous substances may be harmful to employees. Such facilities shall be in near proximity to the worksite, in areas where exposures are below established permissible exposure limits and which are under the controls of the employer, and shall be so equipped as to enable employees to remove hazardous substances from themselves.

(7) Showers and change rooms. When hazardous waste clean-up or removal operations commence on a site and the duration of the work will require six months or greater time to complete, the employer shall provide showers and change rooms for all employees exposed to hazardous substances and health hazards involved in hazardous waste clean-up or removal operations.

(a) Showers shall be provided and shall meet the requirements of WAC 296-24-12009(3).

(b) Change rooms shall be provided and shall meet the requirements of WAC 296-24-12011. Change rooms shall consist of two separate change areas separated by the shower area required in (a) of this subsection. One change area, with an exit leading off the worksite, shall provide employees with a clean area where they can remove, store, and put on street clothing. The second area, with an exit to the worksite, shall provide employees with an area where they can put on, remove and store work clothing and personal protective equipment.

(c) Showers and change rooms shall be located in areas where exposures are below the established permissible exposure limits. If this cannot be accomplished, then a ventilation system shall be provided that will supply air that is below the established permissible exposure limits.

(d) Employers shall assure that employees shower at the end of their work shift and when leaving the hazardous waste site.

NEW SECTION

WAC 296-62-3140 CERTAIN OPERATIONS CONDUCTED UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976

(RCRA). Employers conducting operations specified in WAC 296-62-3060 (2)(c) shall:

(1) Develop and implement a written safety and health program for employees involved in hazardous waste operations which shall be available for inspection by employees, their representatives and WISHA personnel. The program shall be designed to identify, evaluate and control safety and health hazards in their facilities for the purpose of employee protection, and provide for emergency response meeting the requirements of WAC 296-62-3110 and it shall address as appropriate site analysis, engineering controls, maximum exposure limits, hazardous waste handling procedures and uses of new technologies;

(2) Implement a hazard communication program as part of the employer's safety and health program meeting the requirements of WAC 296-62-054 through 296-62-05427;

(3) Implement a medical surveillance program meeting the requirements of WAC 296-62-3050;

(4) Develop and implement a decontamination procedure in accordance with WAC 296-62-3100; and

(5) Develop and implement a training program, which is part of the employer's safety and health program, for employees involved with hazardous waste operations to enable each employee to perform their assigned duties and functions in a safe and healthful manner so as not to endanger themselves or other employees. The initial training shall be for twenty-four hours and refresher training shall be for eight hours annually.

Employers who can show by an employee's previous work experience and/or training that the employee has had training equivalent to the initial training required by this section, shall be considered as meeting the initial training of this section as to that employee. Equivalent training includes the training that existing employees might have already received from actual site work experience. Employees who have received the initial training required by this paragraph shall be given a written certificate attesting that they have successfully completed the necessary training.

(6) New technology programs.

(a) The employer shall develop and implement procedures for the introduction of effective new technologies and equipment developed for the improved protection of employees working with hazardous waste clean-up operations, and the same shall be implemented as part of the site safety and health program to assure that employee protection is being maintained.

(b) New technologies, equipment, or control measures available to the industry, such as the use of foams or other means to suppress the level of air contaminants while excavating the site or for spill control, shall be evaluated by employers or their representatives to determine their effectiveness before implementing their use on a large scale for employee protection. Such evaluations shall be made available to WISHA upon request.

NEW SECTION

WAC 296-62-3150 **START-UP DATES.** The engineering controls, work practices, and personal protective equipment required by WAC 296-62-3060(1) are

existing requirements of other WISHA standards and continues to be required from the effective date of this standard.

NEW SECTION

WAC 296-62-3152 APPENDICES TO PART P - HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE.

Note: The following appendices serve as nonmandatory guidelines to assist employees and employers in complying with the appropriate requirements of this part. However, WAC 296-62-3170 - Appendix B is required in certain circumstances by WAC 296-62-3020 (4)(c) and 296-62-3060 (3)(d) makes mandatory in certain circumstances the use of Level A and Level B personal protective equipment protection.

NEW SECTION

WAC 296-62-3160 APPENDIX A-PERSONAL PROTECTIVE EQUIPMENT TEST METHODS.

This appendix sets forth the nonmandatory examples of tests which may be used to evaluate compliance with WAC 296-62-3060. Other tests and other challenge agents may be used to evaluate compliance.

(1) Totally-encapsulating chemical protective suit pressure test.

(a) Scope.

(i) This practice measures the ability of a gas tight totally-encapsulating chemical protective suit material, seams, and closures to maintain a fixed positive pressure. The results of this practice allow the gas tight integrity of a total-encapsulating chemical protective suit to be evaluated.

(ii) Resistance of the suit materials to permeation, penetration, and degradation by specific hazardous substances is not determined by this test method.

(b) Description of terms.

(i) "Totally-encapsulated chemical protective suit (TECP suit)" means a full body garment which is constructed of protective clothing materials; covers the wearer's torso, head, arms, and legs; may cover the wearer's hands and feet with tightly attached gloves and boots; completely encloses the wearer by itself or in combination with the wearer's respiratory equipment, gloves, and boots.

(ii) "Protective clothing material" means any material or combination of materials used in an item of clothing for the purpose of isolating parts of the body from direct contact with a potentially hazardous liquid or gaseous chemicals.

(iii) "Gas tight" means for the purpose of this practice the limited flow of a gas under pressure from the inside of a TECP suit to atmosphere at a prescribed pressure and time interval.

(c) Summary of test method. The TECP suit is visually inspected and modified for the test. The test apparatus is attached to the suit to permit inflation to the pretest suit expansion pressure for removal of suit wrinkles and creases. The pressure is lowered to the test pressure and monitored for three minutes. If the pressure drop is excessive, the TECP suit fails the test and is removed from service. The test is repeated after leak location and repair.

- (d) Required supplies.
- (i) Source of compressed air.
- (ii) Test apparatus for suit testing including a pressure measurement device with a sensitivity of at least 1/4 inch water gauge.
- (iii) Vent valve closure plugs or sealing tape.
- (vi) Soapy water solution and soft brush.
- (v) Stop watch or appropriate timing device.
- (e) Safety precautions. Care shall be taken to provide the correct pressure safety devices required for the source of compressed air used.
- (f) Test procedure. Prior to each test, the tester shall perform a visual inspection of the suit. Check the suit for seam integrity by visually examining the seams and gently pulling on the seams. Ensure that all air supply lines, fittings, visor, zippers, and valves are secure and show no signs of deterioration.
- (i) Seal off the vent valves along with any other normal inlet or exhaust points (such as umbilical air line fittings or facepiece opening) with tape or other appropriate means (caps, plugs, fixture, etc.). Care should be exercised in the sealing process not to damage any of the suit components.
- (ii) Close all closure assemblies.
- (iii) Prepare the suit for inflation by providing an improvised connection point on the suit for connecting an airline. Attach the pressure test apparatus to the suit to permit suit inflation from a compressed air source equipped with a pressure indicating regulator. The leak tightness of the pressure test apparatus should be tested before and after each test by closing off the end of the tubing attached to the suit and assuring a pressure of three inches water gauge for three minutes can be maintained. If a component is removed for the test, that component shall be replaced and a second test conducted with another component removed to permit a complete test of the ensemble.
- (iv) The pretest expansion pressure (A) and the suit test pressure (B) shall be supplied by the suit manufacturer, but in no case shall they be less than A=3 inches water gauge and B=2 inches water gauge. The ending suit pressure (C) shall be no less than eighty percent of the test pressure (B); i.e., the pressure drop shall not exceed twenty percent of the test pressure (B).
- (v) Inflate the suit until the pressure inside is equal to pressure "A", the pretest expansion suit pressure. Allow at least one minute to fill out the wrinkles in the suit. Release sufficient air to reduce the suit pressure to pressure "B", the suit test pressure. Begin timing. At the end of three minutes, record the suit pressure as pressure "C", the ending suit pressure. The difference between the suit test pressure and the ending suit test pressure ("B-C") shall be defined as the suit pressure drop.
- (vi) If the suit pressure drop is more than twenty percent of the suit test pressure "B" during the three minute test period, the suit fails the test and shall be removed from service.
- (g) Retest procedure.
- (i) If the suit fails the test check for leaks by inflating the suit to pressure "A" and brushing or wiping the entire suit (including seams, closures, lens gaskets, glove-

to-sleeve joints, etc.) with a mild soap and water solution. Observe the suit for the formation of soap bubbles, which is an indication of a leak. Repair all identified leaks.

(ii) Retest the TECP suit as outlined in (f) of this subsection.

(h) Report. Each TECP suit tested by this practice shall have the following information recorded.

(i) Unique identification number identifying brand name, date of purchase, material of construction, and unique fit features; e.g., special breathing apparatus.

(ii) The actual values for test pressures "A", "B", and "C" shall be recorded along with the specific observation times. If the ending pressure ("C") is less than eighty percent of the test pressure ("B") the suit shall be identified as failing the test. When possible, the specific leak location shall be identified in the test records. Retest pressure data shall be recorded as an additional test.

(iii) The source of the test apparatus used shall be identified and the sensitivity of the pressure gauge shall be recorded.

(iv) Records shall be kept for each pressure test even if repairs are being made at the test location.

Caution. Visually inspect all parts of the suit to be sure they are positioned correctly and secured tightly before putting the suit back into service. Special care should be taken to examine each exhaust valve to make sure it is not blocked. Care should also be exercised to assure that the inside and outside of the suit is completely dry before it is put into storage.

(2) Totally-encapsulating chemical protective suit qualitative leak test.

(a) Scope.

(i) This practice semiquantitatively tests gas tight totally-encapsulating chemical protective suit integrity by detecting inward leakage of ammonia vapor. Since no modifications are made to the suit to carry out this test, the results from this practice provide a realistic test for the integrity of the entire suit.

(ii) Resistance of the suit materials to permeation, penetration, and degradation is not determined by this test method.

(b) Definition of terms.

(i) "Totally-encapsulated chemical protective suit (TECP suit)" means a full body garment which is constructed of protective clothing materials; covers the wearer's torso, head, arms, and legs; may cover the wearer's hands and feet with tightly attached gloves and boots; completely encloses the wearer by itself or in combination with the wearer's respiratory equipment, gloves, and boots.

(ii) "Protective clothing material" means any material or combination of materials used in an item of clothing for the purpose of isolating parts of the body from direct contact with a potentially hazardous liquid or gaseous chemicals.

(iii) "Gas tight" means for the purpose of this test method the limited flow of a gas under pressure from the inside of a TECP suit to atmosphere at a prescribed pressure and time interval.

(iv) "Intrusion coefficient." A number expressing the level of protection provided by a gas tight totally-

encapsulating chemical protective suit. The intrusion coefficient is calculated by dividing the test room challenge agent concentration by the concentration of challenge agent found inside the suit. The accuracy of the intrusion coefficient is dependent on the challenge agent monitoring methods. The larger the intrusion coefficient, the greater the protection provided by the TECP suit.

(c) Summary of recommended practice. The volume of concentrated aqueous ammonia solution (ammonia hydroxide, NH_4OH) required to generate the test atmosphere is determined using the directions outlined in WAC 296-62-3190 (2)(f)(i). The suit is donned by a person wearing the appropriate respiratory equipment (either a self-contained breathing apparatus or a supplied air respirator) and worn inside the enclosed test room. The concentrated aqueous ammonia solution is taken by the suited individual into the test room and poured into an open plastic pan. A two-minute evaporation period is observed before the test room concentration is measured using a high range ammonia length of stain detector tube. When the ammonia reaches a concentration of between 1000 and 1200 ppm, the suited individual starts a standardized exercise protocol to stress and flex the suit. After this protocol is completed the test room concentration is measured again. The suited individual exits the test room and his stand-by person measures the ammonia concentration inside the suit using a low range ammonia length of stain detector tube or other more sensitive ammonia detector. A stand-by person is required to observe the test individual during the test procedure, aid the person in donning and doffing the TECP suit and monitor the suit interior. The intrusion coefficient of the suit can be calculated by dividing the average test area concentration by the interior suit concentration. A colorimetric indicator strip of bromophenol blue is placed on the inside of the suit facepiece lens so that the suited individual is able to detect a color change and know if the suit has a significant leak. If a color change is observed the individual should leave the test room immediately.

(d) Required supplies.

(i) A supply of concentrated ammonia (fifty-eight percent ammonium hydroxide by weight).

(ii) A supply of bromophenol/blue indicating paper, sensitive to 5-10 ppm ammonia or greater over a two-minute period of exposure [pH 3.0 (yellow) to pH 4.6 (blue)].

(iii) A supply of high range (0.5-10 volume percent) and low range (5-700 ppm) detector tubes for ammonia and the corresponding sampling pump. More sensitive ammonia detectors can be substituted for the low range detector tubes to improve the sensitivity of this practice.

(iv) A shallow plastic pan (PVC) at least 12" : 14" : 1" and a half pint plastic container (PVC) with tightly closing lid.

(v) A graduated cylinder or other volumetric measuring device of at least fifty milliliters in volume with an accuracy of at least ± 1 milliliters.

(e) Safety precautions.

(i) Concentrated aqueous ammonium hydroxide, NH_4OH is a corrosive volatile liquid requiring eye, skin, and

respiratory protection. The person conducting the test shall review the MSDS for aqueous ammonia.

(ii) Since the established permissible exposure limit for ammonia is 50 ppm, only persons wearing a self-contained breathing apparatus or a supplied air respirator shall be in the chamber. Normally only the person wearing the total-encapsulating suit will be inside the chamber. A stand-by person shall have a self-contained breathing apparatus, or a supplied air respirator, available to enter the test area should the suited individual need assistance.

(iii) A method to monitor the suited individual must be used during this test. Visual contact is the simplest but other methods using communication devices are acceptable.

(iv) The test room shall be large enough to allow the exercise protocol to be carried out and then to be ventilated to allow for easy exhaust of the ammonia test atmosphere after the test(s) are completed.

(v) Individuals shall be medically screened for the use of respiratory protection and checked for allergies to ammonia before participating in this test procedure.

(f) Test procedure.

(i) Measure the test area to the nearest foot and calculate its volume in cubic feet. Multiply the test area volume by 0.2 milliliters of concentrated aqueous ammonia per cubic foot of test area volume to determine the approximate volume of concentrated aqueous ammonia required to generate 1000 ppm in the test area.

(A) Measure this volume from the supply of concentrated ammonia and place it into a closed plastic container.

(B) Place the container, several high range ammonia detector tubes and the pump in the clean test pan and locate it near the test area entry door so that the suited individual has easy access to these supplies.

(ii) In a noncontaminated atmosphere, open a presealed ammonia indicator strip and fasten one end of the strip to the inside of the suit face shield lens where it can be seen by the wearer. Moisten the indicator strip with distilled water. Care shall be taken not to contaminate the detector part of the indicator paper by touching it. A small piece of masking tape or equivalent should be used to attach the indicator strip to the interior of the suit face shield.

(iii) If problems are encountered with this method of attachment the indicator strip can be attached to the outside of the respirator facepiece being used during the test.

(iv) Don the respiratory protective device normally used with the suit, and then don the TECP suit to be tested. Check to be sure all openings which are intended to be sealed (zippers, gloves, etc.) are completely sealed. Do NOT, however, plug off any venting valves.

(v) Step into the enclosed test room such as a closet, bathroom, or test booth, equipped with an exhaust fan. No air should be exhausted from the chamber during the test because this will dilute the ammonia challenge concentrations.

(vi) Open the container with the premeasured volume of concentrated aqueous ammonia within the enclosed test room, and pour the liquid into the empty plastic test

pan. Wait two minutes to allow for adequate volatilization of the concentrated aqueous ammonia. A small mixing fan can be used near the evaporation pan to increase the evaporation rate of the ammonia solution.

(vii) After two minutes a determination of the ammonia concentration within the chamber should be made using the high range colorimetric detector tube. A concentration of 1000 ppm ammonia or greater shall be generated before the exercises are started.

(viii) To test the integrity of the suit the following four minute exercise protocol should be followed:

(A) Raising the arms above the head with at least fifteen raising motions completed in one minute.

(B) Walking in place for one minute with at least fifteen raising motions of each leg in a one-minute period.

(C) Touching the toes with at least ten complete motions of the arms from above the head to touching of the toes in a one-minute period.

(D) Knee bends with at least ten complete standing and squatting motions in a one-minute period.

(ix) At any time during the test the colorimetric indicating paper should change colors the test should be stopped and (f)(x) and (xi) of this subsection initiated.

(x) After completion of the test exercise, the test area concentration should be measured again using the high range colorimetric detector tube.

(xi) Exit the test area.

(xii) The opening created by the suit zipper or other appropriate suit penetration should be used to determine the ammonia concentration in the suit with the low range length of stain detector tube or other ammonia monitor. The internal TECP suit air should be sampled far enough from the enclosed test area to prevent a false ammonia reading.

(xiii) After completion of the measurement of the suit interior ammonia concentration the test is concluded and the suit is doffed and the respirator removed.

(xiv) The ventilating fan for the test room should be turned on and allowed to run for enough time to remove the ammonia gas. The fan shall be vented to the outside of the building.

(xv) Any detectable ammonia in the suit interior (5 ppm ammonia (NH₃) or more for the length of stain detector tube) indicates the suit failed the test. When other ammonia detectors are used, a lower level of detection is possible and it should be specified as the pass/fail criteria.

(xvi) By following this test method an intrusion coefficient of approximately two hundred or more can be measured with the suit in a completely operational condition.

(g) Retest procedures.

(i) If the suit fails this test check for leaks by following the pressure test in test "A" above.

(ii) Retest the TECP suit as outlined in (f) of this subsection, Test procedure.

(h) Report.

(i) Each gas tight totally-encapsulating chemical protective suit tested by this practice shall have the following information recorded.

(A) Unique identification number identifying brand name, date of purchase, material of construction, and unique suit features; e.g., special breathing apparatus.

(B) General description of test room used for test.

(C) Brand name and purchase date of ammonia detector strips and color change data.

(D) Brand name, sampling range, and expiration date of the length of stain ammonia detector tubes. The brand name and model of the sampling pump should also be recorded. If another type of ammonia detector is used, it should be identified along with its minimum detection limit for ammonia.

(E) Actual test results shall list the two test area concentrations, their average, the interior suit concentration, and the calculated intrusion coefficient. Retest data shall be recorded as an additional test.

(ii) The evaluation of the data shall be specified as "suit passed" or "suit failed" and the date of the test. Any detectable ammonia (5 ppm or greater for the length of stain detector tube) in the suit interior indicates the suit fails this test. When other ammonia detectors are used, a lower level of detection is possible and it should be specified as the pass/fail criteria.

Caution. Visually inspect all parts of the suit to be sure they are positioned correctly and secured tightly before putting the suit back into service. Special care should be taken to examine each exhaust valve to make sure it is not blocked.

Care should also be exercised to assure that the inside and outside of the suit is completely dry before it is put into storage.

NEW SECTION

WAC 296-62-3170 APPENDIX B—GENERAL DESCRIPTION AND DISCUSSION OF THE LEVELS OF PROTECTION AND PROTECTIVE GEAR. This appendix sets forth information about personal protective equipment (PPE) protection levels which may be used to assist employers in complying with the PPE requirements of this section.

(1) As required by the standard, PPE must be selected which will protect employees from the specific hazards which they are likely to encounter during their work on-site.

(a) Selection of the appropriate PPE is a complex process which must take into consideration a variety of factors. Key factors involved in this process are identification of the hazards or suspected hazards, their routes of potential hazard to employees (inhalation, skin absorption, ingestion, and eye or skin contact), and the performance of the PPE materials (and seams) in providing a barrier to these hazards. The amount of protection provided by PPE is material-hazard specific. That is, protective equipment materials will protect well against some hazardous substances and poorly, or not at all, against others. In many instances, protective equipment materials cannot be found which will provide continuous protection from the particular hazardous substance. In these cases the breakthrough time of the protective material should exceed the work durations, or the exposure after breakthrough must not pose a hazardous level.

(b) Other factors in this selection process to be considered are matching the PPE to the employee's work requirements and task-specific conditions. The durability of PPE materials, such as tear strength and seam strength, must be considered in relation to the employee's tasks. The effects of PPE in relation to heat stress and task duration are a factor in selecting and using PPE. In some cases layers of PPE may be necessary to provide sufficient protection, or to protect expensive PPE inner garments, suits or equipment.

(c) The more that is known about the hazards at the site, the easier the job of PPE selection becomes. As more information about the hazards and conditions at the site becomes available, the site supervisor can make decisions to up-grade or down-grade the level of PPE protection to match the tasks at hand.

(2) The following are guidelines which an employer can use to begin the selection of the appropriate PPE. As noted above, the site information may suggest the use of combinations of PPE selected from the different protection levels (i.e., A, B, C, or D) as being more suitable to the hazards of the work. It should be cautioned that the listing below does not fully address the performance of the specific PPE material in relation to the specific hazards at the job site, and that PPE selection, evaluation and reselection is an ongoing process until sufficient information about the hazards and PPE performance is obtained.

(a) Personal protective equipment has been divided into four categories based on the degree of protection afforded (see (b) of this subsection for further explanation of Levels A, B, C, and D hazards):

(i) Level A. To be selected when the greatest level of skin, respiratory, and eye protection is required. Level A equipment, used as appropriate. The following constitute Level A equipment; it may be used as appropriate:

(A) Pressure-demand, full-facepiece self-contained breathing apparatus (SCBA), or pressure-demand supplied-air respirator with escape SCBA, approved by the National Institute for Occupational Safety and Health (NIOSH).

(B) Totally-encapsulating chemical-protective suit.

(C) Coveralls.*

(D) Long underwear.*

(E) Gloves, outer, chemical-resistant.

(F) Gloves, inner, chemical-resistant.

(G) Boots, outer, chemical-resistant steel toe and shank.

(H) Hard hat (under suit).*

(I) Disposable protective suit, gloves, and boots. (Depending on suit construction, may be worn over totally-encapsulating suit.)

(J) Two-way radios (worn inside encapsulating suit).

*Optional, as applicable.

(ii) Level B. The highest level of respiratory protection is necessary but a lesser level of skin protection is needed. The following constitute Level B equipment; it may be used as appropriate:

(A) Pressure-demand, full-facepiece self-contained breathing apparatus (SCBA), or pressure-demand supplied-air respirator with escape SCBA (NIOSH approved).

(B) Hooded chemical-resistant clothing (overalls and long-sleeved jacket, coveralls, one or two-piece chemical-splash suit, disposable chemical-resistant overalls).

(C) Coveralls.*

(D) Gloves, outer, chemical-resistant.

(E) Gloves, inner, chemical-resistant.

(F) Boots, outer, chemical-resistant steel toe and shank.

(G) Boot-covers, outer, chemical-resistant (disposable).*

(H) Hard hat.

(I) Two-way radios (worn inside encapsulating suit).

(J) Face shield.*

*Optional, as applicable.

(iii) Level C. The concentration(s) and type(s) of airborne substance(s) is/are known and the criteria for using air purifying respirators are met. The following constitute Level C equipment; it may be used as appropriate.

(A) Full-face or half-mask, air purifying, canister equipped respirators (NIOSH approved).

(B) Hooded chemical-resistant clothing (overalls; two-piece chemical-splash suit; disposable chemical-resistant overalls).

(C) Coveralls.*

(D) Gloves, outer, chemical-resistant.

(E) Gloves, inner, chemical-resistant.

(F) Boots (outer), chemical-resistant steel toe and shank.*

(G) Boot-covers, outer, chemical-resistant (disposable).*

(H) Hard hat.

(I) Escape mask.*

(J) Two-way radios (worn under outside protective clothing).

(K) Face shield.*

*Optional, as applicable.

(iv) Level D. A work uniform affording minimal protection: Used for nuisance contamination only. The following constitute Level D equipment; it may be used as appropriate.

(A) Coveralls.

(B) Gloves.*

(C) Boots/shoes, chemical-resistant steel toe and shank.

(D) Boots, outer, chemical-resistant (disposable).*

(E) Safety glasses or chemical splash goggles.*

(F) Hard hat.

(G) Escape mask.*

(H) Face shield.*

*Optional, as applicable.

(b) Part B. The types of hazards for which Levels A, B, C, and D protection are appropriate are described below:

(i) Level A - Level A protection should be used when:

(A) The hazardous substance has been identified and requires the highest level of protection for skin, eyes, and the respiratory system based on either the measured (or potential for) high concentration of atmospheric vapors, gases, or particulates; or the site operations and work functions involve a high potential for splash, immersion, or exposure to unexpected vapors, gases, or particulates of materials that are harmful to skin or capable of being absorbed through the intact skin;

(B) Substances with a high degree of hazard to the skin are known or suspected to be present, and skin contact is possible; or

(C) Operations must be conducted in confined, poorly ventilated areas, and the absence of conditions requiring Level A have not yet been determined.

(ii) Level B protection should be used when:

(A) The type and atmospheric concentration of substances have been identified and require a high level of respiratory protection, but less skin protection;

Note: This involves atmospheres with IDLH concentrations of specific substances that do not represent a severe skin hazard; or that do not meet the criteria for use of air-purifying respirators.

(B) The atmosphere contains less than 19.5 percent oxygen; or

(C) The presence of incompletely identified vapors or gases is indicated by a direct-reading organic vapor detection instrument, but vapors and gases are not suspected of containing high levels of chemicals harmful to skin or capable of being absorbed through the intact skin.

(iii) Level C protection should be used when:

(A) The atmospheric contaminants, liquid splashes, or other direct contact will not adversely affect or be absorbed through any exposed skin;

(B) The types of air contaminants have been identified, concentrations measured, and an air-purifying respirator is available that can remove the contaminants; and

(C) All criteria for the use of air-purifying respirators are met.

(iv) Level D protection should be used when:

(A) The atmosphere contains no known hazard; and

(B) Work functions preclude splashes, immersion, or the potential for unexpected inhalation of or contact with hazardous levels of any chemicals.

Note: As stated before combinations of personal protective equipment other than those described for Levels A, B, C, and D protection may be more appropriate and may be used to provide the proper level of protection.

NEW SECTION

WAC 296-62-3180 APPENDIX C—COMPLIANCE GUIDELINES. (1) Occupational safety and health program. Each hazardous waste site clean-up effort will require an occupational safety and health program headed by the site coordinator or the employer's representative. The program will be designed for the protection of employees at the site. The purpose of the program will need to be developed before work begins on the site and implemented as work proceeds. The program is to facilitate coordination and communication

among personnel responsible for the various activities which will take place at the site. It will provide the overall means for planning and implementing the needed safety and health training and job orientation of employees who will be working at the site. The program will provide the means for identifying and controlling worksite hazards and the means for monitoring program effectiveness. The program will need to cover the responsibilities and authority of the site coordinator or the employer's manager on the site for the safety and health of employees at the site, and the relationships with contractors or support services as to what each employer's safety and health responsibilities are for their employees on the site. Each contractor on the site needs to have its own safety and health program so structured that it will smoothly interface with the program of the site coordinator. Also those employers involved with treating, storing, or disposal of hazardous waste as covered in WAC 296-62-3140 must have implemented a safety and health plan for their employees. This program is to include the hazard communication program required in WAC 296-62-3140(1) and the training required in WAC 296-62-3140(5) as parts of the employers comprehensive overall safety and health program. This program is to be in writing.

(a) Each site or workplace safety and health program will need to include the following:

(i) Policy statements of the line of authority and accountability for implementing the program, the objectives of the program and the role of the site safety and health officer or manager and staff;

(ii) Means or methods for the development of procedures for identifying and controlling workplace hazards at the site;

(iii) Means or methods for the development and communication to employees of the various plans, work rules, standard operating procedures and practices that pertain to individual employees and supervisors;

(iv) Means for the training of supervisors and employees to develop the needed skills and knowledge to perform their work in a safe and healthful manner;

(v) Means to anticipate and prepare for emergency situations; and

(vi) Means for obtaining information feedback to aid in evaluating the program and for improving the effectiveness of the program. The management and employees should be trying continually to improve the effectiveness of the program thereby enhancing the protection being afforded those working on the site.

(b) Accidents on the site should be investigated to provide information on how such occurrences can be avoided in the future. When injuries or illnesses occur on the site or workplace, they will need to be investigated to determine what needs to be done to prevent this incident from occurring again. Such information will need to be used as feedback on the effectiveness of the program and the information turned into positive steps to prevent any reoccurrence. Receipt of employee suggestions or complaints relating to safety and health issues involved with site or workplace activities is also a feedback mechanism that needs to be used effectively to improve the program and may serve in part as an evaluative tool(s).

(2) Training.

(a) The employer is encouraged to utilize those training programs that have been recognized by the National Institute of Environmental Health Sciences through its training grants program. These training and educational programs are being developed for the employees who work directly with hazardous substances. For further information about these programs contact: National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709.

(b) The training programs for employees subject to the requirements of WAC 296-62-3040 are expected to address: The safety and health hazards employees should expect to find on sites; what control measures or techniques are effective for those hazards; what monitoring procedures are effective in characterizing exposure levels; what makes an effective employer's safety and health program; what a site safety and health plan should include; and employee's responsibilities under WISHA and other regulations. Supervisors will need training in their responsibilities under the safety and health program and its subject areas such as the spill containment program, the personal protective equipment program, the medical surveillance program, the emergency response plan and other areas.

(c) Training programs for emergency service organizations are available from the United States National Fire Academy, Emmitsburg, MD and the various state fire training schools. The International Society of Fire Service Instructors, Ashland, MA is another resource.

(d) The training programs for employees covered by the requirements of WAC 296-62-3110(3) are expected to address: The need for and use of personal protective equipment including respirators; the decontamination procedures to be used; preplanning activities for hazardous substance incidents including the emergency response plan; company standard operating procedures for hazardous substance emergency responses; the use of the incident command system and other subjects. Hands-on training should be stressed whenever possible. Critiques done after an incident which include any evaluation of what worked, and what did not, and how can we do better the next time, may be counted as training time.

(e) For hazardous materials teams, the training will need to address the care, use and/or testing of chemical protective clothing including totally encapsulating suits, the medical surveillance program, the standard operating procedures for the use of plugging and patching equipment and other subject areas.

(f) Officers and leaders who may be expected to be in charge at an incident will need to be fully knowledgeable of their company's incident command system. They will need to know where and how to obtain additional assistance and be familiar with the local district's emergency response plan.

(g) Technical experts or medical experts or environmental experts that work with hazardous materials in their regular jobs, who may be sent to the incident scene by the shipper, manufacturer or governmental agency to advise and assist the person in charge of the incident need not have monthly training sessions, however, they

will be required to have the twenty-four hours of training on an annual basis. Their training must include the care and use of personal protective equipment including respirators; knowledge of the incident command system; and those areas needed to keep them current in their respective field as it relates to safety and health involving specific hazardous substances.

(h) Those employees who work for public works departments or special equipment operators who operate bulldozers, sand trucks, backhoes, etc., who may be called to the incident scene to provide emergency support assistance, will need at least a safety and health briefing before entering the area of potential or actual exposure. These specially skilled persons, who have not been a part of the emergency plan and do not meet the required training hours, must be made aware of the hazards they face and be provided all necessary protective clothing and equipment required for their tasks. If respirators are to be worn, the specially skilled person shall be trained in accordance with WAC 296-62-071 through 296-62-07121 before proceeding into the hazardous area to do their assigned job.

(3) Decontamination. Decontamination procedures should be tailored to the specific hazards of the site and will vary in complexity, and number of steps, depending on the level of hazard and the employee's exposure to the hazard. Decontamination procedures and PPE decontamination methods will vary depending upon the specific substance, since one procedure or method will not work for all substances. Evaluation of decontamination methods and procedures should be performed, as necessary, to assure that employees are not exposed to hazards by reusing PPE. References in WAC 296-62-3190, Appendix D, may be used for guidance in establishing an effective decontamination program.

(4) Emergency response plans. States, along with designated districts within the states, will be developing or have developed emergency response plans. These district and state plans are to be utilized in the emergency response plans called for in this standard. Each employer needs to assure that its emergency response plan is compatible with the local plan. In addition, the chemical manufacturers' association (CMA) is another helpful resource in formulating an effective emergency response plan. Also the current Emergency Response Guidebook from the United States Department of Transportation, CMA's CHEMTREC and the Fire Service Emergency Management Handbook should be used as resources.

NEW SECTION

WAC 296-62-3190 APPENDIX D—REFERENCES. The following references may be consulted for further information on the subject of this notice:

(1) WISHA Guidelines for Superfund and Other Hazardous Waste Site Activities, W.R.D. 84-13 as amended, October 24, 1986.

(2) WISHA Hazardous Waste Activity Form, July 1986, WISHA Form F413-016-000.

(3) Hazardous Waste Inspections Reference Manual, U.S. Department of Labor, Occupational Safety and Health Administration, 1986.

(4) Memorandum of Understanding Among the National Institute for Occupational Safety and Health, the Occupational Safety and Health Administration, the United States Coast Guard, and the United States Environmental Protection Agency; Guidance for Worker Protection During Hazardous Waste Site Investigations and Clean-up and Hazardous Substance Emergencies, December 18, 1980.

(5) National Priorities List, 1st Edition, October 1984; U.S. Environmental Protection Agency, Revised periodically.

(6) The Decontamination of Response Personnel, Field Standard Operating Procedures (F.S.O.P.) 7; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, December 1984.

(7) Preparation of a Site Safety Plan, Field Standard Operating Procedures (F.S.O.P.) 9; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, April 1985.

(8) Standard Operating Safety Guidelines; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, Environmental Response Team; November 1984.

(9) Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, National Institute for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), U.S. Coast Guard (USCG), and Environmental Protection Agency (EPA); October 1985.

(10) Protecting Health and Safety at Hazardous Waste Sites: An Overview, U.S. Environmental Protection Agency, EPA/625/9-85/006; September 1985.

(11) Hazardous Waste Sites and Hazardous Substance Emergencies, NIOSH Worker Bulletin, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health; December 1982.

(12) Personal Protective Equipment for Hazardous Materials Incidents: A Selection Guide; U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health; October 1984.

(13) Fire Service Emergency Management Handbook, International Association of Fire Chiefs Foundation, 101 East Holly Avenue, Unit 10B, Sterling, VA 22170, January 1985.

(14) Emergency Response Guidebook, U.S. Department of Transportation, Washington, D.C., 1983.

(15) Report to the Congress on Hazardous Materials Training, Planning and Preparedness, Federal Emergency Management Agency, Washington, DC, July 1986.

(16) Workbook for Fire Command, Alan V. Brunacini and J. David Beageron, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, 1985.

(17) Fire Command, Alan V. Brunacini, National Fire Protection, Batterymarch Park, Quincy, MA 02269, 1985.

(18) Incident Command System, Fire Protection Publications, Oklahoma State University, Stillwater, OK 74078, 1983.

(19) Site Emergency Response Planning, Chemical Manufacturers Association, Washington, DC 20037, 1986.

NEW SECTION

WAC 296-62-07523 BENZENE. (1) Scope and application.

(a) This section applies to all occupational exposures to benzene. Chemical Abstracts Service Registry No. 71-43-2, except as provided in (b) and (c) of this subsection.

(b) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use of gasoline, motor fuels, or other fuels containing benzene subsequent to its final discharge from bulk wholesale storage facilities, except that operations where gasoline or motor fuels are dispensed for more than four hours per day in an indoor location are covered by this section.

(ii) Loading and unloading operations at bulk wholesale storage facilities which use vapor control systems for all loading and unloading operations, except for the provisions of WAC 296-62-054 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iii) The storage, transportation, distribution, or sale of benzene or liquid mixtures containing more than 0.1 percent benzene in intact containers or in transportation pipelines while sealed in such a manner as to contain benzene vapors or liquid, except for the provisions of WAC 296-62-054 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iv) Containers and pipelines carrying mixtures with less than 0.1 percent benzene and natural gas processing plants processing gas with less than 0.1 percent benzene.

(v) Work operations where the only exposure to benzene is from liquid mixtures containing 0.5 percent or less of benzene by volume, or the vapors released from such liquids until September 12, 1988; work operations where the only exposure to benzene is from liquid mixtures containing 0.3 percent or less of benzene by volume or the vapors released from such liquids from September 12, 1988, to September 12, 1989; and work operations where the only exposure to benzene is from liquid mixtures containing 0.1 percent or less of benzene by volume or the vapors released from such liquids after September 12, 1989; except that tire building machine operators using solvents with more than 0.1 percent benzene are covered by subsection (9) of this section.

(vi) Oil and gas drilling, production, and servicing operations.

(vii) Coke oven batteries.

(c) The cleaning and repair of barges and tankers which have contained benzene are excluded from subsection (6) of this section (Methods of compliance), subsection (5)(a) of this section (General), and subsection (5)(f) of this section (Accuracy of monitoring). Engineering and work practice controls shall be used to keep exposures below 10 ppm unless it is proven to be not feasible.

(2) Definitions.

(a) "Action level" means an airborne concentration of benzene of 0.5 ppm calculated as an 8-hour time-weighted average.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section, or any other person authorized by the Washington Industrial Safety and Health Act (WISHA) or regulations issued under WISHA.

(c) "Benzene" (C₆H₆) (CAS Registry No. 71-43-2) means liquefied or gaseous benzene. It includes benzene contained in liquid mixtures and the benzene vapors released by these liquids. It does not include trace amounts of unreacted benzene contained in solid materials.

(d) "Bulk wholesale storage facility" means a bulk terminal or bulk plant where fuel is stored prior to its delivery to wholesale customers.

(e) "Container" means any barrel, bottle, can, cylinder, drum, reaction vessel, storage tank, or the like, but does not include piping systems.

(f) "Day" means any part of a calendar day.

(g) "Director" means the director of the department of labor and industries, or his/her designated representative.

(h) "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may or does result in an unexpected significant release of benzene.

(i) "Employee exposure" means exposure to airborne benzene which would occur if the employee were not using respiratory protective equipment.

(j) "Regulated area" means any area where airborne concentrations of benzene exceed or can reasonably be expected to exceed, the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(k) "Vapor control system" means any equipment used for containing the total vapors displaced during the loading of gasoline, motor fuel, or other fuel tank trucks and the displacing of these vapors through a vapor processing system or balancing the vapor with the storage tank. This equipment also includes systems containing the vapors displaced from the storage tank during the unloading of the tank truck which balance the vapors back to the tank truck.

(3) Permissible exposure limits (PELs).

(a) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of one part of benzene per million parts of air (1 ppm) as an 8-hour time-weighted average.

(b) Short-term exposure limit (STEL). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 5 ppm as averaged over any fifteen minute period.

(4) Regulated areas.

(a) The employer shall establish a regulated area wherever the airborne concentration of benzene exceeds

or can reasonably be expected to exceed the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be determined from the rest of the workplace in any manner that minimizes the number of employees exposed to benzene within the regulated area.

(5) Exposure monitoring.

(a) General.

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of each employee's average exposure to airborne benzene.

(ii) Representative 8-hour TWA employee exposures shall be determined on the basis of one sample or samples representing the full shift exposure for each job classification in each work area.

(iii) Determinations of compliance with the STEL shall be made from fifteen minute employee breathing zone samples measured at operations where there is reason to believe exposures are high, such as where tanks are opened, filled, unloaded, or gauged; where containers or process equipment are opened and where benzene is used for cleaning or as a solvent in an uncontrolled situation. The employer may use objective data, such as measurements from brief period measuring devices, to determine where STEL monitoring is needed.

(iv) Except for initial monitoring as required under (b) of this subsection, where the employer can document that one shift will consistently have higher employee exposures for an operation, the employer shall only be required to determine representative employee exposure for that operation during the shift on which the highest exposure is expected.

(b) Initial monitoring.

(i) Each employer who has a place of employment covered under subsection (1)(a) of this section shall monitor each of these workplaces and work operations to determine accurately the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under (b)(i) of this subsection shall be completed by sixty days after the effective date of this standard or within thirty days of the introduction of benzene into the workplace. Where the employer has monitored within one year prior to the effective date of this standard and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection.

(c) Periodic monitoring and monitoring frequency.

(i) If the monitoring required by (b)(i) of this subsection reveals employee exposure at or above the action level but at or below the TWA, the employer shall repeat such monitoring for each such employee at least every year.

(ii) If the monitoring required by (b)(i) of this subsection reveals employee exposure above the TWA, the employer shall repeat such monitoring for each such employee at least every six months.

(iii) The employer may alter the monitoring schedule from every six months to annually for any employee for whom two consecutive measurements taken at least seven days apart indicate that the employee exposure has decreased to the TWA or below, but is at or above the action level.

(iv) Monitoring for the STEL shall be repeated as necessary to evaluate exposures of employees subject to short term exposures.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b)(i) of this subsection reveals employee exposure to be below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least seven days apart, are below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(e) Additional monitoring.

(i) The employer shall institute the exposure monitoring required under (b) and (c) of this subsection when there has been a change in the production, process, control equipment, personnel, or work practices which may result in new or additional exposures to benzene, or when the employer has any reason to suspect a change which may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures, or other breakdowns occur that may lead to employee exposure, the employer shall monitor (using area or personal sampling) after the cleanup of the spill or repair of the leak, rupture or other breakdown to ensure that exposures have returned to the level that existed prior to the incident.

(f) Accuracy of monitoring. Monitoring shall be accurate, to a confidence level of ninety-five percent, to within plus or minus twenty-five percent for airborne concentrations of benzene.

(g) Employee notification of monitoring results.

(i) The employer shall, within fifteen working days after the receipt of the results of any monitoring performed under this standard, notify each employee of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) Whenever the PELs are exceeded, the written notification required by (g)(i) of this subsection shall contain the corrective action being taken by the employer to reduce the employee exposure to or below the PEL, or shall refer to a document available to the employee which states the corrective actions to be taken.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to benzene at or below the permissible exposure limits, except to the extent that the employer can establish that these controls are not feasible or where the provisions of (a)(iii) of this subsection or subsection (7)(a) of this section apply.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the PELs, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(iii) Where the employer can document that benzene is used in a workplace less than a total of thirty days per year, the employer shall use engineering controls, work practice controls or respiratory protection or any combination of these controls to reduce employee exposure to benzene to or below the PELs, except that employers shall use engineering and work practice controls, if feasible, to reduce exposure to or below 10 ppm as an 8-hour TWA.

(b) Compliance program.

(i) When any exposures are over the PEL, the employer shall establish and implement a written program to reduce employee exposure to or below the PEL primarily by means of engineering and work practice controls, as required by (a) of this subsection.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be reviewed and revised as appropriate based on the most recent exposure monitoring data, to reflect the current status of the program.

(iii) Written compliance programs shall be furnished upon request for examination and copying to the director, affected employees, and designated employee representatives.

(7) Respiratory protection.

(a) General. The employer shall provide respirators, and assure that they are used, where required by this section. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering and work practice controls;

(ii) In work operations for which the employer establishes that compliance with either the TWA or STEL through the use of engineering and work practice controls is not feasible, such as some maintenance and repair activities, vessel cleaning, or other operations where engineering and work practice controls are infeasible because exposures are intermittent in nature and limited in duration;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient or are not required under subsection (6)(a)(iii) of this section to reduce exposure to or below the PELs; and

(iv) In emergencies.

(b) Respirator selection.

(i) Where respirators are required or allowed under this section, the employer shall select and provide, at no cost to the employee, the appropriate respirator as specified in Table 1 of this section, and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those jointly approved by the Mine Safety and Health

Administration and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11. Negative pressure respirators shall have filter elements approved by MSHA/NIOSH for organic vapors or benzene.

(iii) Any employee who cannot wear a negative pressure respirator shall be given the option of wearing a respirator with less breathing resistance such as a powered air-purifying respirator or supplied air respirator.

(c) Respirator program. The employer shall institute a respiratory protection program in accordance with Part E, Respiratory protection, WAC 296-62-071 through 296-62-07121.

(d) Respirator use.

(i) Where air-purifying respirators are used, the employer shall replace the air purifying element at the expiration of service life or at the beginning of each shift in which they will be used, whichever comes first.

(ii) If an air purifying element becomes available with an end of useful life indicator for benzene approved by MSHA/NIOSH, the element may be used until such time as the indicator shows no further useful life.

(iii) The employer shall permit employees who wear respirators to leave the regulated area to wash their faces and respirator facepieces as necessary in order to prevent skin irritation associated with respirator use or to change the filter elements of air-purifying respirators whenever they detect a change in breathing resistance or chemical vapor breakthrough.

(e) Respirator fit testing.

(i) The employer shall perform, and certify the results of, either quantitative or qualitative fit tests at the time of initial fitting and at least annually thereafter for each employee wearing a negative pressure respirator. The test shall be used to select a respirator facepiece which exhibits minimum leakage and provides the required protection as prescribed in Table 1 of this section. The employer shall provide and assure that the employee wears a respirator demonstrated by the fit test to provide the required protection.

(ii) The employer shall follow the test protocols outlined in Appendix E of this standard for whichever type of fit testing the employer chooses.

TABLE 1. - RESPIRATORY PROTECTION FOR BENZENE

Airborne concentration of benzene or condition of use	Respirator type
(a) Less than or equal to 10 ppm.	(1) Half-mask air-purifying respirator with organic vapor cartridge.
(b) Less than or equal to 50 ppm.	(1) Full facepiece respirator with organic vapor cartridges. (1) Full facepiece gas mask with chin style canister. ¹
(c) Less than or equal to 100 ppm.	(1) Full facepiece powered air-purifying respirator with organic vapor canister. ¹
(d) Less than or equal to 1,000 ppm.	(1) Supplied air respirator with full facepiece in positive-pressure mode.
(e) Greater than 1,000 ppm or unknown concentration.	(1) Self-contained breathing apparatus with full facepiece in positive-pressure mode. (2) Full facepiece positive-pressure supplied-air respirator with auxiliary self-contained air supply.
(f) Escape.....	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.
(g) Firefighting.....	(1) Full facepiece self-contained breathing apparatus in positive pressure mode.

¹ Canisters must have a minimum service life of four (4) hours when tested at 150 ppm benzene, at a flow rate of 64 LPM, 25° C, and 85% relative humidity for non-powered air purifying respirators. The flow rate shall be 115 LPM and 170 LPM respectively for tight fitting and loose fitting powered air-purifying respirators.

(8) Protective clothing and equipment. Personal protective clothing and equipment shall be worn where appropriate to prevent eye contact and limit dermal exposure to liquid benzene. Protective clothing and equipment shall be provided by the employer at no cost to the employee and the employer shall assure its use where appropriate. Eye and face protection shall meet the requirements of WAC 296-24-07801.

(9) Medical surveillance.

(a) General.

(i) The employer shall make available a medical surveillance program for employees who are or may be exposed to benzene at or above the action level thirty or more days per year, for employees who are or may be exposed to benzene at or above the PELs ten or more days per year, for employees who have been exposed to more than 10 ppm of benzene for thirty or more days in a year prior to the effective date of the standard when employed by their current employer, and for employees involved in the tire building operations called tire building machine operators, who use solvents containing greater than 0.1 percent benzene.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and that all laboratory tests are conducted by an accredited laboratory.

(iii) The employer shall assure that persons other than licensed physicians who administer the pulmonary function testing required by this section shall complete a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution.

(iv) The employer shall assure that all examinations and procedures are provided without cost to the employee and at a reasonable time and place.

(b) Initial examination.

(i) Within sixty days of the effective date of this standard, or before the time of initial assignment, the employer shall provide each employee covered by (a)(i) of this subsection with a medical examination including the following elements:

(A) A detailed occupational history which includes:

(I) Past work exposure to benzene or any other hematological toxins;

(II) A family history of blood dyscrasias including hematological neoplasms;

(III) A history of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, abnormal function of formed blood elements;

(IV) A history of renal or liver dysfunction;

(V) A history of medicinal drugs routinely taken;

(VI) A history of previous exposure to ionizing radiation; and

(VII) Exposure to marrow toxins outside of the current work situation.

(B) A complete physical examination.

(C) Laboratory tests. A complete blood count including a leukocyte count with differential, a quantitative thrombocyte count, hematocrit, hemoglobin, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC). The results of these tests shall be reviewed by the examining physician.

(D) Additional tests as necessary in the opinion of the examining physician, based on alterations to the components of the blood or other signs which may be related to benzene exposure.

(E) For all workers required to wear respirators for at least thirty days a year, the physical examination shall pay special attention to the cardiopulmonary system and shall include a pulmonary function test.

(ii) No initial medical examination is required to satisfy the requirements of (b)(i) of this subsection if adequate records show that the employee has been examined in accordance with the procedures of (b)(i) of this subsection within the twelve months prior to the effective date of this standard.

(c) Periodic examinations.

(i) The employer shall provide each employee covered under (a)(i) of this subsection with a medical examination annually following the previous examination. These periodic examinations shall include at least the following elements:

(A) A brief history regarding any new exposure to potential marrow toxins, changes in medicinal drug use, and the appearance of physical signs relating to blood disorders;

(B) A complete blood count including a leukocyte count with differential, quantitative thrombocyte count, hemoglobin, hematocrit, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC); and

(C) Appropriate additional tests as necessary, in the opinion of the examining physician, in consequence of alterations in the components of the blood or other signs which may be related to benzene exposure.

(ii) Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the employer shall provide the employee with an additional medical examination which shall include those elements considered appropriate by the examining physician.

(iii) For persons required to use respirators for at least thirty days a year, a pulmonary function test shall be performed every three years. A specific evaluation of the cardiopulmonary system shall be made at the time of the pulmonary function test.

(d) Emergency examinations.

(i) In addition to the surveillance required by (a)(i) of this subsection, if an employee is exposed to benzene in an emergency situation, the employer shall have the employee provide a urine sample at the end of the employee's shift and have a urinary phenol test performed on the sample within seventy-two hours. The urine specific gravity shall be corrected to 1.024.

(ii) If the result of the urinary phenol test is below 75 mg phenol/L of urine, no further testing is required.

(iii) If the result of the urinary phenol test is equal to or greater than 75 mg phenol/L of urine, the employer shall provide the employee with a complete blood count including an erythrocyte count, leukocyte count with differential and thrombocyte count at monthly intervals for a duration of three months following the emergency exposure.

(iv) If any of the conditions specified in (e)(i) of this subsection exists, then the further requirements of (e) of this subsection shall be met and the employer shall, in addition, provide the employees with periodic examinations if directed by the physician.

(e) Additional examinations and referrals.

(i) Where the results of the complete blood count required for the initial and periodic examinations indicate any of the following abnormal conditions exist, then the blood count shall be repeated within two weeks.

(A) The hemoglobin level or the hematocrit falls below the normal limit (outside the ninety-five percent confidence interval (C.I.)) as determined by the laboratory for the particular geographic area and/or these indices show a persistent downward trend from the individual's preexposure norms; provided these findings cannot be explained by other medical reasons.

(B) The thrombocyte (platelet) count varies more than twenty percent below the employee's most recent values or falls outside the normal limit (ninety-five percent C.I.) as determined by the laboratory.

(C) The leukocyte count is below 4,000 per mm³ or there is an abnormal differential count.

(ii) If the abnormality persists, the examining physician shall refer the employee to a hematologist or an internist for further evaluation unless the physician has good reason to believe such referral is unnecessary. (See Appendix C for examples of conditions where a referral may be unnecessary.)

(iii) The employer shall provide the hematologist or internist with the information required to be provided to the physician under this subsection and the medical record required to be maintained by subsection (11)(b)(ii) of this section.

(iv) The hematologist's or internist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's actual or representative exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous employment-related medical examinations of the affected employee which is not otherwise available to the examining physician.

(g) Physician's written opinions.

(i) For each examination under this section, the employer shall obtain and provide the employee with a copy of the examining physician's written opinion within fifteen days of the examination. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical examination and tests;

(B) The physician's opinion concerning whether the employee has any detected medical conditions which would place the employee's health at greater than normal risk of material impairment from exposure to benzene;

(C) The physician's recommended limitations upon the employee's exposure to benzene or upon the employee's use of protective clothing or equipment and respirators.

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions resulting from benzene exposure which require further explanation or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work in a benzene-exposed workplace.

(h) Medical removal plan.

(i) When a physician makes a referral to a hematologist/internist as required under (e)(ii) of this subsection, the employee shall be removed from areas where exposures may exceed the action level until such time as the physician makes a determination under (h)(ii) of this subsection.

(ii) Following the examination and evaluation by the hematologist/internist, a decision to remove an employee from areas where benzene exposure is above the action level or to allow the employee to return to areas where benzene exposure is above the action level shall be made by the physician in consultation with the hematologist/internist. This decision shall be communicated in writing to the employer and employee. In the case of removal, the physician shall state the required probable duration

of removal from occupational exposure to benzene above the action level and the requirements for future medical examinations to review the decision.

(iii) For any employee who is removed pursuant to (h)(ii) of this subsection, the employer shall provide a follow-up examination. The physician, in consultation with the hematologist/internist, shall make a decision within six months of the date the employee was removed as to whether the employee shall be returned to the usual job or whether the employee should be removed permanently.

(iv) Whenever an employee is temporarily removed from benzene exposure pursuant to (h)(i) or (ii) of this subsection, the employer shall transfer the employee to a comparable job for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible, but in no event higher than the action level. The employer shall maintain the employee's current wage rate, seniority, and other benefits. If there is no such job available, the employer shall provide medical removal protection benefits until such a job becomes available or for six months, whichever comes first.

(v) Whenever an employee is removed permanently from benzene exposure based on a physician's recommendation pursuant to (h)(iii) of this subsection, the employee shall be given the opportunity to transfer to another position which is available or later becomes available for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible but in no event higher than the action level. The employer shall assure that such employee suffers no reduction in current wage rate, seniority, or other benefits as a result of the transfer.

(i) Medical removal protection benefits.

(i) The employer shall provide to an employee six months of medical removal protection benefits immediately following each occasion an employee is removed from exposure to benzene because of hematological findings pursuant to (h)(i) and (ii) of this subsection, unless the employee has been transferred to a comparable job where benzene exposures are below the action level.

(ii) For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the current wage rate, seniority, and other benefits of an employee as though the employee had not been removed.

(iii) The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or from employment with another employer made possible by virtue of the employee's removal.

(10) Communication of benzene hazards to employees.

(a) Signs and labels.

(i) The employer shall post signs at entrances to regulated areas. The signs shall bear the following legend:

DANGER
BENZENE
CANCER HAZARD
FLAMMABLE—NO SMOKING
AUTHORIZED PERSONNEL ONLY
RESPIRATOR REQUIRED

(ii) The employer shall ensure that labels or other appropriate forms of warning are provided for containers of warning within the workplace. There is no requirement to label pipes. The labels shall comply with the requirements of WAC 296-62-05411 and in addition shall include the following legend:

DANGER
CONTAINS BENZENE
CANCER HAZARD

(b) Material safety data sheets.

(i) Employers shall obtain or develop, and shall provide access to their employees, to a material safety data sheet (MSDS) which addresses benzene and complies with WAC 296-62-054.

(ii) Employers who are manufacturers or importers shall:

(A) Comply with subsection (1) of this section; and

(B) Comply with the requirement in WISHA's hazard communication standard, WAC 296-62-054 (Hazard communication purpose), that they deliver to downstream employers an MSDS which addresses benzene.

(c) Information and training.

(i) The employer shall provide employees with information and training at the time of their initial assignment to a work area where benzene is present. If exposures are above the action level, employees shall be provided with information and training at least annually thereafter.

(ii) The training program shall be in accordance with the requirements of WAC 296-62-05415 (1) and (2), and shall include specific information on benzene for each category of information included in that section.

(iii) In addition to the information required under WAC 296-62-054, the employer shall:

(A) Provide employees with an explanation of the contents of this section, including Appendices A and B, and indicate to them where the standard is available; and

(B) Describe the medical surveillance program required under subsection (9) of this section, and explain the information contained in Appendix C.

(11) Recordkeeping.

(a) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements required by subsection (5) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) A description of the sampling and analytical methods used;

(C) A description of the type of respiratory protective devices worn, if any; and

(D) The name, Social Security number, job classification, and exposure levels of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (9) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) The employer's copy of the physician's written opinion on the initial, periodic, and special examinations, including results of medical examinations and all tests, opinions, and recommendations;

(C) Any employee medical complaints related to exposure to benzene;

(D) A copy of the information provided to the physician as required by subsection (9)(f)(ii) through (v) of this section; and

(E) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee exposure monitoring records required by this subsection shall be provided upon request for examination and copying to employees, employee representatives, and the director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this subsection shall be provided upon request for examination and copying, to the subject employee, to anyone having the specific written consent of the subject employee, and to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-05205.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to disposal, and transmit them to the director if required by the director within that period.

(12) Observation of monitoring.

(a) **Employee observation.** The employer shall provide affected employees, or their designated representatives, an opportunity to observe the measuring or monitoring of employee exposure to benzene conducted pursuant to subsection (5) of this section.

(b) **Observation procedures.** When observation of the measuring or monitoring of employee exposure to benzene requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(13) Dates.

(a) **Engineering and work practice controls** required by subsection (6)(a) of this section shall be implemented no later than December 10, 1989.

(b) **Coke and coal chemical operations** may comply with (b)(ii) of this subsection or alternately include within the compliance program required by subsection (6)(b) of this section, a requirement to phase in engineering controls as equipment is repaired and replaced. For coke and coal chemical operations choosing the latter alternative, compliance with the engineering controls requirements of subsection (6)(a) of this section shall be achieved no later than December 10, 1992. Substantial compliance with the engineering control requirements shall be achieved no later than December 10, 1990.

(14) **Appendices.** The information contained in WAC 296-62-07525, Appendices A, B, C, and D is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations. The protocols on respiratory fit testing in Appendix E are mandatory.

NEW SECTION

WAC 296-62-07525 APPENDIX A SUBSTANCE SAFETY DATA SHEET—BENZENE. (1) Substance identification.

(a) **Substance:** Benzene.

(b) **Permissible exposure:** Except as to the use of gasoline, motor fuels, and other fuels subsequent to discharge from bulk terminals and other exemptions specified in WAC 296-62-07523 (1)(b):

(i) **Airborne:** The maximum time-weighted average (TWA) exposure limit is one part of benzene vapor per million parts of air (1 ppm) for an eight-hour workday and the maximum short-term exposure limit (STEL) is 5 ppm for any fifteen-minute period.

(ii) **Dermal:** Eye contact shall be prevented and skin contact with liquid benzene shall be limited.

(c) **Appearance and odor:** Benzene is a clear, colorless liquid with a pleasant, sweet odor. The odor of benzene does not provide adequate warning of its hazard.

(2) **Health hazard data.**

(a) **Ways in which benzene affects your health.** Benzene can affect your health if you inhale it, or if it comes in contact with your skin or eyes. Benzene is also harmful if you happen to swallow it.

(b) **Effects of overexposure.**

(i) **Short-term (acute) overexposure:** If you are overexposed to high concentrations of benzene, well above the levels where its odor is first recognizable, you may feel breathless, irritable, euphoric, or giddy; you may experience irritation in eyes, nose, and respiratory tract. You may develop a headache, feel dizzy, nauseated, or intoxicated. Severe exposures may lead to convulsions and loss of consciousness.

(ii) **Long-term (chronic) exposure.** Repeated or prolonged exposure to benzene, even at relatively low concentrations, may result in various blood disorders, ranging from anemia to leukemia, an irreversible, fatal disease. Many blood disorders associated with benzene exposure may occur without symptoms.

(3) **Protective clothing and equipment.**

(a) **Respirators.** Respirators are required for those operations in which engineering controls or work practice controls are not feasible to reduce exposure to the permissible level. However, where employers can document that benzene is present in the workplace less than thirty days a year, respirators may be used in lieu of engineering controls. If respirators are worn, they must have joint Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) seal of approval, and cartridge or canisters must be replaced before the end of their service life, or the end of the shift, whichever occurs first. If you experience difficulty breathing while wearing a respirator, you may request a positive pressure respirator from your employer. You must be thoroughly trained to use the assigned respirator, and the training will be provided by your employer.

(b) **Protective clothing.** You must wear appropriate protective clothing (such as boots, gloves, sleeves, aprons, etc.) over any parts of your body that could be exposed to liquid benzene.

(c) **Eye and face protection.** You must wear splash-proof safety goggles if it is possible that benzene may get into your eyes. In addition, you must wear a face shield if your face could be splashed with benzene liquid.

(4) **Emergency and first aid procedures.**

(a) **Eye and face exposure.** If benzene is splashed in your eyes, wash it out immediately with large amounts of water. If irritation persists or vision appears to be affected see a doctor as soon as possible.

(b) **Skin exposure.** If benzene is spilled on your clothing or skin, remove the contaminated clothing and wash the exposed skin with large amounts of water and soap immediately. Wash contaminated clothing before you wear it again.

(c) **Breathing.** If you or any other person breathes in large amounts of benzene, get the exposed person to fresh air at once. Apply artificial respiration if breathing has stopped. Call for medical assistance or a doctor as soon as possible. Never enter any vessel or confined space where the benzene concentration might be high without proper safety equipment and at least one other person present who will stay outside. A life line should be used.

(d) *Swallowing.* If benzene has been swallowed and the patient is conscious, do not induce vomiting. Call for medical assistance or a doctor immediately.

(5) *Medical requirements.* If you are exposed to benzene at a concentration at or above 0.5 ppm as an 8-hour time-weighted average, or have been exposed at or above 10 ppm in the past while employed by your current employer, your employer is required to provide a medical examination and history and laboratory tests within sixty days of the effective date of this standard and annually thereafter. These tests shall be provided without cost to you. In addition, if you are accidentally exposed to benzene (either by ingestion, inhalation, or skin/eye contact) under emergency conditions known or suspected to constitute toxic exposure to benzene, your employer is required to make special laboratory tests available to you.

(6) *Observation of monitoring.* Your employer is required to perform measurements that are representative of your exposure to benzene and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear the protective clothing and equipment.

(7) *Access to records.* You or your representative are entitled to see the records of measurements of your exposure to benzene upon written request to your employer. Your medical examination records can be furnished to yourself, your physician, or designated representative upon request by you to your employer.

(8) *Precautions for safe use, handling, and storage.* Benzene liquid is highly flammable. It should be stored in tightly closed containers in a cool, well ventilated area. Benzene vapor may form explosive mixtures in air. All sources of ignition must be controlled. Use non-sparking tools when opening or closing benzene containers. Fire extinguishers, where provided, must be readily available. Know where they are located and how to operate them. Smoking is prohibited in areas where benzene is used or stored. Ask your supervisor where benzene is used in your area and for additional plant safety rules.

NEW SECTION

WAC 296-62-07527 APPENDIX B SUBSTANCE TECHNICAL GUIDELINES—BENZENE.

(1) Physical and chemical data.

(a) Substance identification.

(i) *Synonyms:* Benzol, benzole, coal naphtha, cyclohexatriene, phene, phenyl hydride, pyrobenzol. (Benzin, petroleum benzin and Benzine do not contain benzene.)

(ii) *Formula:* C₆H₆ (CAS Registry Number: 71-43-2).

(b) Physical data.

(i) *Boiling point* (760 mm Hg); 80.1 C (176 F).

(ii) *Specific gravity* (water=1): 0.879.

(iii) *Vapor density* (air=1): 2.7.

(iv) *Melting point:* 5.5 C (42 F).

(v) *Vapor pressure at 20 C (68 F):* 75 mm Hg.

(vi) *Solubility in water:* .06%.

(vii) *Evaporation rate* (ether=1): 2.8.

(viii) *Appearance and odor:* Clear, colorless liquid with a distinctive sweet odor.

(2) *Fire, explosion, and reactivity hazard data.*

(a) *Fire.*

(i) *Flash point* (closed cup): -11 C (12 F).

(ii) *Autoignition temperature:* 580 C (1076 F).

(iii) *Flammable limits in Air. % by volume:* Lower: 1.3%, Upper: 7.5%.

(iv) *Extinguishing media:* Carbon dioxide, dry chemical, or foam.

(v) *Special fire-fighting procedures:* Do not use solid stream of water, since stream will scatter and spread fire. Fine water spray can be used to keep fire-exposed containers cool.

(vi) *Unusual fire and explosion hazards:* Benzene is a flammable liquid. Its vapors can form explosive mixtures. All ignition sources must be controlled when benzene is used, handled, or stored. Where liquid or vapor may be released, such areas shall be considered as hazardous locations. Benzene vapors are heavier than air, thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which benzene is handled.

(vii) Benzene is classified as a 1 B flammable liquid for the purpose of conforming to the requirements of WAC 296-24-330. A concentration exceeding 3,250 ppm is considered a potential fire explosion hazard. Locations where benzene may be present in quantities sufficient to produce explosive or ignitable mixtures are considered Class I Group D for the purposes of conforming to the requirements of WAC 296-24-95613.

(b) *Reactivity.*

(i) *Conditions contributing to instability:* Heat.

(ii) *Incompatibility:* Heat and oxidizing materials.

(iii) *Hazardous decomposition products:* Toxic gases and vapors (such as carbon monoxide).

(3) *Spill and leak procedures.*

(a) *Steps to be taken if the material is released or spilled.* As much benzene as possible should be absorbed with suitable materials, such as dry sand or earth; benzene remaining must be flushed with large amounts of water. Do not flush benzene into a confined space, such as a sewer, because of explosion danger. Remove all ignition sources. Ventilate enclosed places.

(b) *Waste disposal method.* Disposal methods must conform to other jurisdictional regulations. If allowed, benzene may be disposed of:

(i) *By absorbing it in dry sand or earth and disposing in a sanitary landfill;*

(ii) *If small quantities, by removing it to a safe location from buildings or other combustible sources, pouring it in dry sand or earth and cautiously igniting it; and*

(iii) *If large quantities, by atomizing it in a suitable combustion chamber.*

(4) *Miscellaneous precautions.*

(a) *High exposure to benzene can occur when transferring the liquid from one container to another. Such*

operations should be well ventilated and good work practices must be established to avoid spills.

(b) Use nonsparking tools to open benzene containers which are effectively grounded and bonded prior to opening and pouring.

(c) Employers must advise employees of all plant areas and operations where exposure to benzene could occur. Common operations in which high exposures to benzene may be encountered are: The primary production and utilization of benzene, and transfer of benzene.

NEW SECTION

WAC 296-62-07529 APPENDIX C MEDICAL SURVEILLANCE GUIDELINES FOR BENZENE.

(1) Route of entry.

Inhalation; skin absorption.

(2) Toxicology. Benzene is primarily an inhalation hazard. Systemic absorption may cause depression of the hematopoietic system, pancytopenia, aplastic anemia, and leukemia. Inhalation of high concentrations can affect central nervous system function. Aspiration of small amounts of liquid benzene immediately causes pulmonary edema and hemorrhage of pulmonary tissue. There is some absorption through the skin. Absorption may be more rapid in the case of abraded skin, and benzene may be more readily absorbed if it is present in a mixture or as a contaminant in solvents which are readily absorbed. The defatting action of benzene may produce primary irritation due to repeated or prolonged contact with the skin. High concentrations are irritating to the eyes and the mucous membranes of the nose, and respiratory tract.

(3) Signs and symptoms. Direct skin contact with benzene may cause erythema. Repeated or prolonged contact may result in drying, scaling dermatitis, or development of secondary skin infections. In addition, there is benzene absorption through the skin. Local effects of benzene vapor or liquid on the eye are slight. Only at very high concentrations is there any smarting sensation in the eye. Inhalation of high concentrations of benzene may have an initial stimulatory effect on the central nervous system characterized by exhilaration, nervous excitation, and/or giddiness, followed by a period of depression, drowsiness, or fatigue. A sensation of tightness in the chest accompanied by breathlessness may occur and ultimately the victim may lose consciousness. Tremors, convulsions, and death may follow from respiratory paralysis or circulatory collapse in a few minutes to several hours following severe exposures.

The detrimental effect on the blood-forming system of prolonged exposure to small quantities of benzene vapor is of extreme importance. The hematopoietic system is the chief target for benzene's toxic effects which are manifested by alterations in the levels of formed elements in the peripheral blood. These effects have occurred at concentrations of benzene which may not cause irritation of mucous membranes, or any unpleasant sensory effects. Early signs and symptoms of benzene morbidity are varied, often not readily noticed and non-specific. Subjective complaints of headache, dizziness, and loss of appetite may precede or follow clinical signs. Rapid pulse and low blood pressure, in addition to a

physical appearance of anemia, may accompany a subjective complaint of shortness of breath and excessive tiredness. Bleeding from the nose, gums, or mucous membranes, and the development of purpuric spots (small bruises) may occur as the condition progresses. Clinical evidence of leukopenia, anemia, and thrombocytopenia, singly or in combination, has been frequently reported among the first signs.

Bone marrow may appear normal, aplastic, or hyperplastic, and may not, in all situations, correlate with peripheral blood forming tissues. Because of variations in the susceptibility to benzene morbidity, there is no "typical" blood picture. The onset of effects of prolonged benzene exposure may be delayed for many months or years after the actual exposure has ceased and identification or correlation with benzene exposure must be sought out in the occupational history.

(4) Treatment of acute toxic effects. Remove from exposure immediately. Make sure you are adequately protected and do not risk being overcome by fumes. Give oxygen or artificial resuscitation if indicated. Flush eyes, wash skin if contaminated and remove all contaminated clothing. Symptoms of intoxication may persist following severe exposures. Recovery from mild exposures is usually rapid and complete.

(5) Surveillance and preventive considerations.

(a) General. The principal effects of benzene exposure which form the basis for this regulation are pathological changes in the hematopoietic system, reflected by changes in the peripheral blood and manifesting clinically as pancytopenia, aplastic anemia, and leukemia. Consequently, the medical surveillance program is designed to observe, on a regular basis, blood indices for early signs of these effects, and although early signs of leukemia are not usually available, emerging diagnostic technology and innovative regimes make consistent surveillance for leukemia, as well as other hematopoietic effects, essential.

Initial examinations are to be provided within sixty days of the effective date of this standard, or at the time of initial assignment, and periodic examinations annually thereafter.

There are special provisions for medical tests in the event of hematologic abnormalities or for emergency situations.

The blood values which require referral to a hematologist or internist are noted in (b)(i) of this subsection. The standard specifies that blood abnormalities that persist must be referred "unless the physician has good reason to believe such referral is unnecessary" ((b)(i) of this subsection). Examples of conditions that could make a referral unnecessary despite abnormal blood limits are iron or folate deficiency, menorrhagia, or blood loss due to some unrelated medical abnormality.

Symptoms and signs of benzene toxicity can be non-specific. Only a detailed history and appropriate investigative procedure will enable a physician to rule out or confirm conditions that place the employee at increased risk. To assist the examining physician with regard to which laboratory tests are necessary and when to refer an employee to the specialist, OSHA has established the following guidelines.

(b) *Hematology guidelines.* A minimum battery of tests is to be performed by strictly standardized methods.

(i) *Red cell, white cell, platelet counts, white blood cell differential, hematocrit and red cell indices* must be performed by an accredited laboratory. The normal ranges for the red cell and white cell counts are influenced by altitude, race, and sex, and therefore should be determined by the accredited laboratory in the specific area where the tests are performed.

Either a decline from an absolute normal or an individual's baseline to a subnormal value or a rise to a supra-normal value, are indicative of potential toxicity, particularly if all blood parameters decline. The normal total white blood count is approximately 7,200/mm³ plus or minus 3,000. For cigarette smokers the white count may be higher and the upper range may be 2,000 cells higher than normal for the laboratory. In addition, infection, allergies and some drugs may raise the white cell count. The normal platelet count is approximately 250,000 with a range of 140,000 to 400,000. Counts outside this range should be regarded as possible evidence of benzene toxicity.

Certain abnormalities found through routine screening are of greater significance in the benzene-exposed worker and require prompt consultation with a specialist, namely:

(A) *Thrombocytopenia.*

(B) A trend of decreasing white cell, red cell, or platelet indices in an individual over time is more worrisome than an isolated abnormal finding at one test time. The importance of trend highlights the need to compare an individual's test results to baseline and/or previous periodic tests.

(C) A constellation or pattern of abnormalities in the different blood indices is of more significance than a single abnormality. A low white count not associated with any abnormalities in other cell indices may be a normal statistical variation, whereas if the low white count is accompanied by decreases in the platelet and/or red cell indices, such a pattern is more likely to be associated with benzene toxicity and merits thorough investigation.

Anemia, leukopenia, macrocytosis or an abnormal differential white blood cell count should alert the physician to further investigate and/or refer the patient if repeat tests confirm the abnormalities. If routine screening detects an abnormality, follow-up tests which may be helpful in establishing the etiology of the abnormality are the peripheral blood smear and the reticulocyte count.

The extreme range of normal for reticulocytes is 0.4 to 2.5 percent of the red cells, the usual range being 0.5 to 1.2 percent of the red cells, but the typical value is in the range of 0.8 to 1.0 percent. A decline in reticulocytes to levels of less than 0.4 percent is to be regarded as possible evidence (unless another specific cause is found) of benzene toxicity requiring accelerated surveillance. An increase in reticulocyte levels to about 2.5 percent may also be consistent with (but is not as characteristic of) benzene toxicity.

(ii) An important diagnostic test is a careful examination of the peripheral blood smear. As with reticulocyte count the smear should be with fresh uncoagulated blood obtained from a needle tip following venipuncture or from a drop of earlobe blood (capillary blood). If necessary, the smear may, under certain limited conditions, be made from a blood sample anticoagulated with EDTA (but never with oxalate or heparin). When the smear is to be prepared from a specimen of venous blood which has been collected by a commercial Vacutainer type tube containing neutral EDTA, the smear should be made as soon as possible after the venesection. A delay of up to twelve hours is permissible between the drawing of the blood specimen into EDTA and the preparation of the smear if the blood is stored at refrigerator (not freezing) temperature.

(iii) The minimum mandatory observations to be made from the smear are:

(A) The differential white blood cell count;

(B) Description of abnormalities in the appearance of red cells; and

(C) Description of any abnormalities in the platelets.

(D) A careful search must be made throughout of every blood smear for immature white cells such as band forms (in more than normal proportion, i.e., over ten percent of the total differential count), any number of metamyelocytes, myelocytes, or myeloblasts. Any nucleate or multinucleated red blood cells should be reported. Large "giant" platelets or fragments of megakaryocytes must be recognized.

An increase in the proportion of band forms among the neutrophilic granulocytes is an abnormality deserving special mention, for it may represent a change which should be considered as an early warning of benzene toxicity in the absence of other causative factors (most commonly infection). Likewise, the appearance of metamyelocytes, in the absence of another probable cause, is to be considered a possible indication of benzene-induced toxicity.

An upward trend in the number of basophils, which normally do not exceed about 2.0 percent of the total white cells, is to be regarded as possible evidence of benzene toxicity. A rise in the eosinophil count is less specific but also may be suspicious of toxicity if it rises above 6.0 percent of the total white count.

The normal range of monocytes is from 2.0 to 8.0 percent of the total white count with an average of about 5.0 percent. About twenty percent of individuals reported to have mild but persisting abnormalities caused by exposure to benzene show a persistent monocytosis. The findings of a monocyte count which persists at more than ten to twelve percent of the normal white cell count (when the total count is normal) or persistence of an absolute monocyte count in excess of 800/mm³ should be regarded as a possible sign of benzene-induced toxicity.

A less frequent but more serious indication of benzene toxicity is the finding in the peripheral blood of the so-called "pseudo" (or acquired) Pelger-Huet anomaly. In this anomaly many, or sometimes the majority, of the neutrophilic granulocytes possess two round nuclear segments—less often one or three round segments—rather

than three normally elongated segments. When this anomaly is not hereditary, it is often but not invariably predictive of subsequent leukemia. However, only about two percent of patients who ultimately develop acute myelogenous leukemia show the acquired Pelger-Huet anomaly. Other tests that can be administered to investigate blood abnormalities are discussed below; however, such procedures should be undertaken by the hematologist.

An uncommon sign, which cannot be detected from the smear, but can be elicited by a "sucrose water test" of peripheral blood, is transient paroxysmal nocturnal hemoglobinuria (PNH), which may first occur insidiously during a period of established aplastic anemia, and may be followed within one to a few years by the appearance of rapidly fatal acute myelogenous leukemia. Clinical detection of PNH, which occurs in only one or two percent of those destined to have acute myelogenous leukemia, may be difficult; if the "sucrose water test" is positive, the somewhat more definitive Ham test, also known as the acid-serum hemolysis test, may provide confirmation.

(E) Individuals documented to have developed acute myelogenous leukemia years after initial exposure to benzene may have progressed through a preliminary phase of hematologic abnormality. In some instances pancytopenia (i.e., a lowering in the counts of all circulating blood cells of bone marrow origin, but not to the extent implied by the term "aplastic anemia") preceded leukemia for many years. Depression of a single blood cell type or platelets may represent a harbinger of aplasia or leukemia. The finding of two or more cytopenias, or pancytopenia in a benzene-exposed individual, must be regarded as highly suspicious of more advanced although still reversible, toxicity. "Pancytopenia" coupled with the appearance of immature cells (myelocytes, myeloblasts, erythroblasts, etc.), with abnormal cells (pseudo Pelger-Huet anomaly, atypical nuclear heterochromatin, etc.), or unexplained elevations of white blood cells must be regarded as evidence of benzene overexposure unless proved otherwise. Many severely aplastic patients manifested the ominous finding of five to ten percent myeloblasts in the marrow, occasional myeloblasts and myelocytes in the blood and twenty to thirty monocytes. It is evident that isolated cytopenias, pancytopenias, and even aplastic anemias induced by benzene may be reversible and complete recovery has been reported on cessation of exposure. However, since any of these abnormalities is serious, the employee must immediately be removed from any possible exposure to benzene vapor. Certain tests may substantiate the employee's prospects for progression or regression. One such test would be an examination of the bone marrow, but the decision to perform a bone marrow aspiration or needle biopsy is made by the hematologist.

The findings of basophilic stippling in circulating red blood cells (usually found in one to five percent of red cells following marrow injury), and detection in the bone marrow of what are termed "ringed sideroblasts" must be taken seriously, as they have been noted in recent years to be premonitory signs of subsequent leukemia.

Recently peroxidase-staining of circulating or marrow neutrophil granulocytes, employing benzidine dihydrochloride, have revealed the disappearance of, or diminution in, peroxidase in a sizable proportion of the granulocytes, and this has been reported as an early sign of leukemia. However, relatively few patients have been studied to date. Granulocyte granules are normally strongly peroxidase positive. A steady decline in leukocyte alkaline phosphatase has also been reported as suggestive of early acute leukemia. Exposure to benzene may cause an early rise in serum iron, often but not always associated with a fall in the reticulocyte count. Thus, serial measurements of serum iron levels may provide a means of determining whether or not there is a trend representing sustained suppression of erythropoiesis.

Measurement of serum iron, determination of peroxidase and of alkaline phosphatase activity in peripheral granulocytes can be performed in most pathology laboratories. Peroxidase and alkaline phosphatase staining are usually undertaken when the index of suspicion for leukemia is high.

NEW SECTION

WAC 296-62-07531 APPENDIX D SAMPLING AND ANALYTICAL METHODS FOR BENZENE MONITORING AND MEASUREMENT PROCEDURES. Measurements taken for the purpose of determining employee exposure to benzene are best taken so that the representative average eight-hour exposure may be determined from a single eight-hour sample or two four-hour samples. Short-time interval samples (or grab samples) may also be used to determine average exposure level if a minimum of five measurements are taken in a random manner over the eight-hour work shift. Random sampling means that any portion of the work shift has the same chance of being sampled as any other. The arithmetic average of all such random samples taken on one work shift is an estimate of an employee's average level of exposure for that work shift. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analysis must be performed with procedures meeting the requirements of the standard.

There are a number of methods available for monitoring employee exposures to benzene. The sampling and analysis may be performed by collection of the benzene vapor on charcoal adsorption tubes, with subsequent chemical analysis by gas chromatography. Sampling and analysis may also be performed by portable direct reading instruments, real-time continuous monitoring systems, passive dosimeters or other suitable methods. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his unique field conditions. The standard requires that the method of monitoring must have an accuracy, to a ninety-five percent confidence level, of not less than plus or minus twenty-five percent for concentrations of benzene greater than or equal to 0.5 ppm.

The WISHA laboratory uses NIOSH Method 1500 for evaluation of benzene air concentrations.

(1) WISHA method HYDCB for air samples.

Analyte: Benzene.

Matrix: Air.

Procedure: Adsorption on charcoal, desorption with carbon disulfide, analysis by GC.

Detection limit: 0.25 ppm.

Recommended air volume and sampling rate: 10L at 0.05 to 0.2 L/min.

(a) Principle of the method.

(i) A known volume of air is drawn through a charcoal tube to trap the organic vapors present.

(ii) The charcoal in the tube is transferred to a small, stoppered vial, and the analyte is desorbed with carbon disulfide.

(iii) An aliquot of the desorbed sample is injected into a gas chromatograph.

(iv) The area of the resulting peak is determined and compared with areas obtained from standards.

(b) Advantages and disadvantages of the method.

(i) The sampling device is small, portable, and involves no liquids. Interferences are minimal, and most of those which do occur can be eliminated by altering chromatographic conditions. The samples are analyzed by means of a quick, instrumental method.

(ii) The amount of sample which can be taken is limited by the number of milligrams that the tube will hold before overloading. When the sample value obtained for the backup section of the charcoal tube exceeds twenty-five percent of that found on the front section, the possibility of sample loss exists.

(c) Apparatus.

(i) A calibrated personal sampling pump whose flow can be determined within ± 5 percent at the recommended flow rate.

(ii) Charcoal tubes: Glass with both ends flame sealed, 7 cm long with a 6-mm O.D. and a 4-mm I.D., containing two sections of 20/40 mesh activated charcoal separated by a 2-mm portion of urethane foam. The activated charcoal is prepared from coconut shells and is obtained commercially. The adsorbing section contains 100 mg of charcoal, the back-up section 50 mg. A 3-mm portion of urethane foam is placed between the outlet end of the tube and the back-up section. A plug of silanized glass wool is placed in front of the adsorbing section. The pressure drop across the tube must be less than one inch of mercury at a flow rate of one liter per minute.

(iii) Gas chromatograph equipped with a flame ionization detector.

(iv) Column (10-ft 1/8-in stainless steel) packed with 80/100 Supelcoport coated with twenty percent SP 2100, 0.1 percent CW 1500.

(v) An electronic integrator or some other suitable method for measuring peak area.

(vi) Two-milliliter sample vials with Teflon-lined caps.

(vii) Microliter syringes: 10-microliter 10-uL syringe, and other convenient sizes for making standards, 1-uL syringe for sample injections.

(viii) Pipets: 1.0 mL delivery pipets.

(ix) Volumetric flasks: Convenient sizes for making standard solutions.

(d) Reagents.

(i) Chromatographic quality carbon disulfide (CS₂). Most commercially available carbon disulfide contains a trace of benzene which must be removed. It can be removed with the following procedure:

Heat under reflux for two to three hours, 500 mL of carbon disulfide, 10 mL concentrated sulfuric acid, and five drops of concentrated nitric acid. The benzene is converted to nitrobenzene. The carbon disulfide layer is removed, dried with anhydrous sodium sulfate, and distilled. The recovered carbon disulfide should be benzene free. (It has recently been determined that benzene can also be removed by passing the carbon disulfide through 13x molecular sieve.)

(ii) Benzene, reagent grade.

(iii) p-Cymene, reagent grade, (internal standard).

(iv) Desorbing reagent. The desorbing reagent is prepared by adding 0.05 mL of p-Cymene per milliliter of carbon disulfide. (The internal standard offers a convenient means correcting analytical response for slight inconsistencies in the size of sample injections. If the external standard technique is preferred, the internal standard can be eliminated.)

(v) Purified GC grade helium, hydrogen, and air.

(e) Procedure.

(i) Cleaning of equipment. All glassware used for the laboratory analysis should be properly cleaned and free of organics which could interfere in the analysis.

(ii) Calibration of personal pumps. Each pump must be calibrated with a representative charcoal tube in the line.

(iii) Collection and shipping of samples.

(A) Immediately before sampling, break the ends of the tube to provide an opening at least one-half the internal diameter of the tube (2 mm).

(B) The smaller section of the charcoal is used as the backup and should be placed nearest the sampling pump.

(C) The charcoal tube should be placed in a vertical position during sampling to minimize channeling through the charcoal.

(D) Air being sampled should not be passed through any hose or tubing before entering the charcoal tube.

(E) A sample size of ten liters is recommended. Sample at a flow rate of approximately 0.05 to 0.2 liters per minute. The flow rate should be known with an accuracy of at least ± 5 percent.

(F) The charcoal tubes should be capped with the supplied plastic caps immediately after sampling.

(G) Submit at least one blank tube (a charcoal tube subjected to the same handling procedures, without having any air drawn through it) with each set of samples. Take necessary shipping and packing precautions to minimize breakage of samples.

(iv) Analysis of samples.

(A) Preparation of samples. In preparation for analysis, each charcoal tube is scored with a file in front of the first section of charcoal and broken open. The glass wool is removed and discarded. The charcoal in the first (larger) section is transferred to a 2-ml vial. The separating section of foam is removed and discarded; the

second section is transferred to another capped vial. These two sections are analyzed separately.

(B) Desorption of samples. Prior to analysis, 1.0 mL of desorbing solution is pipetted into each sample container. The desorbing solution consists of 0.05 uL internal standard per mL of carbon disulfide. The sample vials are capped as soon as the solvent is added. Desorption should be done for thirty minutes with occasional shaking.

(C) GC conditions. Typical operating conditions for the gas chromatograph are:

- (I) mL/min (60 psig) helium carrier gas flow.
- (II) mL/min (40 psig) hydrogen gas flow to detector.
- (III) mL/min (40 psig) air flow to detector.
- (IV) 250°C injector temperature.
- (V) 250°C detector temperature.
- (VI) Column temperature variable.
- (D) Injection size. 1 µL.

(D) Measurement of area. The peak areas are measured by an electronic integrator or some other suitable form of area measurement.

(F) An internal standard procedure is used. The integrator is calibrated to report results in ppm for a ten liter air sample after correction for desorption efficiency.

(v) Determination of desorption efficiency.

(A) Importance of determination. The desorption efficiency of a particular compound can vary from one laboratory to another and from one lot of chemical to another. Thus, it is necessary to determine, at least once, the percentage of the specific compound that is removed in the desorption process, provided the same batch of charcoal is used.

(B) Procedure for determining desorption efficiency. The reference portion of the charcoal tube is removed. To the remaining portion, amounts representing 0.5X, 1X, and 2X and (X represents target concentration) based on a 10 L air sample are injected into several tubes at each level. Dilutions of benzene with carbon disulfide are made to allow injection of measurable quantities. These tubes are then allowed to equilibrate at least overnight. Following equilibration they are analyzed following the same procedure as the samples. Desorption efficiency is determined by dividing the amount of benzene found by amount spiked on the tube.

(f) Calibration and standards. A series of standards varying in concentration over the range of interest is prepared and analyzed under the same GC conditions that will be used on the samples. A calibration curve is prepared by plotting concentration (mg/mL) versus peak area.

(g) Calculations. Benzene air concentration can be calculated from the following equation:

$$\text{mg/m}^3 = (A)(B)/(C)(D)$$

Where: A=mg/mL benzene, obtained from the calibration curve

B=desorption volume (1 mL)

C=Liters of air sampled

D=desorption efficiency

The concentration in mg/m³ can be converted to ppm (at 25 and 760 mm) with the following equation:

$$\text{ppm} = (\text{mg/m}^3)(24.46)/(78.11)$$

Where: 24.46=molar volume of an ideal gas 25 C and 760 mm

78.11=molecular weight of benzene

(h) Backup data.

(i) Detection limit-air samples.

The detection limit for the analytical procedure is 2.2 mg with a coefficient of variation of 0.023 at this level. This would be equivalent to an air concentration of 0.25 ppm for a 10 L air sample. This amount provided a chromatographic peak that could be identifiable in the presence of possible interferences. The detection limit data were obtained by making 1 uL injections of a 2.2 mg/mL standard.

Injection	Area Count	
1	655.4	$\bar{X} = 640.2$ $SD = 14.9$ $CV = 0.023$
2	617.5	
3	662.0	
4	641.1	
5	636.4	
6	629.2	

(ii) Pooled coefficient of variation-Air Samples. The pooled coefficient of variation for the analytical procedure was determined by 1 uL replicate injections of analytical standards. The standards were 16.04, 32.08, and 64.16 ug/mL, which are equivalent to 0.5, 1.0, and 2.0 ppm for a 10 L air sample respectively.

Injection	Area Counts		
	0.5 ppm	1.0 ppm	2.0 ppm
1	3996.5	8130.2	16481
2	4059.4	8235.6	16493
3	4052.0	8307.9	16535
4	4027.2	8263.2	16609
5	4046.8	8291.1	16552
6	4137.9	8288.8	16618
$\bar{X} =$	4053.3	8254.0	16548.3
SD=	47.2	62.5	57.1
CV=	0.0116	0.0076	0.0034
$CV = 0.008$			

(iii) Storage data-air samples.

Samples were generated at 1.03 ppm benzene at eighty percent relative humidity, 22 C, and 643 mm. All samples were taken for fifty minutes at 0.2 L/min. Six samples were analyzed immediately and the rest of the samples were divided into two groups by fifteen samples each. One group was stored at refrigerated temperature of -25 C, and the other group was stored at ambient temperature (approximately 23 C). These samples were analyzed over a period of fifteen days. The results are tabulated below.

PERCENT RECOVERY

Day Analyzed	Refrigerated			Ambient		
0	97.4	98.7	98.9	97.4	98.7	98.9
0	97.1	100.6	100.9	97.1	100.6	100.9
2	95.8	96.4	95.4	95.4	96.6	96.9
5	93.9	93.7	92.4	92.4	94.3	94.1
9	93.6	95.5	94.6	95.2	95.6	96.6
13	94.3	95.3	93.7	91.0	95.0	94.6
15	96.8	95.8	94.2	92.9	96.3	95.9

(iv) Description data.

Samples were prepared by injecting liquid benzene onto the A section of charcoal tubes. Samples were prepared that would be equivalent to 0.5, 1.0, and 2.0 ppm for a 10 L air sample.

PERCENT RECOVERY

Sample	Recovery		
	0.5 ppm	1.0 ppm	2.0 ppm
1	99.4	98.8	99.5
2	99.5	98.7	99.7
3	99.2	98.6	99.8
4	99.4	99.1	100.0
5	99.2	99.0	99.7
6	99.8	99.1	99.9
\bar{x}	99.4	98.9	99.8
SD=	0.22	0.21	0.18
CV=	0.0022	0.0021	0.0018
\bar{x} = 99.4			

(v) Carbon disulfide.

Carbon disulfide from a number of sources was analyzed for benzene contamination. The results are given in the following table. The benzene contaminant can be removed with the procedures given in section 4.1.

SAMPLE	ug Benzene/mL	ppm equivalent (for 10 L air sample)
Aldrich Lot 83017	4.20	0.13
Baker Lot 720364	1.0†	0.03
Baker Lot 822351	1.0†	0.03
Malinkrodt Lot WEMP	1.74	0.05
Malinkrodt Lot WHGA	5.65	0.18
Treated CS ₂	2.90	0.09

(2) WISHA laboratory method for bulk samples.

Analyte: Benzene.

Matrix: Bulk samples.

Procedure: Bulk samples are analyzed directly by high performance liquid chromatography (HPLC) or by capillary gas chromatography. See laboratory manual for GC procedure.

Detection limits: 0.01% by volume.

(a) Principle of the method.

(i) An aliquot of the bulk sample to be analyzed is injected into a liquid chromatograph or gas chromatograph.

(ii) The peak area for benzene is determined and compared to areas obtained from standards.

(b) Advantages and disadvantages of the method.

(i) The analytical procedure is quick, sensitive, and reproducible.

(ii) Reanalysis of samples is possible.

(iii) Interferences can be circumvented by proper selection of HPLC parameters or GC parameters.

(iv) Samples must be free of any particulates that may clog the capillary tubing in the liquid chromatograph. This may require distilling the sample or clarifying with a clarification kit.

(c) Apparatus.

(i) Liquid chromatograph equipped with a UV detector or capillary gas chromatograph with FID detector.

(ii) HPLC column that will separate benzene from other components in the bulk sample being analyzed. The column used for validation studies was a Waters uBondapak C18, 30 cm x 3.9 mm.

(iii) A clarification kit to remove any particulates in the bulk if necessary.

(iv) A micro-distillation apparatus to distill any samples if necessary.

(v) An electronic integrator or some other suitable method of measuring peak areas.

(vi) Microliter syringes—10 uL syringe and other convenient sizes for making standards. 10 uL syringe for sample injections.

(vii) Volumetric flasks, 5 mL and other convenient sizes for preparing standards and making dilutions.

(d) Reagents.

(i) Benzene, reagent grade.

(ii) HPLC grade water, methyl alcohol, and isopropyl alcohol.

(e) Collection and shipment of samples.

(i) Samples should be transported in glass containers with Teflon-lined caps.

(ii) Samples should not be put in the same container used for air samples.

(f) Analysis of samples.

(i) Sample preparation.

If necessary, the samples are distilled or clarified. Samples are analyzed undiluted. If the benzene concentration is out of the working range, suitable dilutions are made with isopropyl alcohol.

(ii) HPLC conditions.

The typical operating conditions for the high performance liquid chromatograph are:

(A) Mobile phase—Methyl alcohol/water, 50/50.

(B) Analytical wavelength—254 nm.

(C) Injection size—10 uL.

(iii) Measurement of peak area and calibration.

Peak areas are measured by an integrator or other suitable means. The integrator is calibrated to report results % in benzene by volume.

(g) Calculations.

Since the integrator is programmed to report results in % benzene by volume in an undiluted sample, the following equation is used:

$$\% \text{ Benzene by Volume} = A \times B$$

Where: A=% by volume on report

B=Dilution Factor

(B=1 for undiluted sample)

(h) Backup data.

(i) Detection limit—bulk samples.

The detection limit for the analytical procedure for bulk samples is 0.88 ug, with a coefficient or variation of 0.019 at this level. This amount provided a chromatographic peak that could be identifiable in the presence of possible interferences. The detection limit data were obtained by making 10 uL injections of a 0.10% by volume standard.

1	45386	\bar{X} = 44040.1 SD = 852.5 CV = 0.019
2	44214	
3	43822	
4	44062	
5	44006	
6	42724	

(ii) Pooled coefficient of variation—bulk samples.

The pooled coefficient of variation for analytical procedure was determined by 50 uL replicate injections of analytical standards. The standards were 0.01, 0.02, 0.04, 0.10, 1.0, and 2.0% benzene by volume.

Injection No.	0.01	0.02	0.04	0.10	1.0	2.0
1	45386	84737	166097	448497	4395380	9339150
2	44241	84300	170832	441299	4590800	9484900
3	43822	83835	164160	443719	4593200	9557580
4	44062	84381	164445	444842	4642350	9677060
5	44006	83012	168398	442564	4646430	9766240
6	42724	81957	173002	443975	4646260
\bar{X} =	44040.1	83703.6	167872	444149	4585767	9564986
SD=	852.5	1042.2	3589.8	2459.1	96839.3	166233
CV=	0.0194	0.0125	0.0213	0.0055	0.0211	0.0174
\bar{CV} =	0.017					

NEW SECTION

WAC 296-62-07533 APPENDIX E QUALITATIVE AND QUANTITATIVE FIT TESTING PROCEDURES. Fit test protocols.

(1) The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT).

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask; or three sizes of full facepiece; and units from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the

most comfortable fit. Each respirator represents a different size and shape, and if fitted and used properly, will provide adequate protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

- (i) Position of the mask on the nose;
- (ii) Room for eye protection;
- (iii) Room to talk; and
- (iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

- (i) Chin properly placed;
- (ii) Adequate strap tension, not overly tightened;
- (iii) Fit across nose bridge;
- (iv) Respirator of proper size to span distance from nose to chin;
- (v) Tendency of respirator to slip; and
- (vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or ANSI Z88.2-1980. Before conducting the negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side-to-side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) Positive pressure test. Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) Negative pressure test. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any

type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall certify that a successful fit test has been administered to the employee. The certification shall include the following information:

- (i) Name of employee;
- (ii) Type, brand, and size of respirator, and
- (iii) Date of test.

Where QNFT is used, the fit factor, strip chart, or other recording of the results of the test, shall be retained with the certification. The certification shall be maintained until the next fit test is administered.

(m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure. The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.

(n) Test exercises. The test subject shall perform exercises, in the test environment, in the manner described below:

(i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.

(ii) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.

(iii) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.

(iv) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) Talking. The subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.

(vi) Grimace. The test subject shall grimace by smiling or frowning.

(vii) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) Normal breathing. Same as exercise in (n)(i) of this subsection.

Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds.

The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(2) Qualitative fit test (QLFT) protocols.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that test equipment is in proper working order.

(iii) The employer shall assure that QLFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Isoamyl acetate protocol.

(i) Odor threshold screening.

The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately twenty-five degrees C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clean dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off, and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two test jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contains a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half and wetted with 0.75 cc of pure IAA. The test subject shall hand the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises; or to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the test has failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to

the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Saccharin solution aerosol protocol. The saccharin solution aerosol QLFT protocol is the only currently available, validated test protocol for use with particulate disposable dust respirators not equipped with high-efficiency filters. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) Threshold screening as well as fit testing subjects shall wear an enclosure about the head and shoulders that is approximately twelve inches in diameter by fourteen inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts NZ FT 14 and NZ FT 15 combined, is adequate.

(B) The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 1 cc of warm water. It can be prepared by putting 1 cc of the fit test solution (see (b)(ii)(E) of this subsection) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after thirty squeezes (subitem (J)), the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for fifteen minutes before the test.

(B) The fit test uses the same enclosure described in (c)(i) of this subsection.

(C) The test subject shall don the enclosure while wearing the respirator selected in (c)(i) of this subsection. The respirator shall be properly adjusted and equipped with a particulate filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding eighty-three grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in subsection (1)(h) of this section.

(I) Every thirty seconds the aerosol concentration shall be replenished using one-half the number of squeezes as initially.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(d) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver two hundred milliliters per minute.

(iv) Advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) "Quantitative fit test." The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agent is a gas or vapor.

(ii) "Challenge agent" means the aerosol, gas, or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) "Test subject" means the person wearing the respirator for quantitative fit testing.

(iv) "Normal standing position" means standing erect and straight with arms down along the sides and looking straight ahead.

(v) "Maximum peak penetration method" means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) "Average peak penetration method" means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ratio of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus.

(i) *Instrumentation.* Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) *Test chamber.* The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) *Procedural requirements.*

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonably stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and at the end of the test.

(C) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration; or

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

NEW SECTION

WAC 296-62-07540 FORMALDEHYDE. (1) Scope and application. This standard applies to all occupational exposures to formaldehyde, i.e., from formaldehyde gas, its solutions, and materials that release formaldehyde.

(2) Definitions. For purposes of this standard, the following definitions shall apply:

(a) "Action level" means a concentration of 0.5 part formaldehyde per million parts of air (0.5 ppm) calculated as an 8-hour time-weighted average (TWA) concentration.

(b) "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 provision of WAC 296-24-006 shall apply.

(c) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the job site.

(d) "Director" means the director of the department of labor and industries, or his designated representative.

(e) "Emergency" is any occurrence, such as but not limited to equipment failure, rupture of containers, or failure of control equipment that results in an uncontrolled release of a significant amount of formaldehyde.

(f) "Employee exposure" means the exposure to airborne formaldehyde which would occur without corrections for protection provided by any respirator that is in use.

(g) "Formaldehyde" means the chemical substance, HCHO, Chemical Abstracts Service Registry No. 50-00-0.

(3) Permissible exposure limit (PEL).

(a) TWA: The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds one part formaldehyde per million parts of air (1 ppm) as an 8-hour TWA.

(b) Short term exposure limit (STEL): The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds two parts formaldehyde per million parts of air (2 ppm) as a fifteen-minute STEL.

(4) Exposure monitoring.

(a) General.

(i) Each employer who has a workplace covered by this standard shall monitor employees to determine their exposure to formaldehyde.

(ii) Exceptions.

(A) The employer need not initiate exposure monitoring unless there is a formaldehyde hazard as defined in subsection (13) of this section or there are employee health complaints possibly associated with formaldehyde exposure.

(B) Where the employer documents, using objective data, that the presence of formaldehyde or formaldehyde-releasing products in the workplace cannot result in airborne concentrations of formaldehyde that would cause any employee to be exposed at or above the action level or the STEL under foreseeable conditions of use, the employer will not be required to measure employee exposure to formaldehyde unless there are employee health complaints possibly associated with formaldehyde exposure.

(iii) When an employee's exposure is determined from representative sampling, the measurements used shall be representative of the employee's full shift or short-term exposure to formaldehyde, as appropriate.

(iv) Representative samples for each job classification in each work area shall be taken for each shift unless the employer can document with objective data that exposure levels for a given job classification are equivalent for different workshifts.

(b) Initial monitoring. The employer shall identify all employees who may be exposed at or above the action level or at or above the STEL and accurately determine the exposure of each employee so identified.

(i) Unless the employer chooses to measure the exposure of each employee potentially exposed to formaldehyde, the employer shall develop a representative sampling strategy and measure sufficient exposures within each job classification for each workshift to correctly characterize and not underestimate the exposure of any employee within each exposure group.

(ii) The initial monitoring process shall be repeated each time there is a change in production, equipment, process, personnel, or control measures which may result in new or additional exposure to formaldehyde.

(c) Periodic monitoring.

(i) The employer shall periodically measure and accurately determine exposure to formaldehyde for employees shown by the initial monitoring to be exposed at or above the action level or at or above the STEL.

(ii) If the last monitoring results reveal employee exposure at or above the action level, the employer shall repeat monitoring of the employees at least every six months.

(iii) If the last monitoring results reveal employee exposure at or above the STEL, the employer shall repeat monitoring of the employees at least once a year under worst conditions.

(d) Termination of monitoring. The employer may discontinue periodic monitoring for employees if results from two consecutive sampling periods taken at least seven days apart show that employee exposure is below the action level and the STEL. The results must be statistically representative and consistent with the employer's knowledge of the job and work operation.

(e) Accuracy of monitoring. Monitoring shall be accurate, at the ninety-five percent confidence level, to within plus or minus twenty-five percent for airborne

concentrations of formaldehyde at the TWA and the STEL and to within plus or minus thirty-five percent for airborne concentrations of formaldehyde at the action level.

(f) Employee notification of monitoring results. Within fifteen days of receiving the results of exposure monitoring conducted under this standard, the employer shall notify the affected employees of these results. Notification shall be in writing, either by distributing copies of the results to the employees or by posting the results. If the employee exposure is over either PEL, the employer shall develop and implement a written plan to reduce employee exposure to or below both PELs, and give written notice to employees. The written notice shall contain a description of the corrective action being taken by the employer to decrease exposure.

(g) Observation of monitoring.

(i) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to formaldehyde required by this standard.

(ii) When observation of the monitoring of employee exposure to formaldehyde requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the clothing and equipment to the observer, require the observer to use such clothing and equipment, and assure that the observer complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish regulated areas where the concentration of airborne formaldehyde exceeds either the TWA or the STEL and post all entrances and accessways with signs bearing the following information:

DANGER
FORMALDEHYDE
IRRITANT AND POTENTIAL CANCER HAZARD
AUTHORIZED PERSONNEL ONLY

(b) The employer shall limit access to regulated areas to authorized persons who have been trained to recognize the hazards of formaldehyde.

(c) An employer at a multi-employer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite.

(6) Methods of compliance.

(a) Engineering controls and work practices. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to formaldehyde at or below the TWA and the STEL.

(b) Exception. Whenever the employer has established that feasible engineering and work practice controls cannot reduce employee exposure to or below either of the PELs, the employer shall apply these controls to reduce employee exposures to the extent feasible and shall supplement them with respirators which satisfy this standard.

(7) Respiratory protection.

(a) General. Where respiratory protection is required, the employer shall provide the respirators at no cost to

the employee and shall assure that they are properly used. The respirators shall comply with the requirements of this standard and shall reduce the concentration of formaldehyde inhaled by the employee to at or below both the TWA and the STEL. Respirators shall be used in the following circumstances:

(i) During the interval necessary to install or implement feasible engineering and work practice controls;

(ii) In work operations, such as maintenance and repair activities or vessel cleaning, for which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the PELs; and

(iv) In emergencies.

(b) Respirator selection.

(i) The appropriate respirators as specified in Table 1 shall be selected from those approved by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(ii) The employer shall make available a powered air-purifying respirator, meeting the specifications in Table 1, to any employee who experiences difficulty wearing a negative-pressure respirator to reduce exposure to formaldehyde.

(c) Respirator usage.

(i) Whenever respirator use is required by this standard, the employer shall institute a respiratory protection program in accordance with WAC 296-62-07109, 296-62-07111, 296-62-07115, and 296-62-07117.

(ii) The employer shall perform either quantitative or qualitative face fit tests in accordance with the procedures outlined in Appendix E at the time of initial fitting and at least annually thereafter for all employees required by this standard to wear negative-pressure respirators.

(A) Respirators selected shall be from those exhibiting the best facepiece fit.

(B) No respirator shall be chosen that would potentially permit the employee to inhale formaldehyde at concentrations in excess of either the TWA or the STEL.

TABLE 1
MINIMUM REQUIREMENTS FOR RESPIRATORY
PROTECTION AGAINST FORMALDEHYDE

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
Up to 10 ppm.....	Full facepiece with cartridges or canisters specifically approved for protection against formaldehyde ² .
Up to 100 ppm.....	Full-face mask, chest or back mounted type, with industrial size canister specifically approved for protection against formaldehyde.
	Type C supplied-air respirator, demand type, with full facepiece, hood, or helmet.

**TABLE 1
MINIMUM REQUIREMENTS FOR RESPIRATORY
PROTECTION AGAINST FORMALDEHYDE**

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
Above 100 ppm or unknown (emergencies).....	Self-contained breathing apparatus (SCBA) with positive-pressure full facepiece. Combination supplied-air, full facepiece positive-pressure respirator with auxiliary self-contained air supply.
Firefighting.....	SCBA with positive-pressure in full facepiece.
Escape.....	SCBA in demand or pressure demand mode. Full-face mask, front or back mounted type with industrial size canister specifically approved for protection against formaldehyde.

¹ Respirators specified for use at higher concentrations may be used at lower concentrations.

² A half-mask respirator with cartridges specifically approved for protection against formaldehyde can be substituted for the full facepiece respirator providing that effective gas-proof goggles are provided and used in combination with the half-mask respirator.

(iii) Where air purifying chemical cartridge respirators are used, the cartridges shall be replaced after three hours of use or at the end of the workshift, whichever is sooner unless the cartridge contains a NIOSH-approved end-of-service indicator to show when breakthrough occurs.

(iv) Unless the canister contains a NIOSH-approved end-of-service life indicator to show when breakthrough occurs, canisters used in atmospheres up to 10 ppm shall be replaced every four hours and industrial sized canisters used in atmospheres up to 100 ppm shall be replaced every two hours or at the end of the workshift, whichever is sooner.

(v) Employers shall permit employees to leave the work area to wash their faces and respirator facepieces as needed to prevent skin irritation from respirator use.

(8) Protective equipment and clothing. Employers shall comply with the provisions of WAC 296-24-07501 and 296-24-078. When protective equipment or clothing is provided under these provisions, the employer shall provide these protective devices at no cost to the employee and assure that the employee wears them.

(a) Selection. The employer shall select protective clothing and equipment based upon the form of formaldehyde to be encountered, the conditions of use, and the hazard to be prevented.

(i) All contact of the eyes and skin with liquids containing one percent or more formaldehyde shall be prevented by the use of chemical protective clothing made of material impervious to formaldehyde and the use of other personal protective equipment, such as goggles and face shields, as appropriate to the operation.

(ii) Contact with irritating or sensitizing materials shall be prevented to the extent necessary to eliminate the hazard.

(iii) Where a face shield is worn, chemical safety goggles are also required if there is a danger of formaldehyde reaching the area of the eye.

(iv) Full body protection shall be worn for entry into areas where concentrations exceed 100 ppm and for emergency reentry into areas of unknown concentration.

(b) Maintenance of protective equipment and clothing.

(i) The employer shall assure that protective equipment and clothing that has become contaminated with formaldehyde is cleaned or laundered before its reuse.

(ii) When ventilating formaldehyde-contaminated clothing and equipment, the employer shall establish a storage area so that employee exposure is minimized. Containers for contaminated clothing and equipment and storage areas shall have labels and signs containing the following information:

**DANGER
FORMALDEHYDE-CONTAMINATED (CLOTHING)
EQUIPMENT
AVOID INHALATION AND SKIN CONTACT**

(iii) The employer shall assure that only persons trained to recognize the hazards of formaldehyde remove the contaminated material from the storage area for purposes of cleaning, laundering, or disposal.

(iv) The employer shall assure that no employee takes home equipment or clothing that is contaminated with formaldehyde.

(v) The employer shall repair or replace all required protective clothing and equipment for each affected employee as necessary to assure its effectiveness.

(vi) The employer shall inform any person who launders, cleans, or repairs such clothing or equipment of formaldehyde's potentially harmful effects and of procedures to safely handle the clothing and equipment.

(9) Hygiene protection.

(a) The employer shall provide change rooms, as described in WAC 296-24-120 for employees who are required to change from work clothing into protective clothing to prevent skin contact with formaldehyde.

(b) If employees' skin may become splashed with solutions containing one percent or greater formaldehyde, for example because of equipment failure or improper work practices, the employer shall provide conveniently located quick drench showers and assure that affected employees use these facilities immediately.

(c) If there is any possibility that an employee's eyes may be splashed with solutions containing 0.1 percent or greater formaldehyde, the employer shall provide acceptable eyewash facilities within the immediate work area for emergency use.

(10) Housekeeping. For operations involving formaldehyde liquids or gas, the employer shall conduct a program to detect leaks and spills, including regular visual inspections.

(a) Preventative maintenance of equipment, including surveys for leaks, shall be undertaken at regular intervals.

(b) In work areas where spillage may occur, the employer shall make provisions to contain the spill, to decontaminate the work area, and to dispose of the waste.

(c) The employer shall assure that all leaks are repaired and spills are cleaned promptly by employees wearing suitable protective equipment and trained in proper methods for cleanup and decontamination.

(d) Formaldehyde-contaminated waste and debris resulting from leaks or spills shall be placed for disposal in sealed containers bearing a label warning of formaldehyde's presence and of the hazards associated with formaldehyde.

(11) Emergencies. For each workplace where there is the possibility of an emergency involving formaldehyde, the employer shall assure appropriate procedures are adopted to minimize injury and loss of life. Appropriate procedures shall be implemented in the event of an emergency.

(12) Medical surveillance.

(a) Employees covered.

(i) The employer shall institute medical surveillance programs for all employees exposed to formaldehyde at concentrations at or exceeding the action level or exceeding the STEL.

(ii) The employer shall make medical surveillance available for employees who develop signs and symptoms of overexposure to formaldehyde and for all employees exposed to formaldehyde in emergencies. When determining whether an employee may be experiencing signs and symptoms of possible overexposure to formaldehyde, the employer may rely on the evidence that signs and symptoms associated with formaldehyde exposure will occur only in exceptional circumstances when airborne exposure is less than 0.1 ppm and when formaldehyde is present in materials in concentrations less than 0.1 percent.

(b) Examination by a physician. All medical procedures, including administration of medical disease questionnaires, shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(c) Medical disease questionnaire. The employer shall make the following medical surveillance available to employees prior to assignment to a job where formaldehyde exposure is at or above the action level or above the STEL and annually thereafter. The employer shall also make the following medical surveillance available promptly upon determining that an employee is experiencing signs and symptoms indicative of possible overexposure to formaldehyde.

(i) Administration of a medical disease questionnaire, such as in Appendix D, which is designed to elicit information on work history, smoking history, any evidence of eye, nose, or throat irritation; chronic airway problems or hyperreactive airway disease; allergic skin conditions or dermatitis; and upper or lower respiratory problems.

(ii) A determination by the physician, based on evaluation of the medical disease questionnaire, of whether a

medical examination is necessary for employees not required to wear respirators to reduce exposure to formaldehyde.

(d) Medical examinations. Medical examinations shall be given to any employee who the physician feels, based on information in the medical disease questionnaire, may be at increased risk from exposure to formaldehyde and at the time of initial assignment and at least annually thereafter to all employees required to wear a respirator to reduce exposure to formaldehyde. The medical examination shall include:

(i) A physical examination with emphasis on evidence of irritation or sensitization of the skin and respiratory system, shortness of breath, or irritation of the eyes.

(ii) Laboratory examinations for respirator wearers consisting of baseline and annual pulmonary function tests. As a minimum, these tests shall consist of forced vital capacity (FVC), forced expiratory volume in one second (FEV1), and forced expiratory flow (FEF).

(iii) Any other test which the examining physician deems necessary to complete the written opinion.

(iv) Counseling of employees having medical conditions that would be directly or indirectly aggravated by exposure to formaldehyde on the increased risk of impairment of their health.

(e) Examinations for employees exposed in an emergency. The employer shall make medical examinations available as soon as possible to all employees who have been exposed to formaldehyde in an emergency.

(i) The examination shall include a medical and work history with emphasis on any evidence of upper or lower respiratory problems, allergic conditions, skin reaction or hypersensitivity, and any evidence of eye, nose, or throat irritation.

(ii) Other examinations shall consist of those elements considered appropriate by the examining physician.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and Appendices A, C, D, and E;

(ii) A description of the affected employee's job duties as they relate to the employee's exposure to formaldehyde;

(iii) The representative exposure level for the employee's job assignment;

(iv) Information concerning any personal protective equipment and respiratory protection used or to be used by the employee; and

(v) Information from previous medical examinations of the affected employee within the control of the employer.

(vi) In the event of a nonroutine examination because of an emergency, the employer shall provide to the physician as soon as possible: A description of how the emergency occurred and the exposure the victim may have received.

(g) Physician's written opinion.

(i) For each examination required under this standard, the employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination except that it

shall not reveal specific findings or diagnoses unrelated to occupational exposure to formaldehyde. The written opinion shall include:

(A) The physician's opinion as to whether the employee has any medical condition that would place the employee at an increased risk of material impairment of health from exposure to formaldehyde;

(B) Any recommended limitations on the employee's exposure or changes in the use of personal protective equipment, including respirators;

(C) A statement that the employee has been informed by the physician of any medical conditions which would be aggravated by exposure to formaldehyde, whether these conditions may have resulted from past formaldehyde exposure or from exposure in an emergency, and whether there is a need for further examination or treatment.

(ii) The employer shall provide for retention of the results of the medical examination and tests conducted by the physician.

(iii) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days of its receipt.

(13) Hazard communication.

(a) General. Notwithstanding any exemption granted in WAC 296-62-05403 (6)(c) for wood products, each employer who has a workplace covered by this standard shall comply with the requirements of WAC 296-62-05409 through 296-62-05419.

(i) For purposes of hazard communication, formaldehyde gas, all mixtures or solutions composed of greater than 0.1 percent formaldehyde, and materials capable of releasing formaldehyde into the air under any normal condition of use at concentrations reaching or exceeding 0.1 ppm shall be considered a health hazard.

(ii) As a minimum, specific health hazards that the employer shall address are: Cancer, irritation and sensitization of the skin and respiratory system, eye and throat irritation, and acute toxicity.

(b) Manufacturers and importers who produce or import formaldehyde or formaldehyde-containing products shall provide downstream employers using or handling these products with an objective determination through the required labels and MSDSs if these items may constitute a health hazard within the meaning of WAC 296-62-05407 under normal conditions of use.

(c) Labels.

(i) The employer shall assure that hazard warning labels complying with the requirements of WAC 296-62-05411 are affixed to all containers where the presence of formaldehyde constitutes a health hazard.

(ii) Information on labels. As a minimum, labels shall identify the hazardous chemical; list the name and address of the responsible party; contain the information "potential cancer hazard"; and appropriately warn of all other hazards as defined in Part C (WAC 296-62-054 through 296-62-05425), Appendices A and B.

(iii) Substitute warning labels. The employer may use warning labels required by other statutes, regulations, or ordinances which impart the same information as the warning statements required by this subitem.

(d) Material safety data sheets.

(i) Any employer who uses formaldehyde-containing materials that constitute a health hazard as defined in this standard shall comply with the requirements of WAC 296-62-05413 with regard to the development and updating of material safety data sheets.

(ii) Manufacturers, importers, and distributors of formaldehyde containing materials that constitute a health hazard as defined in this standard shall assure that material safety data sheets and updated information are provided to all employers purchasing such materials at the time of the initial shipment and at the time of the first shipment after a material safety data sheet is updated.

(14) Employee information and training.

(a) Employee training. Written materials for employee training shall be updated as soon as possible, but no later than two months after the effective date of the standard.

(b) Participation. The employer shall assure that all employees who are assigned to workplaces where there is a health hazard from formaldehyde participate in a training program.

(c) Frequency.

(i) Employers shall provide employees with information and training on formaldehyde at the time of their initial assignment and whenever a new hazard from formaldehyde is introduced into their work area.

(ii) Employers shall provide such information and training at least annually for all employees exposed to formaldehyde concentrations at or above the action level or the STEL.

(d) Training program. The training program shall be conducted in a manner which the employee is able to understand and shall include:

(i) A discussion of the contents of this regulation and the contents of the material safety data sheet;

(ii) The purpose for and a description of the medical surveillance program required by this standard, including:

(A) A description of the potential health hazards associated with exposure to formaldehyde and a description of the signs and symptoms of exposure to formaldehyde.

(B) Instructions to immediately report to the employer the development of any adverse signs or symptoms that the employee suspects is attributable to formaldehyde exposure.

(iii) Description of operations in the work area where formaldehyde is present and an explanation of the safe work practices appropriate for limiting exposure to formaldehyde in each job;

(iv) The purpose for, proper use of, and limitations of personal protective clothing and equipment;

(v) Instructions for the handling of spills, emergencies, and clean-up procedures;

(vi) An explanation of the importance of engineering and work practice controls for employee protection and any necessary instruction in the use of these controls, and

(vii) A review of emergency procedures including the specific duties or assignments of each employee in the event of an emergency.

(e) Access to training materials.

(i) The employer shall inform all affected employees of the location of written training materials and shall make these materials readily available, without cost, to the affected employees.

(ii) The employer shall provide, upon request, all training materials relating to the employee training program to the director of labor and industries, or his designated representative.

(15) Recordkeeping.

(a) Exposure measurements. The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to formaldehyde. This record shall include:

(i) The date of measurement;

(ii) The operation being monitored;

(iii) The methods of sampling and analysis and evidence of their accuracy and precision;

(iv) The number, durations, time, and results of samples taken;

(v) The types of protective devices worn; and

(vi) The names, job classifications, Social Security numbers, and exposure estimates of the employees whose exposures are represented by the actual monitoring results.

(b) Exposure determinations. Where the employer has determined that no monitoring is required under this standard, the employer shall maintain a record of the objective data relied upon to support the determination that no employee is exposed to formaldehyde at or above the action level.

(c) Medical surveillance. The employer shall establish and maintain an accurate record for each employee subject to medical surveillance under this standard. This record shall include:

(i) The name and Social Security number of the employee;

(ii) The physician's written opinion;

(iii) A list of any employee health complaints that may be related to exposure to formaldehyde; and

(iv) A copy of the medical examination results, including medical disease questionnaires and results of any medical tests required by the standard or mandated by the examining physician.

(d) Respirator fit testing.

(i) The employer shall establish and maintain accurate records for employees subject to negative-pressure respirator fit testing required by this standard.

(ii) This record shall include:

(A) A copy of the protocol selected for respirator fit testing;

(B) A copy of the results of any fit testing performed;

(C) The size and manufacturer of the types of respirators available for selection; and

(D) The date of the most recent fit testing, the name and Social Security number of each tested employee, and the respirator type and facepiece selected.

(e) Record retention. The employer shall retain records required by this standard for at least the following periods:

(i) Exposure records and determinations shall be kept for at least thirty years;

(ii) Medical records shall be kept for the duration of employment plus thirty years; and

(iii) Respirator fit testing records shall be kept until replaced by a more recent record.

(f) Availability of records.

(i) Upon request, the employer shall make all records maintained as a requirement of this standard available for examination and copying to the director of labor and industries, or his designated representative.

(ii) The employer shall make employee exposure records, including estimates made from representative monitoring and available upon request for examination and copying, to the subject employee, or former employee, and employee representatives in accordance with WAC 296-62-052 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this standard shall be provided upon request for examination and copying, to the subject employee, or former employee, or to anyone having the specific written consent of the subject employee or former employee.

(16) Effective dates.

(a) Laboratories. This standard shall become effective for anatomy, histology, and pathology laboratories thirty days after the adoption date, except as noted in (b) of this subsection. For all laboratories other than anatomy, histology, and pathology, subsections (2) and (4) through (15) of this section shall become effective on September 1, 1988, except as noted in (b) of this subsection.

(b) Engineering and work practice controls. Engineering and work practice controls required by this standard shall be implemented as soon as possible, but no later than February 2, 1989.

(c) Employee training. Written materials for employee training shall be updated as soon as possible, but no later than two months after the effective date of the standard.

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

NEW SECTION

WAC 296-62-07542 APPENDIX A—SUBSTANCE TECHNICAL GUIDELINE FOR FORMALIN. (1) The following substance technical guideline for formalin provides information on uninhibited formalin solution (thirty-seven percent formaldehyde, no methanol stabilizer). It is designed to inform employees at the production level of their rights and duties under the formaldehyde standard whether their job title defines them as workers or supervisors. Much of the information provided is general; however, some information is specific for formalin. When employee exposure to formaldehyde is from resins capable of releasing formaldehyde, the resin itself and other impurities or decomposition products may also be toxic, and employers should include this information as well when informing employees of the hazards associated with the materials they handle. The precise hazards associated with exposure to formaldehyde depend both on the form (solid, liquid, or gas) of the material and the concentration of formaldehyde

present. For example, thirty-seven to fifty percent solutions of formaldehyde present a much greater hazard to the skin and eyes from spills or splashes than solutions containing less than one percent formaldehyde. Individual substance technical guidelines used by the employer for training employees should be modified to properly give information on the material actually being used.

(a) Substance identification.

(i) Chemical name: Formaldehyde.

(ii) Chemical family: Aldehyde.

(iii) Chemical formula: HCHO.

(iv) Molecular weight: 30.03.

(v) Chemical abstracts service number (CAS number): 50-00-0.

Synonyms: Formalin; Formic Aldehyde; Paraform; Formol; Formalin (Methanol-free); Fyde; Formalith; Methanal; Methyl Aldehyde; Methylene Glycol; Methylene Oxide; Tetraoxymethalene; Oxomethane; Oxymethylene.

(b) Components and contaminants.

(i) Percent: 37.0 Formaldehyde.

(ii) Percent: 63.0 water.

Note. Inhibited solutions contain methanol.

(iii) Other contaminants: Formic acid (alcohol free).

Exposure limits:

(A) WISHA TWA-1 ppm.

(B) WISHA STEL-2 ppm.

(c) Physical data.

(i) Description: Colorless liquid, pungent odor.

(ii) Boiling point: 214°F (101°C).

(iii) Specific gravity: 1.08 (H₂O=1 @ 20 C).

(iv) pH: 2.8-4.0.

(v) Solubility in water: Miscible.

(vi) Solvent solubility: Soluble in alcohol and acetone.

(vii) Vapor density: 1.04 (Air=1 @ 20 C).

(viii) Odor threshold: 0.8-1 ppm.

(d) Fire and explosion hazard.

(i) Moderate fire and explosion hazard when exposed to heat or flame.

(ii) The flash point of thirty-seven percent formaldehyde solutions is above normal room temperature, but the explosion range is very wide, from seven to seventy-three percent by volume in air.

(iii) Reaction of formaldehyde with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid yields explosive compounds.

(iv) Flash point: 185°F (85°C) closed cup.

(v) Lower explosion limit: Seven percent.

(vi) Upper explosion limit: Seventy-three percent.

(vii) Autoignition temperature: 806°F (430°C).

(viii) Flammable class (WISHA): III A.

Extinguishing media:

(I) Use dry chemical, "alcohol foam," carbon dioxide, or water in flooding amounts as fog. Solid streams may not be effective. Cool fire-exposed containers with water from side until well after fire is out.

(II) Use of water spray to flush spills can also dilute the spill to produce nonflammable mixtures. Water runoff, however, should be contained for treatment.

(ix) National Fire Protection Association Section 325M Designation:

(A) Health: 2-Materials hazardous to health, but areas may be entered with full-faced mask self-contained breathing apparatus which provides eye protection.

(B) Flammability: 2-Materials which must be moderately heated before ignition will occur. Water spray may be used to extinguish the fire because the material can be cooled below its flash point.

(C) Reactivity: D-Materials which (in themselves) are normally stable even under fire exposure conditions and which are not reactive with water. Normal fire fighting procedures may be used.

(e) Reactivity.

(i) Stability: Formaldehyde solutions may self-polymerize to form paraformaldehyde which precipitates.

(ii) Incompatibility (materials to avoid):

(A) Strong oxidizing agents, caustics, strong alkalis, isocyanates, anhydrides, oxides, and inorganic acids.

(B) Formaldehyde reacts with hydrochloric acid to form the potent carcinogen, bis-chloromethyl ether. Formaldehyde reacts with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid to yield explosive compounds. A violent reaction occurs when formaldehyde is mixed with strong oxidizers.

(C) Hazardous combustion or decomposition products: Oxygen from the air can oxidize formaldehyde to formic acid, especially when heated. Formic acid is corrosive.

(f) Health hazard data.

(i) Acute effects of exposure.

(A) Ingestion (swallowing): Liquids containing ten to forty percent formaldehyde cause severe irritation and inflammation of the mouth, throat, and stomach. Severe stomach pains will follow ingestion with possible loss of consciousness and death. Ingestion of dilute formaldehyde solutions (0.03-0.04%) may cause discomfort in the stomach and pharynx.

(B) Inhalation (breathing):

(I) Formaldehyde is highly irritating to the upper respiratory tract and eyes. Concentrations of 0.5 to 2.0 ppm may irritate the eyes, nose, and throat of some individuals.

(II) Concentrations of 3 to 5 ppm also cause tearing of the eyes and are intolerable to some persons.

(III) Concentrations of 10 to 20 ppm cause difficulty in breathing, burning of the nose and throat, coughing, and heavy tearing of the eyes, and 25 to 30 ppm causes severe respiratory tract injury leading to pulmonary edema and pneumonitis. A concentration of 100 ppm is immediately dangerous to life and health. Deaths from accidental exposure to high concentrations of formaldehyde have been reported.

(C) Skin (dermal): Formalin is a severe skin irritant and a sensitizer. Contact with formalin causes white discoloration, smarting, drying, cracking, and scaling. Prolonged and repeated contact can cause numbness and a hardening or tanning of the skin. Previously exposed persons may react to future exposure with an allergic eczematous dermatitis or hives.

(D) Eye contact: Formaldehyde solutions splashed in the eye can cause injuries ranging from transient discomfort to severe, permanent corneal clouding and loss

of vision. The severity of the effect depends on the concentration of formaldehyde in the solution and whether or not the eyes are flushed with water immediately after the accident.

Note: The perception of formaldehyde by odor and eye irritation becomes less sensitive with time as one adapts to formaldehyde. This can lead to overexposure if a worker is relying on formaldehyde's warning properties to alert him or her to the potential for exposure.

(E) Acute animal toxicity:

(I) Oral, rats: LD50=800 mg/kg.

(II) Oral, mouse: LD50=42 mg/kg.

(III) Inhalation, rats: LC50=250 mg/kg.

(IV) Inhalation, mouse: LC50=900 mg/kg.

(V) Inhalation, rats: LC50=590 mg/kg.

(g) Chronic effects of exposure.

(i) Carcinogenicity: Formaldehyde has the potential to cause cancer in humans. Repeated and prolonged exposure increases the risk. Various animal experiments have conclusively shown formaldehyde to be a carcinogen in rats. In humans, formaldehyde exposure has been associated with cancers of the lung, nasopharynx and oropharynx, and nasal passages.

(ii) Mutagenicity: Formaldehyde is genotoxic in several in vitro test systems showing properties of both an initiator and a promoter.

(iii) Toxicity: Prolonged or repeated exposure to formaldehyde may result in respiratory impairment. Rats exposed to formaldehyde at 2 ppm developed benign nasal tumors and changes of the cell structure in the nose as well as inflamed mucous membranes of the nose. Structural changes in the epithelial cells in the human nose have also been observed. Some persons have developed asthma or bronchitis following exposure to formaldehyde, most often as the result of an accidental spill involving a single exposure to a high concentration of formaldehyde.

(h) Emergency and first-aid procedures.

(i) Ingestion (swallowing): If the victim is conscious, dilute, inactivate, or absorb the ingested formaldehyde by giving milk, activated charcoal, or water. Any organic material will inactivate formaldehyde. Keep affected person warm and at rest. Get medical attention immediately. If vomiting occurs, keep head lower than hips.

(ii) Inhalation (breathing): Remove the victim from the exposure area to fresh air immediately. Where the formaldehyde concentration may be very high, each rescuer must put on a self-contained breathing apparatus before attempting to remove the victim, and medical personnel should be informed of the formaldehyde exposure immediately. If breathing has stopped, give artificial respiration. Keep the affected person warm and at rest. Qualified first-aid or medical personnel should administer oxygen, if available, and maintain the patient's airways and blood pressure until the victim can be transported to a medical facility. If exposure results in a highly irritated upper respiratory tract and coughing continues for more than ten minutes, the worker should be hospitalized for observation and treatment.

(iii) Skin contact: Remove contaminated clothing (including shoes) immediately. Wash the affected area of your body with soap or mild detergent and large

amounts of water until no evidence of the chemical remains (at least fifteen to twenty minutes). If there are chemical burns, get first aid to cover the area with sterile, dry dressing, and bandages. Get medical attention if you experience appreciable eye or respiratory irritation.

(iv) Eye contact: Wash the eyes immediately with large amounts of water occasionally lifting lower and upper lids, until no evidence of chemical remains (at least fifteen to twenty minutes). In case of burns, apply sterile bandages loosely without medication. Get medical attention immediately. If you have experienced appreciable eye irritation from a splash or excessive exposure, you should be referred promptly to an ophthalmologist for evaluation.

(i) Emergency procedures.

(i) Emergencies:

(A) If you work in an area where a large amount of formaldehyde could be released in an accident or from equipment failure, your employer must develop procedures to be followed in event of an emergency. You should be trained in your specific duties in the event of an emergency, and it is important that you clearly understand these duties. Emergency equipment must be accessible and you should be trained to use any equipment that you might need. Formaldehyde contaminated equipment must be cleaned before reuse.

(B) If a spill of appreciable quantity occurs, leave the area quickly unless you have specific emergency duties. Do not touch spilled material. Designated persons may stop the leak and shut off ignition sources if these procedures can be done without risk. Designated persons should isolate the hazard area and deny entry except for necessary people protected by suitable protective clothing and respirators adequate for the exposure. Use water spray to reduce vapors. Do not smoke, and prohibit all flames or flares in the hazard area.

(ii) Special firefighting procedures:

(A) Learn procedures and responsibilities in the event of a fire in your workplace.

(B) Become familiar with the appropriate equipment and supplies and their location.

(C) In firefighting, withdraw immediately in case of rising sound from venting safety device or any discoloration of storage tank due to fire.

(j) Spill, leak, and disposal procedures.

(i) Occupational spill: For small containers, place the leaking container in a well ventilated area. Take up small spills with absorbent material and place the waste into properly labeled containers for later disposal. For larger spills, dike the spill to minimize contamination and facilitate salvage or disposal. You may be able to neutralize the spill with sodium hydroxide or sodium sulfite. Your employer must comply with EPA rules regarding the clean-up of toxic waste and notify state and local authorities, if required. If the spill is greater than 1,000 lb/day, it is reportable under EPA's superfund legislation.

(ii) Waste disposal: Your employer must dispose of waste containing formaldehyde in accordance with applicable local, state, and federal law and in a manner that minimizes exposure of employees at the site and of the clean-up crew.

(k) Monitoring and measurement procedures.

(i) Monitoring requirements: If your exposure to formaldehyde exceeds the 0.5 ppm action level or the 2 ppm STEL, your employer must monitor your exposure. Your employer need not measure every exposure if a "high exposure" employee can be identified. This person usually spends the greatest amount of time nearest the process equipment. If you are a "representative employee," you will be asked to wear a sampling device to collect formaldehyde. This device may be a passive badge, a sorbent tube attached to a pump, or an impinger containing liquid. You should perform your work as usual, but inform the person who is conducting the monitoring of any difficulties you are having wearing the device.

(ii) Evaluation of 8-hour exposure: Measurements taken for the purpose of determining time-weighted average (TWA) exposures are best taken with samples covering the full shift. Samples collected must be taken from the employee's breathing zone air.

(iii) Short-term exposure evaluation: If there are tasks that involve brief but intense exposure to formaldehyde, employee exposure must be measured to assure compliance with the STEL. Sample collections are for brief periods, only fifteen minutes, but several samples may be needed to identify the peak exposure.

(iv) Monitoring techniques: WISHA's only requirement for selecting a method for sampling and analysis is that the methods used accurately evaluate the concentration of formaldehyde in employees' breathing zones. Sampling and analysis may be performed by collection of formaldehyde on liquid or solid sorbents with subsequent chemical analysis. Sampling and analysis may also be performed by passive diffusion monitors and short-term exposure may be measured by instruments such as real-time continuous monitoring systems and portable direct reading instruments.

(v) Notification of results: Your employer must inform you of the results of exposure monitoring representative of your job. You may be informed in writing, but posting the results where you have ready access to them constitutes compliance with the standard.

(l) Protective equipment and clothing.

(Material impervious to formaldehyde is needed if the employee handles formaldehyde solutions of one percent or more. Other employees may also require protective clothing or equipment to prevent dermatitis.)

(i) Respiratory protection:

(A) Use NIOSH-approved full facepiece negative pressure respirators equipped with approved cartridges or canisters within the use limitations of these devices. (Present restrictions on cartridges and canisters do not permit them to be used for a full workshift.) In all other situations, use positive pressure respirators such as the positive-pressure air purifying respirator or the self-contained breathing apparatus (SCBA).

(B) If you use a negative pressure respirator, your employer must provide you with fit testing of the respirator at least once a year in accordance with the procedures outlined in WAC 296-62-07550 Appendix E.

(ii) Protective gloves:

(A) Wear protective (impervious) gloves provided by your employer, at no cost, to prevent contact with formalin.

(B) Your employer should select these gloves based on the results of permeation testing and in accordance with the ACGIH guidelines for selection of chemical protective clothing.

(iii) Eye protection:

(A) If you might be splashed in the eyes with formalin, it is essential that you wear goggles or some other type of complete protection for the eye.

(B) You may also need a face shield if your face is likely to be splashed with formalin, but you must not substitute face shields for eye protection. (This section pertains to formaldehyde solutions of one percent or more.)

(iv) Other protective equipment:

(A) You must wear protective (impervious) clothing and equipment provided by your employer at no cost to prevent repeated or prolonged contact with formaldehyde liquids.

(B) If you are required to change into whole-body chemical protective clothing, your employer must provide a change room for your privacy and for storage of your normal clothing.

(C) If you are splashed with formaldehyde, use the emergency showers and eyewash fountains provided by your employer immediately to prevent serious injury. Report the incident to your supervisor and obtain necessary medical support.

(2) Entry into an IDLH atmosphere. Enter areas where the formaldehyde concentration might be 100 ppm or more only with complete body protection including a self-contained breathing apparatus with a full facepiece operated in a positive pressure mode or a supplied-air respirator with full facepiece and operated in a positive pressure mode. This equipment is essential to protect your life and health under such extreme conditions.

(a) Engineering controls.

(i) Ventilation is the most widely applied engineering control method for reducing the concentration of airborne substances in the breathing zones of workers. There are two distinct types of ventilation.

(ii) Local exhaust: Local exhaust ventilation is designed to capture airborne contaminants as near to the point of generation as possible. To protect you, the direction of contaminant flow must always be toward the local exhaust system inlet and away from you.

(iii) General (mechanical):

(A) General dilution ventilation involves continuous introduction of fresh air into the workroom to mix with the contaminated air and lower your breathing zone concentration of formaldehyde. Effectiveness depends on the number of air changes per hour.

(B) Where devices emitting formaldehyde are spread out over a large area, general dilution ventilation may be the only practical method of control.

(iv) Work practices: Work practices and administrative procedures are an important part of a control system. If you are asked to perform a task in a certain

manner to limit your exposure to formaldehyde, it is extremely important that you follow these procedures.

(b) Medical surveillance.

(i) Medical surveillance helps to protect employees' health. You are encouraged strongly to participate in the medical surveillance program.

(ii) Your employer must make a medical surveillance program available at no expense to you and at a reasonable time and place if you are exposed to formaldehyde at concentrations above 0.5 ppm as an 8-hour average or 2 ppm over any fifteen-minute period.

(A) You will be offered medical surveillance at the time of your initial assignment and once a year afterward as long as your exposure is at least 0.5 ppm (TWA) or 2 ppm (STEL).

(B) Even if your exposure is below these levels, you should inform your employer if you have signs and symptoms that you suspect, through your training, are related to your formaldehyde exposure because you may need medical surveillance to determine if your health is being impaired by your exposure.

(iii) The surveillance plan includes:

(A) A medical disease questionnaire.

(B) A physical examination if the physician determines this is necessary.

(iv) If you are required to wear a respirator, your employer must offer you a physical examination and a pulmonary function test every year.

(v) The physician must collect all information needed to determine if you are at increased risk from your exposure to formaldehyde. At the physician's discretion, the medical examination may include other tests, such as a chest x-ray, to make this determination.

(vi) After a medical examination the physician will provide your employer with a written opinion which includes any special protective measures recommended and any restrictions on your exposure. The physician must inform you of any medical conditions you have which would be aggravated by exposure to formaldehyde. All records from your medical examinations, including disease surveys, must be retained at your employer's expense.

(c) Emergencies.

(i) If you are exposed to formaldehyde in an emergency and develop signs or symptoms associated with acute toxicity from formaldehyde exposure, your employer must provide you with a medical examination as soon as possible.

(ii) This medical examination will include all steps necessary to stabilize your health.

(iii) You may be kept in the hospital for observation if your symptoms are severe to ensure that any delayed effects are recognized and treated.

NEW SECTION

WAC 296-62-07544 APPENDIX B—SAMPLING STRATEGY AND ANALYTICAL METHODS FOR FORMALDEHYDE. (1) To protect the health of employees, exposure measurements must be unbiased and representative of employee exposure. The proper measurement of employee exposure requires more than a token commitment on the part of the employer.

WISHA's mandatory requirements establish a baseline; under the best of circumstances all questions regarding employee exposure will be answered. Many employers, however, will wish to conduct more extensive monitoring before undertaking expensive commitments, such as engineering controls, to assure that the modifications are truly necessary. The following sampling strategy, which was developed at NIOSH by Nelson A. Leidel, Kenneth A. Busch, and Jeremiah R. Lynch and described in NIOSH publication No. 77-173 (Occupational Exposure Sampling Strategy Manual) will assist the employer in developing a strategy for determining the exposure of his or her employees.

(2) There is no one correct way to determine employee exposure. Obviously, measuring the exposure of every employee exposed to formaldehyde will provide the most information on any given day. Where few employees are exposed, this may be a practical solution. For most employers, however, use of the following strategy will give just as much information at less cost.

(3) Exposure data collected on a single day will not automatically guarantee the employer that his or her workplace is always in compliance with the formaldehyde standard. This does not imply, however, that it is impossible for an employer to be sure that his or her worksite is in compliance with the standard. Indeed, a properly designed sampling strategy showing that all employees are exposed below the PELs, at least with a ninety-five percent certainty, is compelling evidence that the exposure limits are being achieved provided that measurements are conducted using valid sampling strategy and approved analytical methods.

(4) There are two PELs, the TWA concentration and the STEL.

(a) Most employers will find that one of these two limits is more critical in the control of their operations, and OSHA expects that the employer will concentrate monitoring efforts on the critical component.

(b) If the more difficult exposure is controlled, this information, along with calculations to support the assumptions, should be adequate to show that the other exposure limit is also being achieved.

(5) Sampling strategy.

(a) Determination of the need for exposure measurements.

(b) The employer must determine whether employees may be exposed to concentrations in excess of the action level. This determination becomes the first step in an employee exposure monitoring program that minimizes employer sampling burdens while providing adequate employee protection.

(c) If employees may be exposed above the action level, the employer must measure exposure. Otherwise, an objective determination that employee exposure is low provides adequate evidence that exposure potential has been examined.

(d) The employer should examine all available relevant information, e.g., insurance company and trade association data and information from suppliers or exposure data collected from similar operations.

(e) The employer may also use previously-conducted sampling including area monitoring. The employer must

make a determination relevant to each operation although this need not be on a separate piece of paper.

(f) If the employer can demonstrate conclusively that no employee is exposed above the action level or the STEL through the use of objective data, the employer need proceed no further on employee exposure monitoring until such time that conditions have changed and the determination is no longer valid.

(g) If the employer cannot determine that employee exposure is less than the action level and the STEL, employee exposure monitoring will have to be conducted.

(6) Workplace material survey.

(a) The primary purpose of a survey of raw material is to determine if formaldehyde is being used in the work environment and if so, the conditions under which formaldehyde is being used.

(b) The first step is to tabulate all situations where formaldehyde is used in a manner such that it may be released into the workplace atmosphere or contaminate the skin. This information should be available through analysis of company records and information on the MSDSs available through provisions of this standard and the hazard communication standard.

(c) If there is an indication from materials handling records and accompanying MSDSs that formaldehyde is being used in the following types of processes or work operations, there may be a potential for releasing formaldehyde into the workplace atmosphere:

(i) Any operation that involves grinding, sanding, sawing, cutting, crushing, screening, sieving, or any other manipulation of material that generates formaldehyde-bearing dust.

(ii) Any processes where there have been employee complaints or symptoms indicative of exposure to formaldehyde.

(iii) Any liquid or spray process involving formaldehyde.

(iv) Any process that uses formaldehyde in preserved tissue.

(v) Any process that involves the heating of a formaldehyde-bearing resin.

Processes and work operations that use formaldehyde in these manners will probably require further investigation at the worksite to determine the extent of employee monitoring that should be conducted.

(7) Workplace observations.

(a) To this point, the only intention has been to provide an indication as to the existence of potentially exposed employees. With this information, a visit to the workplace is needed to observe work operations, to identify potential health hazards, and to determine whether any employees may be exposed to hazardous concentrations of formaldehyde.

(b) In many circumstances, sources of formaldehyde can be identified through the sense of smell. However, this method of detection should be used with caution because of olfactory fatigue.

(c) Employee location in relation to source of formaldehyde is important in determining if an employee may be significantly exposed to formaldehyde. In most instances, the closer a worker is to the source, the higher the probability that a significant exposure will occur.

Other characteristics should be considered. Certain high temperature operations give rise to higher evaporation rates. Locations of open doors and windows provide natural ventilation that tend to dilute formaldehyde emissions. General room ventilation also provides a measure of control.

(8) Calculation of potential exposure concentrations.

(a) By knowing the ventilation rate in a workplace and the quantity of formaldehyde generated, the employer may be able to determine by calculation if the PELs might be exceeded.

(b) To account for poor mixing of formaldehyde into the entire room, locations of fans and proximity of employees to the work operation, the employer must include a safety factor.

(c) If an employee is relatively close to a source, particularly if he or she is located downwind, a safety factor of one hundred may be necessary.

(d) For other situations, a factor of ten may be acceptable. If the employer can demonstrate through such calculations that employee exposure does not exceed the action level or the STEL, the employer may use this information as objective data to demonstrate compliance with the standard.

(9) Sampling strategy.

(a) Once the employer determines that there is a possibility of substantial employee exposure to formaldehyde, the employer is obligated to measure employee exposure.

(b) The next step is selection of a maximum risk employee. When there are different processes where employees may be exposed to formaldehyde, a maximum risk employee should be selected for each work operation.

(c) Selection of the maximum risk employee requires professional judgment. The best procedure for selecting the maximum risk employee is to observe employees and select the person closest to the source of formaldehyde. Employee mobility may affect this selection; e.g., if the closest employee is mobile in his tasks, he may not be the maximum risk employee. Air movement patterns and differences in work habits will also affect selection of the maximum risk employee.

(d) When many employees perform essentially the same task, a maximum risk employee cannot be selected. In this circumstance, it is necessary to resort to random sampling of the group of workers. The objective is to select a subgroup of adequate size so that there is a high probability that the random sample will contain at least one worker with high exposure if one exists. The number of persons in the group influences the number that need to be sampled to ensure that at least one individual from the highest ten percent exposure group is contained in the sample. For example, to have ninety percent confidence in the results, if the group size is ten, nine should be sampled; for fifty, only eighteen need to be sampled.

(e) If measurement shows exposure to formaldehyde at or above the action level or the STEL, the employer needs to identify all other employees who may be exposed at or above the action level or STEL and measure or otherwise accurately characterize the exposure of these employees.

(f) Whether representative monitoring or random sampling are conducted, the purpose remains the same to determine if the exposure of any employee is above the action level. If the exposure of the most exposed employee is less than the action level and the STEL, regardless of how the employee is identified, then it is reasonable to assume that measurements of exposure of the other employees in that operation would be below the action level and the STEL.

(10) Exposure measurements.

(a) There is no "best" measurement strategy for all situations. Some elements to consider in developing a strategy are:

- (i) Availability and cost of sampling equipment;
- (ii) Availability and cost of analytic facilities;
- (iii) Availability and cost of personnel to take samples;
- (iv) Location of employees and work operations;
- (v) Intraday and interday variations in the process;
- (vi) Precision and accuracy of sampling and analytic methods; and
- (vii) Number of samples needed.

(b) Samples taken for determining compliance with the STEL differ from those that measure the TWA concentration in important ways. STEL samples are best taken in a nonrandom fashion using all available knowledge relating to the area, the individual, and the process to obtain samples during periods of maximum expected concentrations. At least three measurements on a shift are generally needed to spot gross errors or mistakes; however, only the highest value represents the STEL.

(c) If an operation remains constant throughout the workshift, a much greater number of samples would need to be taken over the thirty-two discrete nonoverlapping periods in an 8-hour workshift to verify compliance with a STEL. If employee exposure is truly uniform throughout the workshift, however, an employer in compliance with the 1 ppm TWA would be in compliance with the 2 ppm STEL, and this determination can probably be made using objective data.

(11) Need to repeat the monitoring strategy.

(a) Interday and intraday fluctuations in employee exposure are mostly influenced by the physical processes that generate formaldehyde and the work habits of the employee. Hence, in-plant process variations influence the employer's determination of whether or not additional controls need to be imposed. Measurements that employee exposure is low on a day that is not representative of worst conditions may not provide sufficient information to determine whether or not additional engineering controls should be installed to achieve the PELs.

(b) The person responsible for conducting sampling must be aware of systematic changes which will negate the validity of the sampling results. Systematic changes in formaldehyde exposure concentration for an employee can occur due to:

- (i) The employee changing patterns of movement in the workplace;
- (ii) Closing of plant doors and windows;
- (iii) Changes in ventilation from season to season;
- (iv) Decreases in ventilation efficiency or abrupt failure of engineering control equipment; and

(v) Changes in the production process or work habits of the employee.

(c) Any of these changes, if they may result in additional exposure that reaches the next level of action (i.e., 0.5 or 1.0 ppm as an 8-hour average or 2 ppm over fifteen minutes) require the employer to perform additional monitoring to reassess employee exposure.

(d) A number of methods are suitable for measuring employee exposure to formaldehyde or for characterizing emissions within the worksite. The preamble to this standard describes some methods that have been widely used or subjected to validation testing. A detailed analytical procedure derived from the WISHA Method ALDE-1 for acrolein and formaldehyde is presented below for informational purposes.

(e) Inclusion of WISHA's method in this appendix in no way implies that it is the only acceptable way to measure employee exposure to formaldehyde. Other methods that are free from significant interferences and that can determine formaldehyde at the permissible exposure limits within ± 25 percent of the "true" value at the ninety-five percent confidence level are also acceptable. Where applicable, the method should also be capable of measuring formaldehyde at the action level to ± 35 percent of the "true" value with a ninety-five percent confidence level. WISHA encourages employers to choose methods that will be best for their individual needs. The employer must exercise caution, however, in choosing an appropriate method since some techniques suffer from interferences that are likely to be present in workplaces of certain industry sectors where formaldehyde is used.

(12) WISHA's analytical laboratory method.

Method No: ALDE-1.

Matrix: Air.

(a) Target concentration: 1 ppm (1.2 mg/m³).

(b) Procedures: Air samples are collected by drawing known volumes of air through sampling tubes containing XAD-2 adsorbent which have been coated with 2-(hydroxymethyl) piperidine. The samples are desorbed with toluene and then analyzed by gas chromatography using a nitrogen selective detector.

(c) Recommended sampling rate and air volumes: 0.1 L/min and 24 L.

(d) Reliable quantitation limit: 16 ppb (20 ug/m³).

(e) Standard error of estimate at the target concentration: 7.3%.

(f) Status of the method: A sampling and analytical method that has been subjected to the established evaluation procedures of the organic methods evaluation branch.

(13) Date: March, 1985.

(a) General discussion.

(i) Background: The current WISHA method for collecting acrolein vapor recommends the use of activated 13X molecular sieves. The samples must be stored in an ice bath during and after sampling and also they must be analyzed within forty-eight hours of collection. The current WISHA method for collecting formaldehyde vapor recommends the use of bubblers containing ten percent methanol in water as the trapping solution.

This work was undertaken to resolve the sample stability problems associated with acrolein and also to eliminate the need to use bubblers to sample formaldehyde. A goal of this work was to develop and/or to evaluate a common sampling and analytical procedure for acrolein and formaldehyde.

NIOSH has developed independent methodologies for acrolein and formaldehyde which recommend the use of reagent-coated adsorbent tubes to collect the aldehydes as stable derivatives. The formaldehyde sampling tubes contain Chromosorb 102 adsorbent coated with N-benzylethanolamine (BEA) which reacts with formaldehyde vapor to form a stable oxazolidine compound. The acrolein sampling tubes contain XAD-2 adsorbent coated with 2-(hydroxymethyl) to piperidine (2-HMP) which reacts with acrolein vapor to form a different, stable oxazolidine derivative. Acrolein does not appear to react with BEA to give a suitable reaction product. Therefore, the formaldehyde procedure cannot provide a common method for both aldehydes. However, formaldehyde does react with 2-HMP to form a very suitable reaction product. It is the quantitative reaction of acrolein and formaldehyde with 2-HMP that provides the basis for this evaluation.

This sampling and analytical procedure is very similar to the method recommended by NIOSH for acrolein. Some changes in the NIOSH methodology were necessary to permit the simultaneous determination of both aldehydes and also to accommodate WISHA laboratory equipment and analytical techniques.

(ii) **Limit-defining parameters:** The analyte air concentrations reported in this method are based on the recommended air volume for each analyte collected separately and a desorption volume of 1 mL. The amounts are presented as acrolein and/or formaldehyde, even though the derivatives are the actual species analyzed.

(A) **Detection limits of the analytical procedure:** The detection limit of the analytical procedure was 386 pg per injection for formaldehyde. This was the amount of analyte which gave a peak whose height was about five times the height of the peak given by the residual formaldehyde derivative in a typical blank front section of the recommended sampling tube.

(B) **Detection limits of the overall procedure:** The detection limits of the overall procedure were 482 ng per sample (16 ppb or 20 ug/m³ for formaldehyde). This was the amount of analyte spiked on the sampling device which allowed recoveries approximately equal to the detection limit of the analytical procedure.

(C) **Reliable quantitation limits:** The reliable quantitation limit was 482 ng per sample (16 ppb or 20 ug/m³) for formaldehyde. These were the smallest amounts of analyte which could be quantitated within the limits of a recovery of at least seventy-five percent and a precision (± 1.96 SD) of $\pm 25\%$ or better.

The reliable quantitation limit and detection limits reported in the method are based upon optimization of the instrument for the smallest possible amount of analyte. When the target concentration of an analyte is exceptionally higher than these limits, they may not be attainable at the routine operating parameters.

(D) **Sensitivity:** The sensitivity of the analytical procedure over concentration ranges representing 0.4 to 2 times the target concentration, based on the recommended air volumes, was seven thousand five hundred eighty-nine area units per ug/mL for formaldehyde. This value was determined from the slope of the calibration curve. The sensitivity may vary with the particular instrument used in the analysis.

(E) **Recovery:** The recovery of formaldehyde from samples used in an eighteen-day storage test remained above ninety-two percent when the samples were stored at ambient temperature. These values were determined from regression lines which were calculated from the storage data. The recovery of the analyte from the collection device must be at least seventy-five percent following storage.

(F) **Precision (analytical method only):** The pooled coefficient of variation obtained from replicate determinations of analytical standards over the range of 0.4 to 2 times the target concentration was 0.0052 for formaldehyde ((d)(C)(iii) of this subsection).

(G) **Precision (overall procedure):** The precision at the ninety-five percent confidence level for the ambient temperature storage tests was $\pm 14.3\%$ for formaldehyde. These values each include an additional $\pm 5\%$ for sampling error. The overall procedure must provide results at the target concentrations that are $\pm 25\%$ at the ninety-five percent confidence level.

(H) **Reproducibility:** Samples collected from controlled test atmospheres and a draft copy of this procedure were given to a chemist unassociated with this evaluation. The formaldehyde samples were analyzed following fifteen days storage. The average recovery was 96.3% and the standard deviation was 1.7%.

(iii) **Advantages:**

(A) The sampling and analytical procedures permit the simultaneous determination of acrolein and formaldehyde.

(B) Samples are stable following storage at ambient temperature for at least eighteen days.

(iv) **Disadvantages:** None.

(b) **Sampling procedure.**

(i) **Apparatus:**

(A) Samples are collected by use of a personal sampling pump that can be calibrated to within $\pm 5\%$ of the recommended 0.1 L/min sampling rate with the sampling tube in line.

(B) Samples are collected with laboratory prepared sampling tubes. The sampling tube is constructed of silane treated glass and is about 8-cm long. The ID is 4 mm and the OD is 6 mm. One end of the tube is tapered so that a glass wool end plug will hold the contents of the tube in place during sampling. The other end of the sampling tube is open to its full 4-mm ID to facilitate packing of the tube. Both ends of the tube are fire-polished for safety. The tube is packed with a 75-mg backup section, located nearest the tapered end and a 150-mg sampling section of pretreated XAD-2 adsorbent which has been coated with 2-HMP. The two sections of coated adsorbent are separated and retained with small plugs of silanized glass wool. Following packing, the sampling tubes are sealed with two 7/32 inch

OD plastic and caps. Instructions for the pretreatment and the coating of XAD-2 adsorbent are presented in (d) of this subsection.

(C) Sampling tubes, similar to those recommended in this method, are marketed by Supelco, Inc. These tubes were not available when this work was initiated; therefore, they were not evaluated.

(ii) Reagents: None required.

(iii) Technique:

(A) Properly label the sampling tube before sampling and then remove the plastic end caps.

(B) Attach the sampling tube to the pump using a section of flexible plastic tubing such that the large, front section of the sampling tube is exposed directly to the atmosphere. Do not place any tubing ahead of the sampling tube. The sampling tube should be attached in the worker's breathing zone in a vertical manner such that it does not impede work performance.

(C) After sampling for the appropriate time, remove the sampling tube from the pump and then seal the tube with plastic end caps.

(D) Include at least one blank for each sampling set. The blank should be handled in the same manner as the samples with the exception that air is not drawn through it.

(E) List any potential interferences on the sample data sheet.

(iv) Breakthrough:

(A) Breakthrough was defined as the relative amount of analyte found on a backup sample in relation to the total amount of analyte collected on the sampling train.

(B) For formaldehyde collected from test atmospheres containing six times the PEL, the average five percent breakthrough air volume was 41 L. The sampling rate was 0.1 L/min and the average mass of formaldehyde collected was 250 ug.

(v) Desorption efficiency: No desorption efficiency corrections are necessary to compute air sample results because analytical standards are prepared using coated adsorbent. Desorption efficiencies were determined, however, to investigate the recoveries of the analytes from the sampling device. The average recovery over the range of 0.4 to 2 times the target concentration, based on the recommended air volumes, was 96.2% for formaldehyde. Desorption efficiencies were essentially constant over the ranges studied.

(vi) Recommended air volume and sampling rate:

(A) The recommended air volume for formaldehyde is 24 L.

(B) The recommended sampling rate is 01. L/min.

(vii) Interferences:

(A) Any collected substance that is capable of reacting with 2-HMP and thereby depleting the derivatizing agent is a potential interference. Chemicals which contain a carbonyl group, such as acetone, may be capable of reacting with 2-HMP.

(b) There are no other known interferences to the sampling method.

(viii) Safety precautions:

(A) Attach the sampling equipment to the worker in such a manner that it will not interfere with work performance or safety.

(B) Follow all safety practices that apply to the work area being sampled.

(c) Analytical procedure.

(i) Apparatus:

(A) A gas chromatograph (GC), equipped with a nitrogen selective detector.

(B) A GC column capable of resolving the analytes from any interference. A 6 ft x 1/4 in OD (2mm ID) glass GC column containing 10% UCON 50-HB-5100 + 2% KOH on 80/100 mesh Chromosorb W-AW was used for the evaluation. Injections were performed on-column.

(C) Vials, glass 2-mL with Teflon-lined caps.

(D) Volumetric flasks, pipets, and syringes for preparing standards, making dilutions, and performing injections.

(ii) Reagents:

(A) Toluene and dimethylformamide. Burdick and Jackson solvents were used in this evaluation.

(B) Helium, hydrogen, and air, GC grade.

(C) Formaldehyde, thirty-seven percent by weight, in water. Aldrich Chemical, ACS Reagent Grade formaldehyde was used in this evaluation.

(D) Ambrlite XAD-2 adsorbent coated with 2-(hydroxymethyl) piperidine (2-HMP), 10% by weight ((d) of this subsection).

(E) Desorbing solution with internal standard. This solution was prepared by adding 20 uL of dimethylformamide to 100 mL of toluene.

(iii) Standard preparation:

(A) Formaldehyde: Prepare stock standards by diluting known volumes of thirty-seven percent formaldehyde solution with methanol. A procedure to determine the formaldehyde content of these standards is presented in (d) of this subsection. A standard containing 7.7 mg/mL formaldehyde was prepared by diluting 1 mL of the thirty-seven percent reagent to 50 mL with methanol.

(B) It is recommended that analytical standards be prepared about sixteen hours before the air samples are to be analyzed in order to ensure the complete reaction of the analytes with 2-HMP. However, rate studies have shown the reaction to be greater than ninety-five percent complete after four hours. Therefore, one or two standards can be analyzed after this reduced time if sample results are outside the concentration range of the prepared standards.

(C) Place 150-mg portions of coated XAD-2 adsorbent, from the same lot number as used to collect the air samples, into each of several glass 2-mL vials. Seal each vial with a Teflon-lined cap.

(D) Prepare fresh analytical standards each day by injecting appropriate amounts of the diluted analyte directly onto 150-mg portions of coated adsorbent. It is permissible to inject both acrolein and formaldehyde on the same adsorbent portion. Allow the standards to stand at room temperature. A standard, approximately the target levels, was prepared by injecting 11 uL of the acrolein and 12 uL of the formaldehyde stock standards onto a single coated XAD-2 adsorbent portion.

(E) Prepare a sufficient number of standards to generate the calibration curves. Analytical standard concentrations should bracket sample concentrations. Thus, if

samples are not in the concentration range of the prepared standards, additional standards must be prepared to determine detector response.

(F) Desorb the standards in the same manner as the samples following the sixteen-hour reaction time.

(iv) Sample preparation:

(A) Transfer the 150-mg section of the sampling tube to a 2-mL vial. Place the 75-mg section in a separate vial. If the glass wool plugs contain a significant number of adsorbent beads, place them with the appropriate sampling tube section. Discard the glass wool plugs if they do not contain a significant number of adsorbent beads.

(B) Add 1 mL of desorbing solution to each vial.

(C) Seal the vials with Teflon-lined caps and then allow them to desorb for one hour. Shake the vials by hand with vigorous force several times during the desorption time.

(D) Save the used sampling tubes to be cleaned and recycled.

(v) Analysis:

(A) GC conditions.

Column temperature:

Bi-level temperature program.

First level: 100°C to 140°C at 4°C/min following completion of the first level.

Second level: 140°C to 180°C at 20°C/min following completion of the first level.

Isothermal period: Hold column at 180°C until the recorder pen returns to baseline (usually about twenty-five minutes after injection).

Injector temperature: 180°C.

Helium flow rate: 30 mL/min (detector response will be reduced if nitrogen is substituted for helium carrier gas).

Injection volume: 51 0.8 uL.

GC column: Six-ft x 1/4-in OD (2 mm ID) glass GC column containing 10% UCON 50-HB-5100NZG651+512% KOH on 80/100 Chromosorb W-AW.

NPD conditions:

Hydrogen flow rate: 3 mL/min.

Air flow rate: 50 mL/min.

Detector temperature: 275 5151C.

(B) Use a suitable method, such as electronic integration, to measure detector response.

(C) Use an internal standard method to prepare the calibration curve with several standard solutions of different concentrations. Prepare the calibration curve daily. Program the integrator to report results in ug/mL.

(D) Bracket sample concentrations with standards.

(vi) Interferences (analytical).

(A) Any compound with the same general retention time as the analytes and which also gives a detector response is a potential interference. Possible interferences should be reported to the laboratory with submitted samples by the industrial hygienist.

(B) GC parameters (temperature, column, etc.), may be changed to circumvent interferences.

(C) A useful means of structure designation is GC/MS. It is recommended this procedure be used to confirm samples whenever possible.

(D) The coated adsorbent usually contains a very small amount of residual formaldehyde derivative.

(vii) Calculations:

(A) Results are obtained by use of calibration curves. Calibration curves are prepared by plotting detector response against concentration for each standard. The best line through the data points is determined by curve fitting.

(B) The concentration, in ug/mL, for a particular sample is determined by comparing its detector response to the calibration curve. If either of the analytes is found on the backup section, it is added to the amount found on the front section. Blank corrections should be performed before adding the results together.

(C) The acrolein and/or formaldehyde air concentration can be expressed using the following equation:

$$\text{Mg/m}^3 = (A)(B)/C.$$

where A=ug/mL from 3.7.2, B=desorption volume, and C=L of air sampled.

No desorption efficiency corrections are required.

(D) The following equation can be used to convert results in mg/m³ to ppm.

$$\text{ppm} = (\text{mg/m}^3)(24.45)/\text{MW}$$

where mg/m³=result from 3.7.3, 24.45=molar volume of an ideal gas at 760 mm Hg and 25 5151C, MW=molecular weight (Formaldehyde=30.0).

(d) Backup data.

(i) Backup data on detection limits, reliable quantitation limits, sensitivity and precision of the analytical method, breakthrough, desorption efficiency, storage, reproducibility, and generation of test atmospheres are available in OSHA Method 52, developed by the Organics Methods Evaluation Branch, OSHA Analytical Laboratory, Salt Lake City, Utah.

(ii) Procedure to coat XAD-2 adsorbent with 2-HMP:

(A) Apparatus: Soxhlet extraction apparatus, rotary evaporation apparatus, vacuum dessicator, 1-L vacuum flask, 1-L round-bottomed evaporative flask, 1-L Erlenmeyer flask, 250-mL Buchner funnel with a coarse fritted disc, etc.

(B) Reagents:

(I) Methanol, isooctane, and toluene.

(II) (Hydroxymethyl) piperidine.

(III) Amberlite XAD-2 nonionic polymeric adsorbent, twenty to sixty mesh, Aldrich Chemical XAD-2 was used in this evaluation.

(C) Procedure: Weigh 125 g of crude XAD-2 adsorbent into a 1-L Erlenmeyer flask. Add about 200 mL of water to the flask and then swirl the mixture to wash the adsorbent. Discard any adsorbent that floats to the top of the water and then filter the mixture using a fritted Buchner funnel. Air dry the adsorbent for two minutes. Transfer the adsorbent back to the Erlenmeyer flask and then add about 200 mL of methanol to the flask. Swirl and then filter the mixture as before. Transfer the washed adsorbent back to the Erlenmeyer flask and then add about 200 mL of methanol to the flask. Swirl and then filter the mixture as before. Transfer the washed adsorbent to a 1-L round-bottomed evaporative flask, add 13 g of 2-HMP and then 200 mL of methanol, swirl the mixture and then allow it to stand

for one hour. Remove the methanol at about 40°C and reduced pressure using a rotary evaporation apparatus. Transfer the coated adsorbent to a suitable container and store it in a vacuum desiccator at room temperature overnight. Transfer the coated adsorbent to a Soxhlet extractor and then extract the material with toluene for about twenty-four hours. Discard the contaminated toluene, add methanol in its place and then continue the Soxhlet extraction for an additional four hours. Transfer the adsorbent to a weighted 1-L round-bottom evaporative flask and remove the methanol using the rotary evaporation apparatus. Determine the weight of the adsorbent and then add an amount of 2-HMP, which is ten percent by weight of the adsorbent. Add 200 mL of methanol and then swirl the mixture. Allow the mixture to stand for one hour. Remove the methanol by rotary evaporation. Transfer the coated adsorbent to a suitable container and store it in a vacuum desiccator until all traces of solvents are gone. Typically, this will take two to three days. The coated adsorbent should be protected from contamination. XAD-2 adsorbent treated in this manner will probably not contain residual acrolein derivative. However, this adsorbent will often contain residual formaldehyde derivative levels of about 0.1 ug per 150 mg of adsorbent. If the blank values for a batch of coated adsorbent are too high, then the batch should be returned to the Soxhlet extractor, extracted with toluene again and then recoated. This process can be repeated until the desired blank levels are attained.

The coated adsorbent is now ready to be packed into sampling tubes. The sampling tubes should be stored in a sealed container to prevent contamination. Sampling tubes should be stored in the dark at room temperature. The sampling tubes should be segregated by coated adsorbent lot number. A sufficient amount of each lot number of coated adsorbent should be retained to prepare analytical standards for use with air samples from that lot number.

(iii) A procedure to determine formaldehyde by acid titration: Standardize the 0.1 N HCl solution using sodium carbonate and methyl orange indicator.

Place 50 mL of 0.1 M sodium sulfite and three drops of thymophthalein indicator into a 250-mL Erlenmeyer flask. Titrate the contents of the flask to a colorless endpoint with 0.1 N HCl (usually one or two drops is sufficient). Transfer 10 mL of the formaldehyde/methanol solution ((b)(iii)(A) of this subsection) into the same flask and titrate the mixture with 0.1 N HCl, again, to a colorless endpoint. The formaldehyde concentration of the standard may be calculated by the following equation:

$$\text{Formaldehyde, mg/mL} = \frac{\text{acid titer} \times \text{acid normality} \times 30.0}{\text{mL of Sample}}$$

This method is based on the quantitative liberation of sodium hydroxide when formaldehyde reacts with sodium sulfite to form the formaldehyde-bisulfite addition product. The volume of sample may be varied depending on the formaldehyde content but the solution to be titrated must contain excess sodium sulfite. Formaldehyde solutions containing substantial amounts of acid or base must be neutralized before analysis.

NEW SECTION

WAC 296-62-07546 APPENDIX C MEDICAL SURVEILLANCE—FORMALDEHYDE. (1) Health hazards. The occupational health hazards of formaldehyde are primarily due to its toxic effects after inhalation, after direct contact with the skin or eyes by formaldehyde in liquid or vapor form, and after ingestion.

(2) Toxicology.

(a) Acute effects of exposure.

(i) Inhalation (breathing): Formaldehyde is highly irritating to the upper airways. The concentration of formaldehyde that is immediately dangerous to life and health is 100 ppm. Concentrations above 50 ppm can cause severe pulmonary reactions within minutes. These include pulmonary edema, pneumonia, and bronchial irritation which can result in death. Concentrations above 5 ppm readily cause lower airway irritation characterized by cough, chest tightness, and wheezing. There is some controversy regarding whether formaldehyde gas is a pulmonary sensitizer which can cause occupational asthma in a previously normal individual. Formaldehyde can produce symptoms of bronchial asthma in humans. The mechanism may be either sensitization of the individual by exposure to formaldehyde or direct irritation by formaldehyde in persons with preexisting asthma. Upper airway irritation is the most common respiratory effect reported by workers and can occur over a wide range of concentrations, most frequently above 1 ppm. However, airway irritation has occurred in some workers with exposures to formaldehyde as low as 0.1 ppm. Symptoms of upper airway irritation include dry or sore throat, itching and burning sensations of the nose, and nasal congestion. Tolerance to this level of exposure may develop within one to two hours. This tolerance can permit workers remaining in an environment of gradually increasing formaldehyde concentrations to be unaware of their increasingly hazardous exposure.

(ii) Eye contact: Concentrations of formaldehyde between 0.05 ppm and 0.5 ppm produce a sensation of irritation in the eyes with burning, itching, redness, and tearing. Increased rate of blinking and eye closure generally protects the eye from damage at these low levels, but these protective mechanisms may interfere with some workers' work abilities. Tolerance can occur in workers continuously exposed to concentrations of formaldehyde in this range. Accidental splash injuries of human eyes to aqueous solutions of formaldehyde (formalin) have resulted in a wide range of ocular injuries including corneal opacities and blindness. The severity of the reactions have been directly dependent on the concentration of formaldehyde in solution and the amount of time lapsed before emergency and medical intervention.

(iii) Skin contact: Exposure to formaldehyde solutions can cause irritation of the skin and allergic contact dermatitis. These skin diseases and disorders can occur at levels well below those encountered by many formaldehyde workers. Symptoms include erythema, edema, and vesiculation or hives. Exposure to liquid formalin or

formaldehyde vapor can provoke skin reactions in sensitized individuals even when airborne concentrations of formaldehyde are well below 1 ppm.

(iv) *Ingestion:* Ingestion of as little as 30 ml of a thirty-seven percent solution of formaldehyde (formalin) can result in death. Gastrointestinal toxicity after ingestion is most severe in the stomach and results in symptoms which can include nausea, vomiting, and severe abdominal pain. Diverse damage to other organ systems including the liver, kidney, spleen, pancreas, brain, and central nervous systems can occur from the acute response to ingestion of formaldehyde.

(b) *Chronic effects of exposure.* Long-term exposure to formaldehyde has been shown to be associated with an increased risk of cancer of the nose and accessory sinuses, nasopharyngeal and oropharyngeal cancer, and lung cancer in humans. Animal experiments provide conclusive evidence of a causal relationship between nasal cancer in rats and formaldehyde exposure. Concordant evidence of carcinogenicity includes DNA binding, genotoxicity in short-term tests, and cytotoxic changes in the cells of the target organ suggesting both preneoplastic changes and a dose-rate effect. Formaldehyde is a complete carcinogen and appears to exert an effect on at least two stages of the carcinogenic process.

(3) *Surveillance considerations.*

(a) *History.*

(i) *Medical and occupational history:* Along with its acute irritative effects, formaldehyde can cause allergic sensitization and cancer. One of the goals of the work history should be to elicit information on any prior or additional exposure to formaldehyde in either the occupational or the nonoccupational setting.

(ii) *Respiratory history:* As noted above, formaldehyde has recognized properties as an airway irritant and has been reported by some authors as a cause of occupational asthma. In addition, formaldehyde has been associated with cancer of the entire respiratory system of humans. For these reasons, it is appropriate to include a comprehensive review of the respiratory system in the medical history. Components of this history might include questions regarding dyspnea on exertion, shortness of breath, chronic airway complaints, hyperreactive airway disease, rhinitis, bronchitis, bronchiolitis, asthma, emphysema, respiratory allergic reaction, or other pre-existing pulmonary disease.

In addition, generalized airway hypersensitivity can result from exposures to a single sensitizing agent. The examiner should, therefore, elicit any prior history of exposure to pulmonary irritants, and any short-term or long-term effects of that exposure.

Smoking is known to decrease mucociliary clearance of materials deposited during respiration in the nose and upper airways. This may increase a worker's exposure to inhaled materials such as formaldehyde vapor. In addition, smoking is a potential confounding factor in the investigation of any chronic respiratory disease, including cancer. For these reasons, a complete smoking history should be obtained.

(iii) *Skin disorders:* Because of the dermal irritant and sensitizing effects of formaldehyde, a history of skin disorders should be obtained. Such a history might include

the existence of skin irritation, previously documented skin sensitivity, and other dermatologic disorders. Previous exposure to formaldehyde and other dermal sensitizers should be recorded.

(iv) *History of atopic or allergic diseases:* Since formaldehyde can cause allergic sensitization of the skin and airways, it might be useful to identify individuals with prior allergen sensitization. A history of atopic disease and allergies to formaldehyde or any other substances should also be obtained. It is not definitely known at this time whether atopic diseases and allergies to formaldehyde or any other substances should also be obtained. Also it is not definitely known at this time whether atopic individuals have a greater propensity to develop formaldehyde sensitivity than the general population, but identification of these individuals may be useful for ongoing surveillance.

(v) *Use of disease questionnaires:* Comparison of the results from previous years with present results provides the best method for detecting a general deterioration in health when toxic signs and symptoms are measured subjectively. In this way recall bias does not affect the results of the analysis. Consequently, WISHA has determined that the findings of the medical and work histories should be kept in a standardized form for comparison of the year-to-year results.

(b) *Physical examination.*

(i) *Mucosa of eyes and airways:* Because of the irritant effects of formaldehyde, the examining physician should be alert to evidence of this irritation. A speculum examination of the nasal mucosa may be helpful in assessing possible irritation and cytotoxic changes, as may be indirect inspection of the posterior pharynx by mirror.

(ii) *Pulmonary system:* A conventional respiratory examination, including inspection of the thorax and auscultation and percussion of the lung fields should be performed as part of the periodic medical examination. Although routine pulmonary function testing is only required by the standard once every year for persons who are exposed over the TWA concentration limit, these tests have an obvious value in investigating possible respiratory dysfunction and should be used wherever deemed appropriate by the physician. In cases of alleged formaldehyde-induced airway disease, other possible causes of pulmonary dysfunction (including exposures to other substances) should be ruled out. A chest radiograph may be useful in these circumstances. In cases of suspected airway hypersensitivity or allergy, it may be appropriate to use bronchial challenge testing with formaldehyde or methacholine to determine the nature of the disorder. Such testing should be performed by or under the supervision of a physician experienced in the procedures involved.

(iii) *Skin:* The physician should be alert to evidence of dermal irritation of sensitization, including reddening and inflammation, urticaria, blistering, scaling, formation of skin fissures, or other symptoms. Since the integrity of the skin barrier is compromised by other dermal diseases, the presence of such disease should be noted. Skin sensitivity testing carries with it some risk of inducing sensitivity, and therefore, skin testing for formaldehyde sensitivity should not be used as a routine

screening test. Sensitivity testing may be indicated in the investigation of a suspected existing sensitivity. Guidelines for such testing have been prepared by the North American Contact Dermatitis Group.

(4) Additional examinations or tests. The physician may deem it necessary to perform other medical examinations or tests as indicated. The standard provides a mechanism whereby these additional investigations are covered under the standard for occupational exposure to formaldehyde.

(5) Emergencies. The examination of workers exposed in an emergency should be directed at the organ systems most likely to be affected. Much of the content of the examination will be similar to the periodic examination unless the patient has received a severe acute exposure requiring immediate attention to prevent serious consequences. If a severe overexposure requiring medical intervention or hospitalization has occurred, the physician must be alert to the possibility of delayed symptoms. Followup nonroutine examinations may be necessary to assure the patient's well-being.

(6) Employer obligations. The employer is required to provide the physician with the following information: A copy of this standard and appendices A, C, D, and E; a description of the affected employee's duties as they relate to his or her exposure concentration; an estimate of the employee's exposure including duration (e.g., fifteen hr./wk., three eight-hour shifts, full-time); a description of any personal protective equipment, including respirators, used by the employee; and the results of any previous medical determinations for the affected employee related to formaldehyde exposure to the extent that this information is within the employer's control.

(7) Physician's obligations. The standard requires the employer to obtain a written statement from the physician. This statement must contain the physician's opinion as to whether the employee has any medical condition which would place him or her at increased risk of impaired health from exposure to formaldehyde or use of respirators, as appropriate. The physician must also state his opinion regarding any restrictions that should be placed on the employee's exposure to formaldehyde or upon the use of protective clothing or equipment such as respirators. If the employee wears a respirator as a result of his or her exposure to formaldehyde, the physician's opinion must also contain a statement regarding the suitability of the employee to wear the type of respirator assigned. Finally, the physician must inform the employer that the employee has been told the results of the medical examination and of any medical conditions which require further explanation or treatment. This written opinion is not to contain any information on specific findings or diagnoses unrelated to occupational exposure to formaldehyde.

The purpose in requiring the examining physician to supply the employer with a written opinion is to provide the employer with a medical basis to assist the employer in placing employees initially, in assuring that their health is not being impaired by formaldehyde, and to assess the employee's ability to use any required protective equipment.

NEW SECTION

WAC 296-62-07548 APPENDIX D—NON-MANDATORY MEDICAL DISEASE QUESTIONNAIRE. (1) Identification.

- (a) Plant name:
- (b) Date:
- (c) Employee name:
- (d) Social Security number:
- (e) Job title:
- (f) Birthdate:
- (g) Age:
- (h) Sex:
- (i) Height:
- (j) Weight:

(2) Medical history.

- (a) Have you ever been in the hospital as a patient?
Yes No
If yes, what kind of problem were you having?

- (b) Have you ever had any kind of operation?
Yes No
If yes, what kind?

- (c) Do you take any kind of medicine regularly?
Yes No
If yes, what kind?

- (d) Are you allergic to any drugs, foods, or chemicals?
Yes No
If yes, what kind of allergy is it?

What causes the allergy?

- (e) Have you ever been told that you have asthma, hayfever, or sinusitis?
Yes No
- (f) Have you ever been told that you have emphysema, bronchitis, or any other respiratory problems?
Yes No
- (g) Have you ever been told you had hepatitis?
Yes No
- (h) Have you ever been told that you have cirrhosis?
Yes No
- (i) Have you ever been told that you had cancer?
Yes No
- (j) Have you ever had arthritis or joint pain?
Yes No
- (k) Have you ever been told that you had high blood pressure?
Yes No

- (1) Have you ever had a heart attack or heart trouble?
Yes No
- (3) Medical history update.
- (a) Have you been in the hospital as a patient any time within the past year?
Yes No
If so, for what condition?
- (b) Have you been under the care of a physician during the past year?
Yes No
If so, for what condition?
- (c) Is there any change in your breathing since last year?
Yes No
(i) Better?
(ii) Worse?
(iii) No change?
If change, do you know why?
- (d) Is your general health different this year from last year?
Yes No
If different, in what way?
- (e) Have you in the past year or are you now taking any medication on a regular basis?
Yes No
(i) Name Rx
(ii) Condition being treated
- (4) Occupational history.
- (a) How long have you worked for your present employer?
- (b) What jobs have you held with this employer? Include job title and length of time in each job.
- (c) In each of these jobs, how many hours a day were you exposed to chemicals?
- (d) What chemicals have you worked with most of the time?
- (e) Have you ever noticed any type of skin rash you feel was related to your work?
Yes No
- (f) Have you ever noticed that any kind of chemical makes you cough?
Yes No
(i) Wheeze:
Yes No
(ii) Become short of breath or cause your chest to become tight?
Yes No
- (g) Are you exposed to any dust or chemicals at home?
Yes No
Is yes, explain:
- (h) In other jobs, have you ever had exposure to:
(i) Wood dust?
Yes No
(ii) Nickel or chromium?
Yes No
(iii) Silica (foundry, sand blasting)?
Yes No
(iv) Arsenic or asbestos?
Yes No
(v) Organic solvents?
Yes No
(vi) Urethane foams?
Yes No
- (5) Occupational history update.
- (a) Are you working on the same job this year as you were last year?
Yes No
If not, how has your job changed?
- (b) What chemicals are you exposed to on your job?
- (c) How many hours a day are you exposed to chemicals?
- (d) Have you noticed any skin rash within the past year you feel was related to your work?
Yes No
If so, explain circumstances:
- (e) Have you noticed that any chemical makes you cough, be short of breath, or wheeze?
Yes No
If so, can you identify it?

(6) Miscellaneous.**(a) Do you smoke?**Yes No

If so, how much and for how long?

(i) Pipe

(ii) Cigars

(iii) Cigarettes

(b) Do you drink alcohol in any form?Yes No

If so, how much, how long, and how often?

(c) Do you wear glasses or contact lenses?Yes No **(d) Do you get any physical exercise other than that required to do your job?**Yes No

If so, explain:

(e) Do you have any hobbies or "side jobs" that require you to use chemicals, such as furniture stripping, sand blasting, insulation or manufacture of urethane foam, furniture, etc.?Yes No

If so, please describe, giving type of business or hobby, chemicals used and length of exposures.

(7) Symptoms questionnaire.**(a) Do you ever have any shortness of breath?**Yes No

(i) If yes, do you have to rest after climbing several flights of stairs?

Yes No

(ii) If yes, if you walk on the level with people your own age, do you walk slower than they do?

Yes No

(iii) If yes, if you walk slower than a normal pace, do you have to limit the distance that you walk?

Yes No

(iv) If yes, do you have to stop and rest while bathing or dressing?

Yes No **(b) Do you cough as much as three months out of the year?**Yes No

(i) If yes, have you had this cough for more than two years?

Yes No

(ii) If yes, do you ever cough anything up from the chest?

Yes No **(c) Do you ever have a feeling of smothering, unable to take a deep breath, or tightness in your chest?**Yes No

(i) If yes, do you notice that this occurs on any particular day of the week?

Yes No

(ii) If yes, what day of the week?

Yes No

(iii) If yes, do you notice that this occurs at any particular place?

Yes No

(iv) If yes, do you notice that this is worse after you have returned to work after being off for several days?

Yes No **(d) Have you ever noticed any wheezing in your chest?**Yes No

(i) If yes, is this only with colds or other infections?

Yes No

(ii) Is this caused by exposure to any kind of dust or other material?

Yes No

(iii) If yes, what kind?

(e) Have you noticed any burning, tearing, or redness of your eyes when you are at work?Yes No

Is so, explain circumstances:

(f) Have you noticed any sore or burning throat or itchy or burning nose when you are at work?Yes No

Is so, explain circumstances:

(g) Have you noticed any stuffiness or dryness of your nose?Yes No **(h) Do you ever have swelling of the eyelids or face?**Yes No **(i) Have you ever been jaundiced?**Yes No

If yes, was this accompanied by any pain?

Yes No **(j) Have you ever had a tendency to bruise easily or bleed excessively?**Yes No **(k) Do you have frequent headaches that are not relieved by aspirin or tylenol?**Yes No

- (i) If yes, do they occur at any particular time of the day or week?
Yes No
- (ii) If yes, when do they occur?
- (l) Do you have frequent episodes of nervousness or irritability?
Yes No
- (m) Do you tend to have trouble concentrating or remembering?
Yes No
- (n) Do you ever feel dizzy, light-headed, excessively drowsy, or like you have been drugged?
Yes No
- (o) Does your vision ever become blurred?
Yes No
- (p) Do you have numbness or tingling of the hands or feet or other parts of your body?
Yes No
- (q) Have you ever had chronic weakness or fatigue?
Yes No
- (r) Have you every had any swelling of your feet or ankles to the point where you could not wear your shoes?
Yes No
- (s) Are you bothered by heartburn or indigestion?
Yes No
- (t) Do you ever have itching, dryness, or peeling and scaling of the hands?
Yes No
- (u) Do you ever have a burning sensation in the hands, or reddening of the skin?
Yes No
- (v) Do you ever have cracking or bleeding of the skin on your hands?
Yes No
- (w) Are you under a physician's care?
Yes No
If yes, for what are you being treated?
- (x) Do you have any physical complaints today?
Yes No
If yes, explain:
- (y) Do you have other health conditions not covered by these questions?
Yes No
If yes, explain:

NEW SECTION**WAC 296-62-07550 APPENDIX E—QUALITATIVE AND QUANTITATIVE FIT TESTING**

PROCEDURES. FIT test protocols. Because exposure to formaldehyde can affect the employee's ability to detect common odorants, fit test results from the isoamyl acetate test must be augmented by results from either the saccharin or irritant smoke test.

(1) The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT).

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask; or three sizes of full facepiece; and units from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape, and if fitted and used properly, will provide adequate protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

(i) Position of the mask on the nose;

(ii) Room for eye protection;

(iii) Room to talk;

(iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

(i) Chin properly placed;

(ii) Adequate strap tension, not overly tightened;

(iii) Fit across nose bridge;

(iv) Respirator of proper size to span distance from nose to chin;

(v) Tendency of respirator to slip;

(vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or in the latest edition of ANSI Z88.2. Before conducting the

negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side to side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) **Positive pressure test.** Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) **Negative pressure test.** Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall certify that a successful fit test has been administered to the employee. The certification shall include the following information:

- (i) Name of employee,
- (ii) Type, brand, and size of respirator, and
- (iii) Date of test.

Where QNFT is used, the fit factor, strip chart, or other recording of the results of the test, shall be retained with the certification. The certification shall be maintained until the next fit test is administered.

(m) **Exercise regimen.** Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure.

The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.

(n) **Test exercises.** The test subject shall perform exercises, in the test environment, in the manner described below:

(i) **Normal breathing.** In a normal standing position, without talking, the subject shall breathe normally.

(ii) **Deep breathing.** In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.

(iii) **Turning head side to side.** Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.

(iv) **Moving head up and down.** Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) **Talking.** The subject shall talk out loud slowly and loudly enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.

(vi) **Grimace.** The test subject shall grimace by smiling or frowning.

(vii) **Bending over.** The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) **Normal breathing.** Same as (n)(i) of this subsection.

(A) Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds.

(B) The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(2) **Qualitative fit test (QLFT) protocols.**

(a) **General.**

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that the equipment is in proper working order.

(iii) The employer shall assure the QLFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) **Isoamyl acetate protocol.**

(i) **Odor threshold screening.** The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately 25°C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one-liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clear dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contain a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half, and wetted with 0.75 cc of pure IAA. The

test subject shall hang the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises, or to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the test has failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self-sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Saccharin solution aerosol protocol. The saccharin solution aerosol QLFT protocol is the only currently available, validated test protocol for use with particulate disposable dust respirators not equipped with high-efficiency filters. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) Threshold screening as well as fit testing subjects shall wear an enclosure about the head and shoulders that is approximately twelve inches in diameter by fourteen inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts NZ FT 14 and NZ FT 15 combined, is adequate.

(B) The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer

shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 1 cc of warm water. It can be prepared by putting 1 cc of the fit test solution (see (c)(ii)(E) of this subsection) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after thirty squeezes, the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for fifteen minutes before the test.

(B) The fit test uses the same enclosure described in (c)(i) of this subsection.

(C) The test subject shall don the enclosure while wearing the respirator selected in (c)(i) of this subsection. The respirator shall be properly adjusted and equipped with a particular filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding eighty-three grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in subsection (1)(n) of this section.

(I) Every thirty seconds the aerosol concentration shall be replenished using one-half the number of squeezes as initially used.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(d) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver two hundred milliliters per minute.

(iv) If a half-mask is being fitted, advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) "Quantitative fit test." The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agency is a gas or vapor.

(ii) "Challenge agent" means the aerosol, gas, or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) "Test subject" means the person wearing the respirator for quantitative fit testing.

(iv) "Normal standing position" means standing erect and straight with arms down along the sides and looking straight ahead.

(v) "Maximum peak penetration method" means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) "Average peak penetration method" means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ratio of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus.

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent, and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set-up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) Procedural requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonable stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum

fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and of the end of the test.

(c) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration;

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

New	WAC 296-62-07527	Appendix B—Substance technical guidelines—Benzene.
New	WAC 296-62-07529	Appendix C—Medical surveillance guidelines for benzene.
New	WAC 296-62-07531	Appendix D—Sampling and analytical methods for benzene monitoring and measurement procedures.
New	WAC 296-62-07533	Appendix E—Qualitative and quantitative fit testing procedures.
New	WAC 296-62-300	Scope, application, and definitions.
New	WAC 296-62-3010	General requirements.
New	WAC 296-62-3020	Site characterization and analysis.
New	WAC 296-62-3030	Site control.
New	WAC 296-62-3040	Training.
New	WAC 296-62-3050	Medical surveillance.
New	WAC 296-62-3060	Engineering controls, work practices, and personal protective equipment for employee protection.
New	WAC 296-62-3070	Monitoring.
New	WAC 296-62-3080	Informational programs.
New	WAC 296-62-3090	Handling drums and containers.
New	WAC 296-62-3100	Decontamination.
New	WAC 296-62-3110	Emergency response.
New	WAC 296-62-3120	Illumination.
New	WAC 296-62-3130	Sanitation at temporary workplaces.
New	WAC 296-62-3140	Certain operations conducted under the Resource Conservation and Recovery Act of 1976 (RCRA).
New	WAC 296-62-3150	Start-up dates.
New	WAC 296-62-3152	Appendices to Part B [P].
New	WAC 296-62-3160	Appendix A—Personal protective equipment test methods.
New	WAC 296-62-3170	Appendix B—General description and discussion of the levels of protection and protective gear.
New	WAC 296-62-3180	Appendix C—Compliance guidelines.
New	WAC 296-62-3190	Appendix D—References to appendix.
New	WAC 296-62-07540	Formaldehyde.
New	WAC 296-62-07542	Appendix A—Substance technical guideline for formalin.
New	WAC 296-62-07544	Appendix B—Sampling strategy and analytical methods for formaldehyde.
New	WAC 296-62-07546	Appendix C—Medical formaldehyde.
New	WAC 296-62-07548	Appendix D—Nonmandatory medical disease questionnaire.
New	WAC 296-62-07550	Appendix E—Qualitative and quantitative fit testing procedures.

WSR 88-21-002

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 88-23—Filed October 6, 1988—Eff. November 7, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Room 334, Olympia, Washington, the annexed rules relating to chapter 296-62 WAC, General occupational health standards, is being amended to adopt federal program changes to: WAC 296-62-300 through 296-62-3190, hazardous waste operations and emergency response, is being adopted identical to the OSHA proposed final rule published in Federal Register Vol. 52, No. 153, dated August 10, 1987; WAC 296-62-07523 through 296-62-07533, benzene, is being adopted at least as effective as the OSHA final rule published in Federal Register Vol. 52, No. 176, dated September 11, 1987; and WAC 296-62-07540 through 296-62-07550, formaldehyde, is being adopted at least as effective as the OSHA final rule published in Federal Register Vol. 52, No. 233, dated December 4, 1987, and Federal Register Vol. 53, No. 41, dated March 2, 1988:

New	WAC 296-62-07523	Benzene.
New	WAC 296-62-07525	Appendix A—Substance safety data sheet—Benzene.

This action is taken pursuant to Notice No. WSR 88-16-092 filed with the code reviser on August 3, 1988. These rules shall take effect at a later date, such date being November 7, 1988.

This rule is promulgated pursuant to chapters 49.17 and 34.04 RCW and chapter 1-12 WAC 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 October 6, 1988.

By Joseph A. Dear
Director

PART P

Hazardous waste operations and emergency response	
WAC	
296-62-300	Scope, application, and definitions.
296-62-3010	General requirements.
296-62-3020	Site characterization and analysis.
296-62-3030	Site control.
296-62-3040	Training.

296-62-3050	Medical surveillance.
296-62-3060	Engineering controls, work practices, and personal protective equipment for employee protection.
296-62-3070	Monitoring.
296-62-3080	Informational programs.
296-62-3090	Handling drums and containers.
296-62-3100	Decontamination.
296-62-3110	Emergency response.
296-62-3120	Illumination.
296-62-3130	Sanitation at temporary workplaces.
296-62-3140	Certain operations conducted under the Resource Conservation and Recovery Act of 1976 (RCRA).
296-62-3150	Start-up dates.
296-62-3152	Appendices to Part P - Hazardous waste operations and emergency response.
296-62-3160	Appendix A—Personal protective equipment test methods.
296-62-3170	Appendix B—General description and discussion of the levels of protection and protective gear.
296-62-3180	Appendix C—Compliance guidelines.
296-62-3190	Appendix D—References to appendix.

NEW SECTION

WAC 296-62-300 SCOPE, APPLICATION, AND DEFINITIONS. (1) Scope for operations other than emergency response. This section covers employers and employees engaged in the following operations:

(a) Hazardous substance response operations that are conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (42 U.S.C. 9601 et seq.) (CERCLA), including initial investigations at CERCLA sites before the presence or absence of hazardous substances has been ascertained;

(b) Major corrective actions taken in clean-up operations under the Resource Conservation and Recovery Act of 1976 as amended (42 U.S.C. 6901 et seq.) (RCRA);

(c) Operations involving hazardous waste storage, disposal, and treatment facilities regulated under WAC 173-303-400 pursuant to RCRA;

(d) Hazardous waste operations sites that have been designated for clean-up by state or local governmental authorities; and

(2) Scope for emergency response operations. This section also covers employers whose employees have a reasonable possibility of engaging in emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to the location of the hazard.

(3) Application.

(a) All requirements of this chapter and chapters 296-24 and 296-155 WAC apply pursuant to their terms to hazardous waste operations whether covered by this part or not. In addition, the provisions of this part apply to operations covered by this part. If there is a conflict or overlap, the provision more protective of employee safety and health shall apply.

(b) All sections of this part except WAC 296-62-3110 and 296-62-3140 apply to operations involving hazardous substances conducted under CERCLA, major corrective actions taken in clean-up operations under RCRA, and hazardous waste operations that have been designated for clean-up by state or local governmental authorities.

(c) Only the requirements of WAC 296-62-3110 and 296-62-3140 apply to those operations involving hazardous waste storage, disposal, and treatment facilities regulated under WAC 173-303-400.

Exceptions: For small quantity generators and generators with less than ninety days accumulation of hazardous wastes who have emergency response teams that respond to releases of, or substantial threats of releases of, hazardous substances, only WAC 296-62-3110 is applicable. Small quantity generators and generators with less than ninety days accumulation of hazardous wastes who do not have emergency response teams that respond to releases of, or substantial threats of releases of, hazardous substances are exempt from the regulations of this section.

(d) WAC 296-62-3110 applies to all emergency response operations for releases of, or substantial threats of releases of hazardous substances including those releases of or substantial threats of releases that occur at worksites other than those sites identified in (a) through (c) of this subsection.

(4) Definitions.

(a) "Buddy system" means a system of organizing employees into work groups in such a manner that each employee of the work group is designated to observe the activities of at least one other employee in the work group. The purpose of the buddy system is to provide quick assistance to those other employees in the event of an emergency.

(b) "Decontamination" means the removal of hazardous substances from employees and their equipment to the extent necessary to preclude the occurrence of foreseeable adverse health effects.

(c) "Emergency response" means a coordinated response effort by employees from outside the immediate release area or by outside responders (i.e., mutual aid groups, local fire departments, etc.) to an occurrence which results, or is likely to result, in an uncontrolled release of a hazardous substance. Responses to incidental releases of hazardous substances where the substance can be absorbed, neutralized, or otherwise controlled at the time of release by employees in the immediate release area are not considered to be emergency responses within the scope of this standard. Responses to release of hazardous substances where the concentration of hazardous substance is below the established permissible exposure limits established in this standard are not considered to be emergency responses.

(d) "Established exposure levels" means the inhalation or dermal permissible exposure limit specified, in this chapter, or if none is specified, the exposure limits in "NIOSH Recommendations for Occupational Health Standards" dated 1986 incorporated by reference, or if neither of the above is specified, the standards specified by the American Conference of Governmental Industrial Hygienists in their publication "Threshold Limit Values and Biological Exposure Indices for 1986-87" dated

1986" incorporated by reference. The two documents incorporated by reference are available for purchase from the following:

NIOSH, Publications Dissemination, Division of Standards Development and Technology Transfer, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, OH 45226, (513) 841-4287; and

American Conference of Governmental Industrial Hygienists, 6500 Glenway Ave., Building D-7, Cincinnati, OH 45211-4438, (513) 661-7881 and are available for inspection and copying at the OSHA Docket Office, Docket No. S-760, Room N-3671, 200 Constitution Ave., N.W., Washington, DC 20210.

(e) "Facility" means (i) any building structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, storage container, motor vehicle, rolling stock, or aircraft, or (ii) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

(f) "Hazardous materials (HAZMAT) team" means an organized group of employees, designated by the employer, who are knowledgeable and specifically trained and skilled to handle and control leaking containers or vessels, use and select special chemical protective clothing and perform other duties associated with accidental releases of hazardous substances. The team members perform responses to releases of hazardous substances for the purpose of control or stabilization of the release. A HAZMAT team is not a fire brigade nor is a typical fire brigade a HAZMAT team. A HAZMAT team, however, may be a separate component of a fire brigade.

(g) "Hazardous substance" means any substance designated or listed under (g)(i) through (iv) of this subsection, exposure to which results or may result in adverse effects on the health or safety of employees:

(i) Any substance defined under section 101(14) of CERCLA;

(ii) Any biological agent and other disease-causing agent as defined in section 101(33) of CERCLA;

(iii) Any substance listed by the United States Department of Transportation and regulated as hazardous materials under WAC 480-12-195; and

(iv) Hazardous waste.

(h) "Hazardous waste" means:

(i) A waste or combination of wastes as defined in WAC 173-303-040; or

(ii) Those substances defined in WAC 480-12-195.

(i) "Hazardous waste operation" means any operation conducted within the scope of this standard involving employee exposure to hazardous wastes, hazardous substances, or any combination of hazardous wastes and hazardous substances.

(j) "Hazardous waste site" or "site" means any facility or location within the scope of this standard at which hazardous waste operations take place.

(k) "Health hazard" means a chemical, mixture of chemicals, or a pathogen for which there is statistically

significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Further definition of the terms used above can be found in Appendix A to WAC 296-62-054 through 296-62-05427.

(l) "IDLH" or "immediately dangerous to life or health" means any atmospheric concentration of any toxic, corrosive, or asphyxiant substance that poses an immediate threat to life or would cause irreversible or delayed adverse health effects or would interfere with an individual's ability to escape from a dangerous atmosphere.

(m) "Oxygen deficiency" means that concentration of oxygen by volume below which air supplying respiratory protection must be provided. It exists in atmospheres where the percentage of oxygen by volume is less than 19.5 percent oxygen.

(n) "Permissible exposure limit" means the inhalation or dermal permissible limit specified in WAC 296-62-075 through 296-62-07515.

(o) "Post emergency response" means that portion of an emergency response performed after the immediate threat of a release has been stabilized or eliminated and clean-up of the site has begun. If post emergency response is performed by an employer's own employees as a continuation of initial emergency response, it is considered to be part of the initial response and not post emergency response.

(p) "Qualified person" means a person with specific training, knowledge, and experience in the area for which the person has responsibility.

(q) "Site safety and health supervisor (or official)" means the individual located on a hazardous waste site who is responsible to the employer and has the authority and knowledge necessary to implement the site safety and health plan and verify compliance with applicable safety and health requirements.

(r) "Small quantity generator" means a generator of hazardous wastes who in any calendar month generates no more than 1000 kilograms (2210 pounds) of hazardous waste in that month.

NEW SECTION

WAC 296-62-3010 GENERAL REQUIREMENTS. (1) Safety and health program.

(a) General. Employers shall develop and implement a written safety and health program for their employees involved in hazardous waste operations. The program shall be designed to identify, evaluate, and control safety and health hazards and provide for emergency response for hazardous waste operations. The program shall incorporate as a separate chapter the following:

(i) Organizational structure chapter;

(ii) A comprehensive workplan chapter; and

(iii) A site-specific safety and health plan chapter.

(b) Organizational structure chapter.

(i) The organizational structure chapter shall establish the specific chain of command and specify the overall responsibilities of supervisors and employees. It shall include at a minimum, the following elements:

(A) A general supervisor who has the responsibility and authority to direct all hazardous waste operations.

(B) A site safety and health supervisor who has the responsibility and authority to develop and implement the site safety and health plan and verify compliance.

(C) All other personnel needed for hazardous waste site operations and emergency response and their general functions and responsibilities.

(D) The lines of authority, responsibility, and communication.

(ii) The organizational structure shall be reviewed and updated as necessary to reflect the current status of waste site operations.

(iii) The original organizational structure plan and any changes to the overall organizational structure shall be made available to all affected employees.

(c) Comprehensive workplan chapter. The comprehensive workplan chapter shall address the tasks and objectives of site operations and the logistics and resources required to reach those tasks and objectives.

(i) The comprehensive workplan shall address anticipated clean-up activities as well as normal operating procedures.

(ii) The comprehensive workplan shall define work tasks and objectives and identify the methods for accomplishing those tasks and objectives.

(iii) The comprehensive workplan shall establish personnel requirements for implementing the plan.

(iv) The comprehensive workplan shall provide for the implementation of the training required in WAC 296-62-3040.

(v) The comprehensive workplan shall provide for the implementation of the required informational programs required in WAC 296-62-3080.

(vi) The comprehensive workplan shall provide for the implementation of the medical surveillance program described in WAC 296-62-3050.

(d) Site-specific safety and health plan chapter. The site safety and health plan, which is part of the overall safety and health program shall be available on the site for inspection by employees, their designated representatives, and WISHA personnel, shall address the safety and health hazards of each phase of site operation; and include the requirements and procedures for employee protection.

(i) The site safety and health plan, as a minimum, shall address the following:

(A) Names of key personnel and alternates responsible for site safety and health, including a site safety and health supervisor.

(B) A safety and health risk or hazard analysis for each site task and operation found in the workplan.

(C) Employee training assignments to assure compliance with WAC 296-62-3040.

(D) Personal protective equipment to be used by employees for each of the site tasks and operations being conducted as required by the personal protective equipment program in WAC 296-62-3060.

(E) Medical surveillance requirements in accordance with the program in WAC 296-62-3050.

(F) Frequency and types of air monitoring, personnel monitoring, and environmental sampling techniques and instrumentation to be used including methods of maintenance and calibration of monitoring and sampling equipment to be used.

(G) Site control measures in accordance with the site control program required in WAC 296-62-3030.

(H) Decontamination procedures in accordance with WAC 296-62-3100.

(I) An emergency response plan meeting the requirements of WAC 296-62-3110 for safe and effective responses to emergencies, including the necessary PPE and other equipment.

(J) Confined space entry procedures.

(ii) Preentry briefings shall be held prior to initiating any site activity and at such other times as necessary to ensure that employees are apprised of the site safety and health plan and that this plan is being followed.

(iii) Inspections shall be conducted by the site safety and health supervisor or, in the absence of that individual, another individual acting on behalf of the employer as necessary to determine the effectiveness of the site safety and health plan. Any deficiencies in the effectiveness of the site safety and health plan shall be corrected by the employer.

(iv) When major spills may be anticipated due to the type of work involved, a spill containment program meeting the requirements of WAC 296-62-3080.

(2) Site excavation. Site excavations created during initial site preparation or during hazardous waste operations shall be shored or sloped as appropriate to prevent accidental collapse in accordance with WAC 296-155-650 through 296-155-66505.

(3) Contractors and subcontractors.

(a) An employer who retains contractor or subcontractor services for work in hazardous waste operations shall inform those contractors, subcontractors, or their representatives of any potential fire, explosion, health, safety, or other hazards of the hazardous waste operation that have been identified by the employer including the employer's information program.

(b) The safety and health program required in this section shall be made available to any subcontractor or its representative who will be involved with the hazardous waste operation and employees, their designated representatives, and WISHA personnel.

NEW SECTION

WAC 296-62-3020 SITE CHARACTERIZATION AND ANALYSIS. Hazardous waste sites shall be evaluated in accordance with this section to identify specific site hazards and to determine the appropriate safety and health control procedures needed to protect employees from the identified hazards.

(1) A preliminary evaluation of a site's characteristics shall be performed prior to site entry by a trained person to aid in the selection of appropriate employee protection methods prior to site entry. Immediately after initial site entry, a more detailed evaluation of the site's specific characteristics shall be performed by a qualified person

in order to further identify existing site hazards and to further aid in the selection of the appropriate engineering controls and personal protective equipment for the tasks to be performed.

(2) All suspected conditions that may pose inhalation or skin absorption hazards that are immediately dangerous to life or health (IDLH) or other conditions that may cause death or serious harm shall be identified during the preliminary survey and evaluated during the detailed survey. Examples of such hazards include, but are not limited to, confined space entry, potentially explosive or flammable situations, visible vapor clouds, or areas where biological indicators such as dead animals or vegetation are located.

(3) The following information to the extent available shall be obtained by the employer prior to allowing employees to enter a site:

- (a) Location and approximate size of the site.
- (b) Description of the response activity and/or the job task to be performed.
- (c) Duration of the planned employee activity.
- (d) Site topography.
- (e) Site accessibility by air and roads.
- (f) Pathways for hazardous substance dispersion.
- (g) Present status and capabilities of emergency response teams that would provide assistance to on-site employees at the time of an emergency.

(h) Hazardous substances and health hazards involved or expected at the site and their chemical and physical properties.

(4) Personal protective equipment (PPE) shall be provided and used during initial site entry in accordance with the following requirements:

(a) Based upon the results of the preliminary site evaluation, an ensemble of PPE shall be selected and used during initial site entry which will provide protection to a level of exposure below established permissible exposure limits for known or suspected hazardous substances and health hazards and which will provide protection against other known and suspected hazards identified during the preliminary site evaluation.

(b) During initial site entry an escape self-contained breathing apparatus of at least five minutes' duration shall be carried by employees or kept available at their immediate work station if positive-pressure self-contained breathing apparatus is not used as part of the entry ensemble.

(c) If the preliminary site evaluation does not produce sufficient information to identify the hazards or suspected hazards of the site an ensemble of Level B PPE shall be provided as minimum protection and direct reading instruments shall be used as appropriate for identifying IDLH conditions. (See WAC 296-62-3170 - Appendix B for guidelines on Level B protective equipment.)

(d) Once the hazards of the site have been positively identified, the appropriate PPE shall be selected and used in accordance with WAC 296-62-3060.

(5) The following monitoring shall be conducted during initial site entry when the site evaluation produces information that shows the potential for ionizing radiation or IDLH conditions, or when the site information is not sufficient to rule out these possible conditions:

(a) Monitoring for hazardous levels of ionizing radiation.

(b) Monitoring the air with appropriate test equipment for IDLH and other conditions that may cause death or serious harm (combustible or explosive atmospheres, oxygen deficiency, toxic substances).

(c) Visually observing for signs of actual or potential IDLH or other dangerous conditions.

(6) Once the presence and concentrations of specific hazardous substances and health hazards have been established, the risks associated with these substances shall be identified. Employees who will be working on the site shall be informed of any risks that have been identified. In situations covered by WAC 296-62-054 through 296-62-05425, training required by that standard need not be duplicated.

Note: Risks to consider include, but are not limited to:

Exposures exceeding the appropriate threshold limit values (TLVs), permissible exposure limits (PELs), or recommended exposure limits (RELs).

IDLH concentrations.

Potential skin absorption and irritation sources.

Potential eye irritation sources.

Explosion sensitivity and flammability ranges.

(7) Any information concerning the chemical, physical, and toxicologic properties of each substance known or expected to be present on site that is available to the employer and relevant to the duties an employee is expected to perform shall be made available to all employees prior to the commencement of their work activities.

(8) An ongoing air monitoring program in accordance with WAC 296-62-3070 shall be implemented after site characterization has determined the site is safe for the start-up of operations.

NEW SECTION

WAC 296-62-3030 **SITE CONTROL.** Appropriate site control procedures shall be implemented before clean-up work begins to control employee exposure to hazardous substances.

(1) A site control program for protecting employees which is part of the employer's safety and health program required in WAC 296-62-3010 shall be developed during the planning stages of a hazardous waste operation clean-up and modified as necessary as new information becomes available.

(2) The site control program shall, as a minimum, include: A site map, site work zones, the use of a "buddy system," site communications, the standard operating procedures or safe work practices, and identification of nearest medical assistance.

NEW SECTION

WAC 296-62-3040 **TRAINING.** (1) All employees (such as but not limited to equipment operators and general laborers) exposed to hazardous substances, health hazards, or safety hazards shall be thoroughly trained in the following:

(a) Names of personnel and alternates responsible for site safety and health;

(b) Safety, health, and other hazards present on the site;

(c) Use of PPE;

(d) Work practices by which the employee can minimize risks from hazards;

(e) Safe use of engineering controls and equipment on the site;

(f) Medical surveillance requirements including recognition of symptoms and signs which might indicate overexposure to hazards; and

(g) The site safety and health plan set forth in WAC 296-62-3010 (1)(d).

(2) All employees shall at the time of job assignment receive a minimum of forty hours of initial instruction off the site, and a minimum of three days of actual field experience under the direct supervision of a trained, experienced supervisor. Workers who may be exposed to unique or special hazards shall be provided additional training. The level of training provided shall be consistent with the employee's job function and responsibilities.

(3) On-site management and supervisors directly responsible for or who supervise employees engaged in hazardous waste operations shall receive training as provided in subsections (1) and (2) of this section and at least eight additional hours of specialized training at the time of job assignment on such topics as, but not limited to, the employer's safety and health program and the associated employee training program, personal protective equipment program, spill containment program, and health hazard monitoring techniques.

(4) Trainers shall be qualified to instruct employees about the subject matter that is being presented in training.

Note: Trainers can show their qualifications by having the knowledge or training equivalent to a level of training higher than the level they are presenting. This may be shown by academic degrees, training courses completed and/or work experience.

(5) Employees shall not be permitted to participate in field activities until they have been trained to a level required by their job function and responsibility.

(6) Employees and supervisors that have received and successfully completed the training and field experience specified in subsections (1), (2), and (3) of this section shall be certified by their instructor as having completed the necessary training. Any person who has not been so certified nor meets the requirements of subsection (9) of this section shall be prohibited from engaging in hazardous waste operations.

(7) Employees who are engaged in responding to hazardous emergency situations at hazardous waste clean-up sites that may expose them to hazardous substances shall be trained in how to respond to expected emergencies.

(8) Employees specified in subsection (1) of this section and managers specified in subsection (3) of this section shall receive eight hours of refresher training annually on the items specified in subsection (1) of this section and other relevant topics.

(9) Employers who can show that an employee's work experience and/or training has resulted in initial training equivalent to that training required in subsections (1),

(2), and (3) of this section shall not be required to provide the initial training requirements of those sections. Equivalent training includes the training that existing employees might have already received from actual site experience.

NEW SECTION

WAC 296-62-3050 MEDICAL SURVEILLANCE. Medical surveillance shall be provided in accordance with this section for employees exposed or potentially exposed to hazardous substances or health hazards or who wear respirators.

(1) Employees covered. A medical surveillance program which is part of the employer's safety and health program required in WAC 296-62-3010 shall be instituted by the employer for the following employees:

(a) All employees who are or may be exposed to hazardous substances or health hazards at or above the established exposure levels for these substances, without regard to the use of respirators, for thirty days or more a year;

(b) All employees who wear a respirator for thirty days or more a year; and

(c) All employees who are injured due to overexposure from an emergency incident involving hazardous substances or health hazards.

(2) Frequency of medical examinations and consultations. Medical examinations and consultations shall be made available by the employer to each employee covered under subsection (1) of this section on the following schedules:

(a) Prior to assignment or for employees covered on the effective date of this standard as specified in WAC 296-62-3150.

(b) At least once every twelve months for each employee covered.

(c) At termination of employment or reassignment to an area where the employee would not be covered if the employee has not had an examination within the last six months.

(d) As soon as possible upon notification by an employee that the employee has developed signs or symptoms indicating possible overexposure to hazardous substances or health hazards or that the employee has been exposed above the established exposure levels in an emergency situation.

(e) At more frequent times, if the examining physician determines that an increased frequency of examination is medically necessary. For employees covered under subsection (1)(c) of this section and for all employees who may have been exposed during an emergency incident to hazardous substances at concentrations above the established exposure levels without the necessary personal protective equipment being used:

(i) As soon as possible following the emergency incident;

(ii) Additional times, if the examining physician determines that follow-up examinations or consultations are medically necessary.

(3) Content of medical examinations and consultations.

(a) Medical examinations required by subsection (2) of this section shall include a medical and work history (or updated history if one is in the employee's file) with special emphasis on symptoms related to the handling of hazardous substances and health hazards, and to fitness for duty including the ability to wear any required PPE under conditions (i.e., temperature extremes) that may be expected at the worksite.

(b) The content of medical examinations or consultations made available to employees pursuant to this section shall be determined by the examining physician.

(4) Examination by a physician and costs. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician; and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(5) Information provided to the physician. The employer shall provide one copy of this standard and its appendices to the examining physician, and in addition the following for each employee:

(a) A description of the employee's duties as they relate to the employee's exposures;

(b) The employee's exposure levels or anticipated exposure levels;

(c) A description of any personal protective equipment used or to be used;

(d) Information from previous medical examinations of the employee which is not readily available to the examining physician; and

(e) Information required in WAC 296-62-071 through 296-62-07121.

(6) Physician's written opinion.

(a) The employer shall obtain and furnish the employee with a copy of a written opinion from the examining physician containing the following:

(i) The results of the medical examination and tests if requested by the employee.

(ii) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from work in hazardous waste operations or emergency response or from respirators used as required in WAC 296-62-071 through 296-62-07121.

(iii) The physician's recommended limitations upon the employees assigned work.

(iv) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(b) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(7) Recordkeeping.

(a) An accurate record of the medical surveillance required by this section shall be retained. This record shall be retained for the period specified and meet the criteria of Part B of this chapter.

(b) The record required in (a) of this subsection shall include at least the following information:

(i) The name and Social Security number of the employee;

(ii) Physicians' written opinions, recommended limitations, and results of examinations and tests;

(iii) Any employee medical complaints related to exposure to hazardous substances;

(iv) A copy of the information provided to the examining physician by the employer, with the exception of the standard and its appendices.

NEW SECTION

WAC 296-62-3060 ENGINEERING CONTROLS, WORK PRACTICES, AND PERSONAL PROTECTIVE EQUIPMENT FOR EMPLOYEE PROTECTION. (1) Engineering controls, work practices, PPE, or a combination of these shall be implemented in accordance with this section to protect employees from exposure to hazardous substances and health hazards.

(a) Engineering controls, work practices, and PPE for substances regulated in this chapter shall be instituted to reduce and maintain employee exposure to or below the permissible exposure limits of substances regulated by this chapter, except to the extent that such controls and practices are not feasible.

Note: Engineering controls which may be feasible include the use of pressurized cabs or control booths on equipment, and/or the use of remotely operated material handling equipment. Work practices which may be feasible are removing all nonessential employees from potential exposure during opening of drums, wetting down dusty operations, and locating employees upwind of possible hazards.

(b) Whenever engineering controls and work practices are not feasible, PPE shall be used to reduce and maintain exposures to or below the permissible exposure limits or dose limits for substances regulated by this chapter.

(c) The employer shall not implement a schedule of employee rotation as a means of compliance with permissible dose limits except when there is no other feasible way of complying with the airborne or dermal dose limits for ionizing radiation.

(2) Engineering controls, work practices, and personal protective equipment for substances not regulated in this chapter. An appropriate combination of engineering controls, work practices, and personal protective equipment shall be established to reduce and maintain employee exposure to or below appropriate exposure levels for hazardous substances and health hazards not regulated by this chapter taking into account the established exposure levels.

(3) Personal protective equipment selection.

(a) Personal protective equipment (PPE) shall be selected and used which will protect employees from the hazards and potential hazards they are likely to encounter as identified during the site characterization and analysis.

(b) Personal protective equipment selection shall be based on an evaluation of the performance characteristics of the PPE relative to the requirements and limitations of the site, the task-specific conditions and duration, and the hazards and potential hazards identified at the site.

(c) Positive pressure self-contained breathing apparatus, or positive pressure air-line respirators equipped with an escape air supply shall be used in IDLH conditions.

(d) Totally-encapsulating chemical protective suits (protection equivalent to Level A protection as specified in Appendix B) shall be used in conditions where skin absorption of a hazardous substance may result in an IDLH situation.

(e) The level of protection provided by PPE selection shall be increased when additional information or site conditions show that increased protection is necessary to reduce employee exposures below established permissible exposure limits for hazardous substances and health hazards. (See WAC 296-62-3170 - Appendix B for guidance on selecting PPE ensembles.)

Note: The level of employee protection provided may be decreased when additional information or site conditions show that decreased protection will not result in increased hazardous exposures to employees.

(f) Personal protective equipment shall be selected and used to meet the requirements of chapter 296-24 WAC, Part A-1, and additional requirements specified in this part.

(4) Totally-encapsulating chemical protective suits.

(a) Totally-encapsulating suit materials used for Level A protection shall protect employees from the particular hazards which are identified during site characterization and analysis.

(b) Totally-encapsulating suits shall be capable of maintaining positive air pressure. (See WAC 296-62-3160 - Appendix A.)

(c) Totally-encapsulating suits shall be capable of preventing inward test gas leakage of more than 0.5 percent. (See WAC 296-62-3160 - Appendix A.)

(5) Personal protective equipment (PPE) program. A personal protective equipment program which is part of the employer's safety and health program required in WAC 296-62-3010 shall be established for hazardous waste operations which shall be part of the site-specific safety and health plan. The PPE program shall address the following elements:

- (a) Site hazards;
- (b) PPE selection;
- (c) PPE use;
- (d) Work mission duration;
- (e) PPE maintenance and storage;
- (f) PPE decontamination;
- (g) PPE training and proper fitting;
- (h) PPE donning and doffing procedures;
- (i) PPE inspection;
- (j) PPE in-use monitoring;
- (k) Evaluation of the effectiveness of the PPE program; and
- (l) Limitations during temperature extremes, and other appropriate medical considerations.

NEW SECTION

WAC 296-62-3070 MONITORING. Monitoring shall be performed in accordance with this section to assure proper selection of engineering controls, work practices, and personal protective equipment so that employees are not exposed to levels which exceed established permissible exposure limits for hazardous substances.

(1) Air monitoring shall be used to identify and quantify airborne levels of hazardous substances and health hazards in order to determine the appropriate level of employee protection needed on site.

(2) Upon initial entry, representative air monitoring shall be conducted to identify any IDLH condition, exposure over established exposure levels, exposure over a radioactive material's dose limits, or other dangerous condition, such as the presence of flammable atmospheres or oxygen-deficient environments.

(3) Periodic monitoring shall be conducted when the possibility of an IDLH condition or flammable atmosphere has developed or when there is indication that exposures may have risen since prior monitoring. Situations where it shall be considered whether the possibility that exposures have risen are when:

(a) Work begins on a different portion of the site.

(b) Contaminants other than those previously identified are being handled.

(c) A different type of operation is initiated (e.g., drum opening as opposed to exploratory well drilling).

(d) Employees are handling leaking drums or containers or working in areas with obvious liquid contamination (e.g., a spill or lagoon).

(e) A sufficient reasonable interval has passed so that exposures may have significantly increased.

(4) After hazardous waste cleanup operations commence, the employer shall monitor those employees likely to have the highest exposures to those hazardous substances and health hazards likely to be present above established permissible exposure limits by using personal sampling frequently enough to characterize employee exposures. The employer may utilize a representative sampling approach by documenting that the employees and chemicals chosen for monitoring are based on the criteria stated in subsection (1) of this section.

Note: It is not required to monitor employees engaged in site characterization operations covered by WAC 296-62-3020.

NEW SECTION

WAC 296-62-3080 INFORMATIONAL PROGRAMS. Employers shall develop and implement a program which is part of the employer's safety and health program required in WAC 296-62-3010 (1)(d)(iii) to inform employees, contractors, and subcontractors (or their representative) actually engaged in hazardous waste operations of the nature, level, and degree of exposure likely as a result of participation in such hazardous waste operations. Employees, contractors, and subcontractors working outside of the operations part of a site are not covered by this standard.

NEW SECTION

WAC 296-62-3090 HANDLING DRUMS AND CONTAINERS. Hazardous substances and contaminated soils, liquids, and other residues shall be handled, transported, labeled, and disposed of in accordance with this section.

(1) General.

(a) Drums and containers used during the clean-up shall meet the appropriate DOT, OSHA, and EPA regulations for the wastes that they contain.

(b) When practical, drums and containers shall be inspected and their integrity shall be assured prior to being moved. Drums or containers that cannot be inspected before being moved because of storage conditions (i.e., buried beneath the earth, stacked behind other drums, stacked several tiers high in a pile, etc.) shall be moved to an accessible location and inspected prior to further handling.

(c) Unlabeled drums and containers shall be considered to contain hazardous substances and handled accordingly until the contents are positively identified and labeled.

(d) Site operations shall be organized to minimize the amount of drum or container movement.

(e) Prior to movement of drums or containers, all employees exposed to the transfer operation shall be warned of the potential hazards associated with the contents of the drums or containers.

(f) United States Department of Transportation specified salvage drums or containers and suitable quantities of proper absorbent shall be kept available and used in areas where spills, leaks, or ruptures may occur.

(g) Where major spills may occur, a spill containment program, which is part of the employer's safety and health program required in WAC 296-62-3010, shall be implemented to contain and isolate the entire volume of the hazardous substance being transferred.

(h) Drums and containers that cannot be moved without rupture, leakage, or spillage shall be emptied into a sound container using a device classified for the material being transferred.

(i) A ground-penetrating system or other type of detection system or device shall be used to estimate the location and depth of drums or containers.

(j) Soil or covering material shall be removed with caution to prevent drum or container rupture.

(k) Fire extinguishing equipment meeting the requirements of Part G of chapter 296-24 WAC shall be on hand and ready for use to control incipient fires.

(2) Opening drums and containers. The following procedures shall be followed in areas where drums or containers are being opened:

(a) Where an airline respirator system is used, connections to the bank of air cylinders shall be protected from contamination and the entire system shall be protected from physical damage.

(b) Employees not actually involved in opening drums or containers shall be kept a safe distance from the drums or containers being opened.

(c) If employees must work near or adjacent to drums or containers being opened, a suitable shield that does

not interfere with the work operation shall be placed between the employee and the drums or containers being opened to protect the employee in case of accidental explosion.

(d) Controls for drum or container opening equipment, monitoring equipment, and fire suppression equipment shall be located behind the explosion-resistant barrier.

(e) When there is a reasonable possibility of flammable atmospheres being present, material handling equipment and hand tools shall be of the type to prevent sources of ignition.

(f) Drums and containers shall be opened in such a manner that excess interior pressure will be safely relieved. If pressure cannot be relieved from a remote location, appropriate shielding shall be placed between the employee and the drums or containers to reduce the risk of employee injury.

(g) Employees shall not stand upon or work from drums or containers.

(3) Material handling equipment. Electrical material handling equipment used to transfer drums and containers shall be selected, positioned, and operated to minimize sources of ignition related to the equipment from igniting vapors released from ruptured drums or containers.

(4) Radioactive wastes. Drums and containers containing radioactive wastes shall not be handled until such time as their hazard to employees is properly assessed.

(5) Shock-sensitive wastes.

Caution: Shipping of shock-sensitive wastes may be prohibited under United States Department of Transportation regulations. Employers and their shippers should refer to WAC 480-12-195.

As a minimum, the following special precautions shall be taken when drums and containers containing or suspected of containing shock-sensitive wastes are handled:

(a) All nonessential employees shall be evacuated from the area of transfer.

(b) Material handling equipment shall be provided with explosive containment devices or protective shields to protect equipment operators from exploding containers.

(c) An employee alarm system capable of being perceived above surrounding light and noise conditions shall be used to signal the commencement and completion of explosive waste handling activities.

(d) Continuous communications (i.e., portable radios, hand signals, telephones, as appropriate) shall be maintained between the employee-in-charge of the immediate handling area and the site safety and health supervisor or command post until such time as the handling operation is completed. Communication equipment or methods that could cause shock-sensitive materials to explode shall not be used.

(e) Drums and containers under pressure, as evidenced by bulging or swelling, shall not be moved until such time as the cause for excess pressure is determined and appropriate containment procedures have been implemented to protect employees from explosive relief of the drum.

(f) Drums and containers containing packaged laboratory wastes shall be considered to contain shock-sensitive or explosive materials until they have been characterized.

(6) Laboratory waste packs. In addition to the requirements of subsection (4) of this section, the following precautions shall be taken, as a minimum, in handling laboratory waste packs (lab packs):

(a) Lab packs shall be opened only when necessary and then only by an individual knowledgeable in the inspection, classification, and segregation of the containers within the pack according to the hazards of the wastes.

(b) If crystalline material is noted on any container, the contents shall be handled as a shock-sensitive waste until the contents are identified.

(7) Sampling drums and containers. Sampling of containers and drums shall be done in accordance with a sampling procedure which is part of the site safety and health plan developed for and available to employees and others at the specific worksite.

(8) Shipping and transport.

(a) Drums and containers shall be identified and classified prior to packaging for shipment.

(b) Drum or container staging areas shall be kept to the minimum number necessary to identify and classify materials safely and prepare them for transport.

(c) Staging areas shall be provided with adequate access and egress routes.

(d) Bulking of hazardous wastes shall be permitted only after a thorough characterization of the materials has been completed.

(9) Tank and vault procedures.

(a) Tanks and vaults containing hazardous substances shall be handled in a manner similar to that for drums and containers, taking into consideration the size of the tank or vault.

(b) Appropriate tank or vault entry procedures meeting WAC 296-62-14503 shall be followed whenever employees must enter a tank or vault.

NEW SECTION

WAC 296-62-3100 DECONTAMINATION. Procedures for all phases of decontamination shall be developed and implemented in accordance with this section.

(1) A decontamination procedure shall be developed, communicated to employees and implemented before any employees or equipment may enter areas on site where potential for exposure to hazardous substances exists.

(2) Standard operating procedures shall be developed to minimize employee contact with hazardous substances or with equipment that has contacted hazardous substances.

(3) Decontamination shall be performed in geographical areas that will minimize the exposure of uncontaminated employees or equipment to contaminated employees or equipment.

(4) All employees leaving a contaminated area shall be appropriately decontaminated; all clothing and equipment leaving a contaminated area shall be appropriately disposed of or decontaminated.

(5) Decontamination procedures shall be monitored by the site safety and health supervisor to determine their effectiveness. When such procedures are found to be ineffective, appropriate steps shall be taken to correct any deficiencies.

(6) All equipment and solvents used for decontamination shall be decontaminated or disposed of properly.

(7) Protective clothing and equipment shall be decontaminated, cleaned, laundered, maintained, or replaced as needed to maintain their effectiveness.

(8) Employees whose nonimpermeable clothing becomes wetted with hazardous substances shall immediately remove that clothing and proceed to shower. The clothing shall be disposed of or decontaminated before it is removed from the work zone.

(9) Unauthorized employees shall not remove protective clothing or equipment from change rooms.

(10) Commercial laundries or cleaning establishments that decontaminate protective clothing or equipment shall be informed of the potentially harmful effects of exposures to hazardous substances.

(11) Where the decontamination procedure indicates a need for showers and change rooms outside of a contaminated area, they shall be provided and meet the requirements of Part B-1 of chapter 296-24 WAC. If temperature conditions prevent the effective use of water, then other effective means for cleansing shall be provided and used.

NEW SECTION

WAC 296-62-3110 EMERGENCY RESPONSE. Emergency response at hazardous waste operation incidents shall be conducted in accordance with this section.

(1) General.

(a) An emergency response plan shall be developed and implemented by all employers within the scope of this section to handle anticipated emergencies prior to the commencement of hazardous waste operations. The plan shall be in writing and available for inspection and copying by employees, their representatives, and WISHA personnel. Employers who will evacuate their employees from the workplace when an emergency occurs and who do not permit any of their employees to respond to assist in handling the emergency are exempt from the requirements of this section if they provide an emergency action plan complying with WAC 296-24-567(1).

(b) Elements of an emergency response plan. The employer shall develop an emergency response plan for emergencies which shall address as a minimum, the following:

(i) Preemergency planning.

(ii) Personnel roles, lines of authority, training, and communication.

(iii) Emergency recognition and prevention.

(iv) Safe distances and places of refuge.

(v) Site security and control.

(vi) Evacuation routes and procedures.

(vii) Decontamination.

(viii) Emergency medical treatment and first aid.

(ix) Emergency alerting and response procedures.

(x) Critique of response and follow-up.

(xi) PPE and emergency equipment.

(2) Emergency response at hazardous waste clean-up sites.

(a) Training. Training for emergency response employees at clean-up operations shall be conducted in accordance with WAC 296-62-3040.

(b) Employers who can show that an employee's work experience and/or training has resulted in training equivalent to that training required in (a) of this subsection, shall not be required to provide the initial training requirements of (a) of this subsection. Equivalent training includes the training that existing employees might have already received from actual site work experience.

(c) Procedures for handling site emergency incidents.

(i) In addition to the elements for the emergency response plan required in subsection (1)(b) of this section, the following elements shall be included for emergency response plans:

(A) Site topography, layout, and prevailing weather conditions.

(B) Procedures for reporting incidents to local, state, and federal governmental agencies.

(ii) The emergency response plan shall be a separate section of the site safety and health plan.

(iii) The emergency response plan shall be compatible and integrated with the disaster, fire and/or emergency response plans of local, state, and federal agencies.

(iv) The emergency response plan shall be rehearsed regularly as part of the overall training program for site operations.

(v) The site emergency response plan shall be reviewed periodically and, as necessary, be amended to keep it current with new or changing site conditions or information.

(vi) An employee alarm system shall be installed in accordance with WAC 296-24-631 through 296-24-63199 to notify employees of an on-site emergency situation, to stop work activities if necessary, to lower background noise in order to speed communication, and to begin emergency procedures.

(vii) Based upon the information available at the time of the emergency, the employer shall evaluate the incident and the site response capabilities and proceed with the appropriate steps to implement the on-site emergency response plan.

(3) Emergency response at sites other than hazardous waste clean-up sites.

(a) Training. Employers shall provide the training specified by this section for those employees for whom there exists the reasonable possibility of responding to emergencies at sites other than hazardous waste clean-up sites.

(i) Emergency response organizations or teams. Employees on emergency response organizations or teams such as fire brigades, fire departments, plant emergency organizations, hazardous materials teams, spill response teams, and similar groups with responsibility for emergency response shall be trained to a level of competence to protect themselves and other employees in the recognition of health and safety hazards, methods to minimize the risk from safety and health hazards, safe use of control equipment, selection and use of appropriate personal

protective equipment, safe operating procedures to be used at the incident scene, techniques of coordination with other employees to minimize risks, appropriate response to over exposure from health hazards or injury to themselves and other employees, and recognition of subsequent symptoms which may result from over exposures.

(A) Competency may be demonstrated by twenty-four hours of training annually in those areas with training sessions at least monthly or by demonstrations by the employee of competency in those areas at least quarterly.

(B) A certification shall be made of the training or competency and if certification of competency is made, the employer shall keep a record of the methodology used to demonstrate competency.

(C) An employer of employees for whom the reasonable possibility of responding to emergencies at other than hazardous waste clean-up sites exists need not train all such employees to the degree specified in (a)(i)(A) of this subsection if the employer divides the work force such that sufficient employees who have responsibility to control the emergency have the training specified in this section and other employees who may first respond to the incident have sufficient awareness training to recognize that an emergency response situation exists and are instructed in that case to summon the employees who are fully trained and not attempt control activities for which they are not trained.

(D) An employer of employees for whom the reasonable possibility exists of responding to emergencies at other than hazardous waste clean-up sites need not train such employees to the degree specified in (a)(i)(A) of this subsection if:

(I) Arrangements have been made in advance for a fully-trained emergency response team to respond in a reasonable period; and

(II) Employees who may come to the incident first have sufficient awareness training to recognize that an emergency response situation exists and are instructed to call the designated fully-trained emergency response team for assistance.

(ii) Specialist employees. Employees who, in the course of their regular job duties, work with and are trained in the hazards of specific materials covered by this standard, and who will be called upon to provide technical advice or assistance at a hazardous substance release incident, are exempt from the monthly training sessions required in (a)(i) of this subsection. They must, pursuant to (a)(i) of this subsection, however, receive at least twenty-four hours of training annually or demonstrate competency in the area of their specialization.

(iii) Skilled support personnel. Personnel, not necessarily an employer's own employees, who are needed to perform immediate emergency support work that cannot reasonably be performed in a timely fashion by an employer's own employees, and who will be or may potentially be exposed to the hazards at an emergency response scene, are not required to have the twenty-four hours of annual training or demonstrate the competency required for the employer's regular employees. However, the senior official cited in (b)(i) of this subsection shall

ensure that these personnel are given an initial briefing at the site of emergency response prior to their participation in that response that shall include instruction in the wearing of appropriate personal protective equipment, what chemical hazards are involved, and what duties are to be performed. All appropriate safety and health precautions provided to the employer's own employees shall be used to assure the safety and health of these personnel.

(b) Procedures for handling off-site emergency response.

(i) The senior officer responding to an emergency at other than hazardous waste clean-up sites involving a hazardous substance or health hazard shall establish and become the individual in charge of a site-specific incident command system (ICS). All emergency responders and their communications shall be coordinated and controlled through the individual in charge of the ICS assisted by the senior official present for each employer.

Note: The "senior official" at an off-site emergency response is the most senior official on the site who has the responsibility for controlling the operations at the site. Initially it is the senior officer on the first-due piece of responding emergency apparatus to arrive on the incident scene. As more senior officers arrive (i.e., fire chief, battalion chief, site coordinator, etc.) the position is passed up the line of authority.

(ii) The individual in charge of the ICS shall identify, to the extent possible, all hazardous substances or conditions present and shall address as appropriate site analysis, use of engineering controls, maximum exposure limits, hazardous substance handling procedures, and use of any new technologies.

(iii) Based on the hazardous substances and/or conditions present, the individual in charge of the ICS shall implement appropriate emergency operations, and assure that the personal protective equipment worn is appropriate for the hazards to be encountered. However, personal protective equipment shall meet, at a minimum, the criteria contained in WAC 296-24-58505 through 296-24-58507 when worn while performing fire fighting operations beyond the incipient stage.

(iv) Employees engaged in emergency response and exposed to hazardous substances shall wear positive pressure self-contained breathing apparatus while engaged in emergency response until such time that the individual in charge of the ICS determines through the use of air monitoring that a decreased level of respiratory protection will not result in hazardous exposures to employees.

(v) The individual in charge of the ICS shall limit the number of emergency response personnel at the emergency site to those who are actively performing emergency operations. However, operations in hazardous areas shall be performed using the buddy system in groups of two or more.

(vi) Back-up personnel shall stand by with equipment ready to provide assistance or rescue. Qualified basic life support personnel, as a minimum, shall also stand by with medical equipment and transportation capability.

(vii) The individual in charge of the ICS shall designate a safety official, who is knowledgeable in the operations being implemented at the emergency response site,

with specific responsibility to identify and evaluate hazards and to provide direction with respect to the safety of operations for the emergency at hand.

(viii) When activities are judged by the safety official to be an IDLH condition and/or to involve an imminent danger condition, the safety officer shall have the authority to alter, suspend, or terminate those activities. The safety officer shall immediately inform the individual in charge of the ICS of any actions taken to correct these hazards at an emergency scene.

(ix) After emergency operations have terminated, the individual in charge of the ICS shall implement appropriate decontamination procedures.

(x) When deemed necessary for meeting the tasks at hand, approved self-contained compressed air breathing apparatus may be used with approved cylinders from other approved self-contained compressed air breathing apparatus provided that such cylinders are of the same capacity and pressure rating. All compressed air cylinders used with self-contained breathing apparatus shall meet United States Department of Transportation and National Institute for Occupational Safety and Health criteria.

(4) Hazardous materials teams (HAZMAT).

(a) Employees who are members of the HAZMAT team shall be given training in accordance with subsection (3) of this section that includes the care and use of chemical protective clothing and procedures to be followed when working on leaking drums, containers, tanks, or bulk transport vehicles.

(b) Members of HAZMAT teams shall receive a base line physical exam and have medical surveillance meeting the requirements of WAC 296-62-3050.

(c) Chemical personal protective clothing and equipment to be used by HAZMAT team members shall meet the requirements of WAC 296-62-3060.

(5) Post-emergency response operations. Upon completion of the emergency response, if it is determined that it is necessary to remove hazardous substances, health hazards and materials contaminated with them (such as contaminated soil or other elements of the natural environment) from the site of the incident the employer conducting the clean-up shall comply with one of the following:

(a) Meet all the requirements of WAC 296-62-3010 through 296-62-3130.

(b) Where the clean-up is done on plant property using plant or workplace employees, such employees shall have completed the training requirements of the following: WAC 296-24-567, 296-24-07109(6), 296-62-05415(2), and other appropriate safety and health training made necessary by the tasks that they are expected to be performed. All equipment to be used in the performance of the clean-up work shall be in serviceable condition and shall have been inspected prior to use.

NEW SECTION

WAC 296-62-3120 ILLUMINATION. Areas accessible to employees shall be lighted in accordance with the requirements of this section.

Work areas shall be lighted to not less than the minimum illumination intensities listed in Table 1 while any work is in progress:

TABLE 1 - 120.1 - MINIMUM ILLUMINATION Intensities in Foot-Candles

Foot-candles	Area or operation
5	General site area.
3	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 ten 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.
10	General shops (e.g., mechanical and electrical equipment rooms, active storerooms, barracks or living quarters, locker or dressing rooms, dining areas, and indoor toilets and workrooms).
30	First aid stations, infirmaries, and offices.

NEW SECTION

WAC 296-62-3130 SANITATION AT TEMPORARY WORKPLACES. Facilities for employee sanitation shall be provided in accordance with this section.

(1) Potable water.

(a) An adequate supply of potable water shall be provided on the site.

(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) 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.

(2) Nonpotable water.

(a) Outlets for nonpotable water, such as water for fire fighting purposes shall be identified 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.

(3) Toilet facilities.

(a) Toilets shall be provided for employees according to Table 2.

TABLE 2 - TOILET FACILITIES

Number of employees	Minimum number of facilities
20 or fewer	One.
More than 20, fewer than 200 . . .	One toilet seat and one urinal per 40 employees.
More than 200 . . .	One toilet seat and one urinal per 50 employees.

(b) Under temporary field conditions, provisions shall be made to assure not less than one toilet facility is available.

(c) Hazardous waste sites, not provided with a sanitary sewer shall be provided with the following toilet facilities unless prohibited by local codes:

- (i) Chemical toilets;
- (ii) Recirculating toilets;
- (iii) Combustion toilets; or
- (iv) Flush toilets.

(d) The requirements of this section for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.

(e) Doors entering toilet facilities shall be provided with entrance locks controlled from inside the facility.

(4) Food handling. All employees' food service facilities and operations for employees shall meet the applicable laws, ordinances, and regulations of the jurisdictions in which they are located.

(5) 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 operations where hazardous substances may be harmful to employees. Such facilities shall be in near proximity to the worksite, in areas where exposures are below established permissible exposure limits and which are under the controls of the employer, and shall be so equipped as to enable employees to remove hazardous substances from themselves.

(7) Showers and change rooms. When hazardous waste clean-up or removal operations commence on a site and the duration of the work will require six months or greater time to complete, the employer shall provide showers and change rooms for all employees exposed to hazardous substances and health hazards involved in hazardous waste clean-up or removal operations.

(a) Showers shall be provided and shall meet the requirements of WAC 296-24-12009(3).

(b) Change rooms shall be provided and shall meet the requirements of WAC 296-24-12011. Change rooms shall consist of two separate change areas separated by the shower area required in (a) of this subsection. One change area, with an exit leading off the worksite, shall provide employees with a clean area

where they can remove, store, and put on street clothing. The second area, with an exit to the worksite, shall provide employees with an area where they can put on, remove and store work clothing and personal protective equipment.

(c) Showers and change rooms shall be located in areas where exposures are below the established permissible exposure limits. If this cannot be accomplished, then a ventilation system shall be provided that will supply air that is below the established permissible exposure limits.

(d) Employers shall assure that employees shower at the end of their work shift and when leaving the hazardous waste site.

NEW SECTION

WAC 296-62-3140 CERTAIN OPERATIONS CONDUCTED UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (RCRA). Employers conducting operations specified in WAC 296-62-3060 (2)(c) shall:

(1) Develop and implement a written safety and health program for employees involved in hazardous waste operations which shall be available for inspection by employees, their representatives and WISHA personnel. The program shall be designed to identify, evaluate and control safety and health hazards in their facilities for the purpose of employee protection, and provide for emergency response meeting the requirements of WAC 296-62-3110 and it shall address as appropriate site analysis, engineering controls, maximum exposure limits, hazardous waste handling procedures and uses of new technologies;

(2) Implement a hazard communication program as part of the employer's safety and health program meeting the requirements of WAC 296-62-054 through 296-62-05427;

(3) Implement a medical surveillance program meeting the requirements of WAC 296-62-3050;

(4) Develop and implement a decontamination procedure in accordance with WAC 296-62-3100; and

(5) Develop and implement a training program, which is part of the employer's safety and health program, for employees involved with hazardous waste operations to enable each employee to perform their assigned duties and functions in a safe and healthful manner so as not to endanger themselves or other employees. The initial training shall be for twenty-four hours and refresher training shall be for eight hours annually.

Employers who can show by an employee's previous work experience and/or training that the employee has had training equivalent to the initial training required by this section, shall be considered as meeting the initial training of this section as to that employee. Equivalent training includes the training that existing employees might have already received from actual site work experience. Employees who have received the initial training required by this paragraph shall be given a written certificate attesting that they have successfully completed the necessary training.

(6) New technology programs.

(a) The employer shall develop and implement procedures for the introduction of effective new technologies

and equipment developed for the improved protection of employees working with hazardous waste clean-up operations, and the same shall be implemented as part of the site safety and health program to assure that employee protection is being maintained.

(b) New technologies, equipment, or control measures available to the industry, such as the use of foams or other means to suppress the level of air contaminants while excavating the site or for spill control, shall be evaluated by employers or their representatives to determine their effectiveness before implementing their use on a large scale for employee protection. Such evaluations shall be made available to WISHA upon request.

NEW SECTION

WAC 296-62-3150 START-UP DATES. The engineering controls, work practices, and personal protective equipment required by WAC 296-62-3060(1) are existing requirements of other WISHA standards and continues to be required from the effective date of this standard.

NEW SECTION

WAC 296-62-3152 APPENDICES TO PART P - HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE.

Note: The following appendices serve as nonmandatory guidelines to assist employees and employers in complying with the appropriate requirements of this part. However, WAC 296-62-3170 - Appendix B is required in certain circumstances by WAC 296-62-3020 (4)(c) and 296-62-3060 (3)(d) makes mandatory in certain circumstances the use of Level A and Level B personal protective equipment protection.

NEW SECTION

WAC 296-62-3160 APPENDIX A—PERSONAL PROTECTIVE EQUIPMENT TEST METHODS. This appendix sets forth the nonmandatory examples of tests which may be used to evaluate compliance with WAC 296-62-3060. Other tests and other challenge agents may be used to evaluate compliance.

(1) Totally-encapsulating chemical protective suit pressure test.

(a) Scope.

(i) This practice measures the ability of a gas tight totally-encapsulating chemical protective suit material, seams, and closures to maintain a fixed positive pressure. The results of this practice allow the gas tight integrity of a total-encapsulating chemical protective suit to be evaluated.

(ii) Resistance of the suit materials to permeation, penetration, and degradation by specific hazardous substances is not determined by this test method.

(b) Description of terms.

(i) "Totally-encapsulated chemical protective suit (TECP suit)" means a full body garment which is constructed of protective clothing materials; covers the wearer's torso, head, arms, and legs; may cover the wearer's hands and feet with tightly attached gloves and boots; completely encloses the wearer by itself or in combination with the wearer's respiratory equipment, gloves, and boots.

(ii) "Protective clothing material" means any material or combination of materials used in an item of clothing for the purpose of isolating parts of the body from direct contact with a potentially hazardous liquid or gaseous chemicals.

(iii) "Gas tight" means for the purpose of this practice the limited flow of a gas under pressure from the inside of a TECP suit to atmosphere at a prescribed pressure and time interval.

(c) Summary of test method. The TECP suit is visually inspected and modified for the test. The test apparatus is attached to the suit to permit inflation to the pretest suit expansion pressure for removal of suit wrinkles and creases. The pressure is lowered to the test pressure and monitored for three minutes. If the pressure drop is excessive, the TECP suit fails the test and is removed from service. The test is repeated after leak location and repair.

(d) Required supplies.

(i) Source of compressed air.

(ii) Test apparatus for suit testing including a pressure measurement device with a sensitivity of at least 1/4 inch water gauge.

(iii) Vent valve closure plugs or sealing tape.

(vi) Soapy water solution and soft brush.

(v) Stop watch or appropriate timing device.

(e) Safety precautions. Care shall be taken to provide the correct pressure safety devices required for the source of compressed air used.

(f) Test procedure. Prior to each test, the tester shall perform a visual inspection of the suit. Check the suit for seam integrity by visually examining the seams and gently pulling on the seams. Ensure that all air supply lines, fittings, visor, zippers, and valves are secure and show no signs of deterioration.

(i) Seal off the vent valves along with any other normal inlet or exhaust points (such as umbilical air line fittings or facepiece opening) with tape or other appropriate means (caps, plugs, fixture, etc.). Care should be exercised in the sealing process not to damage any of the suit components.

(ii) Close all closure assemblies.

(iii) Prepare the suit for inflation by providing an improvised connection point on the suit for connecting an airline. Attach the pressure test apparatus to the suit to permit suit inflation from a compressed air source equipped with a pressure indicating regulator. The leak tightness of the pressure test apparatus should be tested before and after each test by closing off the end of the tubing attached to the suit and assuring a pressure of three inches water gauge for three minutes can be maintained. If a component is removed for the test, that component shall be replaced and a second test conducted with another component removed to permit a complete test of the ensemble.

(iv) The pretest expansion pressure (A) and the suit test pressure (B) shall be supplied by the suit manufacturer, but in no case shall they be less than A=3 inches water gauge and B=2 inches water gauge. The ending suit pressure (C) shall be no less than eighty percent of the test pressure (B); i.e., the pressure drop shall not exceed twenty percent of the test pressure (B).

(v) Inflate the suit until the pressure inside is equal to pressure "A", the pretest expansion suit pressure. Allow at least one minute to fill out the wrinkles in the suit. Release sufficient air to reduce the suit pressure to pressure "B", the suit test pressure. Begin timing. At the end of three minutes, record the suit pressure as pressure "C", the ending suit pressure. The difference between the suit test pressure and the ending suit test pressure ("B-C") shall be defined as the suit pressure drop.

(vi) If the suit pressure drop is more than twenty percent of the suit test pressure "B" during the three minute test period, the suit fails the test and shall be removed from service.

(g) Retest procedure.

(i) If the suit fails the test check for leaks by inflating the suit to pressure "A" and brushing or wiping the entire suit (including seams, closures, lens gaskets, glove-to-sleeve joints, etc.) with a mild soap and water solution. Observe the suit for the formation of soap bubbles, which is an indication of a leak. Repair all identified leaks.

(ii) Retest the TECP suit as outlined in (f) of this subsection.

(h) Report. Each TECP suit tested by this practice shall have the following information recorded.

(i) Unique identification number identifying brand name, date of purchase, material of construction, and unique fit features; e.g., special breathing apparatus.

(ii) The actual values for test pressures "A", "B", and "C" shall be recorded along with the specific observation times. If the ending pressure ("C") is less than eighty percent of the test pressure ("B") the suit shall be identified as failing the test. When possible, the specific leak location shall be identified in the test records. Retest pressure data shall be recorded as an additional test.

(iii) The source of the test apparatus used shall be identified and the sensitivity of the pressure gauge shall be recorded.

(iv) Records shall be kept for each pressure test even if repairs are being made at the test location.

Caution. Visually inspect all parts of the suit to be sure they are positioned correctly and secured tightly before putting the suit back into service. Special care should be taken to examine each exhaust valve to make sure it is not blocked. Care should also be exercised to assure that the inside and outside of the suit is completely dry before it is put into storage.

(2) Totally-encapsulating chemical protective suit qualitative leak test.

(a) Scope.

(i) This practice semiquantitatively tests gas tight totally-encapsulating chemical protective suit integrity by detecting inward leakage of ammonia vapor. Since no modifications are made to the suit to carry out this test, the results from this practice provide a realistic test for the integrity of the entire suit.

(ii) Resistance of the suit materials to permeation, penetration, and degradation is not determined by this test method.

(b) Definition of terms.

(i) "Totally-encapsulated chemical protective suit (TECP suit)" means a full body garment which is constructed of protective clothing materials; covers the wearer's torso, head, arms, and legs; may cover the wearer's hands and feet with tightly attached gloves and boots; completely encloses the wearer by itself or in combination with the wearer's respiratory equipment, gloves, and boots.

(ii) "Protective clothing material" means any material or combination of materials used in an item of clothing for the purpose of isolating parts of the body from direct contact with a potentially hazardous liquid or gaseous chemicals.

(iii) "Gas tight" means for the purpose of this test method the limited flow of a gas under pressure from the inside of a TECP suit to atmosphere at a prescribed pressure and time interval.

(iv) "Intrusion coefficient." A number expressing the level of protection provided by a gas tight totally-encapsulating chemical protective suit. The intrusion coefficient is calculated by dividing the test room challenge agent concentration by the concentration of challenge agent found inside the suit. The accuracy of the intrusion coefficient is dependent on the challenge agent monitoring methods. The larger the intrusion coefficient, the greater the protection provided by the TECP suit.

(c) Summary of recommended practice. The volume of concentrated aqueous ammonia solution (ammonia hydroxide, NH_4OH) required to generate the test atmosphere is determined using the directions outlined in WAC 296-62-3190 (2)(f)(i). The suit is donned by a person wearing the appropriate respiratory equipment (either a self-contained breathing apparatus or a supplied air respirator) and worn inside the enclosed test room. The concentrated aqueous ammonia solution is taken by the suited individual into the test room and poured into an open plastic pan. A two-minute evaporation period is observed before the test room concentration is measured using a high range ammonia length of stain detector tube. When the ammonia reaches a concentration of between 1000 and 1200 ppm, the suited individual starts a standardized exercise protocol to stress and flex the suit. After this protocol is completed the test room concentration is measured again. The suited individual exits the test room and his stand-by person measures the ammonia concentration inside the suit using a low range ammonia length of stain detector tube or other more sensitive ammonia detector. A stand-by person is required to observe the test individual during the test procedure, aid the person in donning and doffing the TECP suit and monitor the suit interior. The intrusion coefficient of the suit can be calculated by dividing the average test area concentration by the interior suit concentration. A colorimetric indicator strip of bromophenol blue is placed on the inside of the suit facepiece lens so that the suited individual is able to detect a color change and know if the suit has a significant leak. If a color change is observed the individual should leave the test room immediately.

(d) Required supplies.

(i) A supply of concentrated ammonia (fifty-eight percent ammonium hydroxide by weight).

(ii) A supply of bromophenol/blue indicating paper, sensitive to 5-10 ppm ammonia or greater over a two-minute period of exposure [pH 3.0 (yellow) to pH 4.6 (blue)].

(iii) A supply of high range (0.5-10 volume percent) and low range (5-700 ppm) detector tubes for ammonia and the corresponding sampling pump. More sensitive ammonia detectors can be substituted for the low range detector tubes to improve the sensitivity of this practice.

(iv) A shallow plastic pan (PVC) at least 12":14":1" and a half pint plastic container (PVC) with tightly closing lid.

(v) A graduated cylinder or other volumetric measuring device of at least fifty milliliters in volume with an accuracy of at least ± 1 milliliters.

(e) Safety precautions.

(i) Concentrated aqueous ammonium hydroxide, NH_4OH is a corrosive volatile liquid requiring eye, skin, and respiratory protection. The person conducting the test shall review the MSDS for aqueous ammonia.

(ii) Since the established permissible exposure limit for ammonia is 50 ppm, only persons wearing a self-contained breathing apparatus or a supplied air respirator shall be in the chamber. Normally only the person wearing the total-encapsulating suit will be inside the chamber. A stand-by person shall have a self-contained breathing apparatus, or a supplied air respirator, available to enter the test area should the suited individual need assistance.

(iii) A method to monitor the suited individual must be used during this test. Visual contact is the simplest but other methods using communication devices are acceptable.

(iv) The test room shall be large enough to allow the exercise protocol to be carried out and then to be ventilated to allow for easy exhaust of the ammonia test atmosphere after the test(s) are completed.

(v) Individuals shall be medically screened for the use of respiratory protection and checked for allergies to ammonia before participating in this test procedure.

(f) Test procedure.

(i) Measure the test area to the nearest foot and calculate its volume in cubic feet. Multiply the test area volume by 0.2 milliliters of concentrated aqueous ammonia per cubic foot of test area volume to determine the approximate volume of concentrated aqueous ammonia required to generate 1000 ppm in the test area.

(A) Measure this volume from the supply of concentrated ammonia and place it into a closed plastic container.

(B) Place the container, several high range ammonia detector tubes and the pump in the clean test pan and locate it near the test area entry door so that the suited individual has easy access to these supplies.

(ii) In a noncontaminated atmosphere, open a presealed ammonia indicator strip and fasten one end of the strip to the inside of the suit face shield lens where it can be seen by the wearer. Moisten the indicator strip with distilled water. Care shall be taken not to contaminate the detector part of the indicator paper by touching it. A small piece of masking tape or equivalent should be

used to attach the indicator strip to the interior of the suit face shield.

(iii) If problems are encountered with this method of attachment the indicator strip can be attached to the outside of the respirator facepiece being used during the test.

(iv) Don the respiratory protective device normally used with the suit, and then don the TECP suit to be tested. Check to be sure all openings which are intended to be sealed (zippers, gloves, etc.) are completely sealed. Do NOT, however, plug off any venting valves.

(v) Step into the enclosed test room such as a closet, bathroom, or test booth, equipped with an exhaust fan. No air should be exhausted from the chamber during the test because this will dilute the ammonia challenge concentrations.

(vi) Open the container with the premeasured volume of concentrated aqueous ammonia within the enclosed test room, and pour the liquid into the empty plastic test pan. Wait two minutes to allow for adequate volatilization of the concentrated aqueous ammonia. A small mixing fan can be used near the evaporation pan to increase the evaporation rate of the ammonia solution.

(vii) After two minutes a determination of the ammonia concentration within the chamber should be made using the high range colorimetric detector tube. A concentration of 1000 ppm ammonia or greater shall be generated before the exercises are started.

(viii) To test the integrity of the suit the following four minute exercise protocol should be followed:

(A) Raising the arms above the head with at least fifteen raising motions completed in one minute.

(B) Walking in place for one minute with at least fifteen raising motions of each leg in a one-minute period.

(C) Touching the toes with at least ten complete motions of the arms from above the head to touching of the toes in a one-minute period.

(D) Knee bends with at least ten complete standing and squatting motions in a one-minute period.

(ix) At any time during the test the colorimetric indicating paper should change colors the test should be stopped and (f)(x) and (xi) of this subsection initiated.

(x) After completion of the test exercise, the test area concentration should be measured again using the high range colorimetric detector tube.

(xi) Exit the test area.

(xii) The opening created by the suit zipper or other appropriate suit penetration should be used to determine the ammonia concentration in the suit with the low range length of stain detector tube or other ammonia monitor. The internal TECP suit air should be sampled far enough from the enclosed test area to prevent a false ammonia reading.

(xiii) After completion of the measurement of the suit interior ammonia concentration the test is concluded and the suit is doffed and the respirator removed.

(xiv) The ventilating fan for the test room should be turned on and allowed to run for enough time to remove the ammonia gas. The fan shall be vented to the outside of the building.

(xv) Any detectable ammonia in the suit interior (5 ppm ammonia (NH₃) or more for the length of stain

detector tube) indicates the suit failed the test. When other ammonia detectors are used, a lower level of detection is possible and it should be specified as the pass/fail criteria.

(xvi) By following this test method an intrusion coefficient of approximately two hundred or more can be measured with the suit in a completely operational condition.

(g) Retest procedures.

(i) If the suit fails this test check for leaks by following the pressure test in test "A" above.

(ii) Retest the TECP suit as outlined in (f) of this subsection, Test procedure.

(h) Report.

(i) Each gas tight totally-encapsulating chemical protective suit tested by this practice shall have the following information recorded.

(A) Unique identification number identifying brand name, date of purchase, material of construction, and unique suit features; e.g., special breathing apparatus.

(B) General description of test room used for test.

(C) Brand name and purchase date of ammonia detector strips and color change data.

(D) Brand name, sampling range, and expiration date of the length of stain ammonia detector tubes. The brand name and model of the sampling pump should also be recorded. If another type of ammonia detector is used, it should be identified along with its minimum detection limit for ammonia.

(E) Actual test results shall list the two test area concentrations, their average, the interior suit concentration, and the calculated intrusion coefficient. Retest data shall be recorded as an additional test.

(ii) The evaluation of the data shall be specified as "suit passed" or "suit failed" and the date of the test. Any detectable ammonia (5 ppm or greater for the length of stain detector tube) in the suit interior indicates the suit fails this test. When other ammonia detectors are used, a lower level of detection is possible and it should be specified as the pass/fail criteria.

Caution. Visually inspect all parts of the suit to be sure they are positioned correctly and secured tightly before putting the suit back into service. Special care should be taken to examine each exhaust valve to make sure it is not blocked.

Care should also be exercised to assure that the inside and outside of the suit is completely dry before it is put into storage.

NEW SECTION

WAC 296-62-3170 APPENDIX B—GENERAL DESCRIPTION AND DISCUSSION OF THE LEVELS OF PROTECTION AND PROTECTIVE GEAR. This appendix sets forth information about personal protective equipment (PPE) protection levels which may be used to assist employers in complying with the PPE requirements of this section.

(1) As required by the standard, PPE must be selected which will protect employees from the specific hazards which they are likely to encounter during their work on-site.

(a) Selection of the appropriate PPE is a complex process which must take into consideration a variety of factors. Key factors involved in this process are identification of the hazards or suspected hazards, their routes of potential hazard to employees (inhalation, skin absorption, ingestion, and eye or skin contact), and the performance of the PPE materials (and seams) in providing a barrier to these hazards. The amount of protection provided by PPE is material-hazard specific. That is, protective equipment materials will protect well against some hazardous substances and poorly, or not at all, against others. In many instances, protective equipment materials cannot be found which will provide continuous protection from the particular hazardous substance. In these cases the breakthrough time of the protective material should exceed the work durations, or the exposure after breakthrough must not pose a hazardous level.

(b) Other factors in this selection process to be considered are matching the PPE to the employee's work requirements and task-specific conditions. The durability of PPE materials, such as tear strength and seam strength, must be considered in relation to the employee's tasks. The effects of PPE in relation to heat stress and task duration are a factor in selecting and using PPE. In some cases layers of PPE may be necessary to provide sufficient protection, or to protect expensive PPE inner garments, suits or equipment.

(c) The more that is known about the hazards at the site, the easier the job of PPE selection becomes. As more information about the hazards and conditions at the site becomes available, the site supervisor can make decisions to up-grade or down-grade the level of PPE protection to match the tasks at hand.

(2) The following are guidelines which an employer can use to begin the selection of the appropriate PPE. As noted above, the site information may suggest the use of combinations of PPE selected from the different protection levels (i.e., A, B, C, or D) as being more suitable to the hazards of the work. It should be cautioned that the listing below does not fully address the performance of the specific PPE material in relation to the specific hazards at the job site, and that PPE selection, evaluation and reselection is an ongoing process until sufficient information about the hazards and PPE performance is obtained.

(a) Personal protective equipment has been divided into four categories based on the degree of protection afforded (see (b) of this subsection for further explanation of Levels A, B, C, and D hazards):

(i) Level A. To be selected when the greatest level of skin, respiratory, and eye protection is required. Level A equipment, used as appropriate. The following constitute Level A equipment; it may be used as appropriate:

(A) Pressure-demand, full-facepiece self-contained breathing apparatus (SCBA), or pressure-demand supplied-air respirator with escape SCBA, approved by the National Institute for Occupational Safety and Health (NIOSH).

(B) Totally-encapsulating chemical-protective suit.

(C) Coveralls.*

(D) Long underwear.*

(E) Gloves, outer, chemical-resistant.

(F) Gloves, inner, chemical-resistant.

(G) Boots, outer, chemical-resistant steel toe and shank.

(H) Hard hat (under suit).*

(I) Disposable protective suit, gloves, and boots. (Depending on suit construction, may be worn over totally-encapsulating suit.)

(J) Two-way radios (worn inside encapsulating suit).

*Optional, as applicable.

(ii) Level B. The highest level of respiratory protection is necessary but a lesser level of skin protection is needed. The following constitute Level B equipment; it may be used as appropriate:

(A) Pressure-demand, full-facepiece self-contained breathing apparatus (SCBA), or pressure-demand supplied-air respirator with escape SCBA (NIOSH approved).

(B) Hooded chemical-resistant clothing (overalls and long-sleeved jacket, coveralls, one or two-piece chemical-splash suit, disposable chemical-resistant overalls).

(C) Coveralls.*

(D) Gloves, outer, chemical-resistant.

(E) Gloves, inner, chemical-resistant.

(F) Boots, outer, chemical-resistant steel toe and shank.

(G) Boot-covers, outer, chemical-resistant (disposable).*

(H) Hard hat.

(I) Two-way radios (worn inside encapsulating suit).

(J) Face shield.*

*Optional, as applicable.

(iii) Level C. The concentration(s) and type(s) of airborne substance(s) is/are known and the criteria for using air purifying respirators are met. The following constitute Level C equipment; it may be used as appropriate.

(A) Full-face or half-mask, air purifying, canister equipped respirators (NIOSH approved).

(B) Hooded chemical-resistant clothing (overalls; two-piece chemical-splash suit; disposable chemical-resistant overalls).

(C) Coveralls.*

(D) Gloves, outer, chemical-resistant.

(E) Gloves, inner, chemical-resistant.

(F) Boots (outer), chemical-resistant steel toe and shank.*

(G) Boot-covers, outer, chemical-resistant (disposable).*

(H) Hard hat.

(I) Escape mask.*

(J) Two-way radios (worn under outside protective clothing).

(K) Face shield.*

*Optional, as applicable.

(iv) Level D. A work uniform affording minimal protection: Used for nuisance contamination only. The following constitute Level D equipment; it may be used as appropriate.

(A) Coveralls.

- (B) Gloves.*
- (C) Boots/shoes, chemical-resistant steel toe and shank.
- (D) Boots, outer, chemical-resistant (disposable).*
- (E) Safety glasses or chemical splash goggles.*
- (F) Hard hat.
- (G) Escape mask.*
- (H) Face shield.*

*Optional, as applicable.

(b) Part B. The types of hazards for which Levels A, B, C, and D protection are appropriate are described below:

(i) Level A – Level A protection should be used when:

(A) The hazardous substance has been identified and requires the highest level of protection for skin, eyes, and the respiratory system based on either the measured (or potential for) high concentration of atmospheric vapors, gases, or particulates; or the site operations and work functions involve a high potential for splash, immersion, or exposure to unexpected vapors, gases, or particulates of materials that are harmful to skin or capable of being absorbed through the intact skin;

(B) Substances with a high degree of hazard to the skin are known or suspected to be present, and skin contact is possible; or

(C) Operations must be conducted in confined, poorly ventilated areas, and the absence of conditions requiring Level A have not yet been determined.

(ii) Level B protection should be used when:

(A) The type and atmospheric concentration of substances have been identified and require a high level of respiratory protection, but less skin protection;

Note: This involves atmospheres with IDLH concentrations of specific substances that do not represent a severe skin hazard; or that do not meet the criteria for use of air-purifying respirators.

(B) The atmosphere contains less than 19.5 percent oxygen; or

(C) The presence of incompletely identified vapors or gases is indicated by a direct-reading organic vapor detection instrument, but vapors and gases are not suspected of containing high levels of chemicals harmful to skin or capable of being absorbed through the intact skin.

(iii) Level C protection should be used when:

(A) The atmospheric contaminants, liquid splashes, or other direct contact will not adversely affect or be absorbed through any exposed skin;

(B) The types of air contaminants have been identified, concentrations measured, and an air-purifying respirator is available that can remove the contaminants; and

(C) All criteria for the use of air-purifying respirators are met.

(iv) Level D protection should be used when:

(A) The atmosphere contains no known hazard; and

(B) Work functions preclude splashes, immersion, or the potential for unexpected inhalation of or contact with hazardous levels of any chemicals.

Note: As stated before combinations of personal protective equipment other than those described for Levels A, B, C, and D protection may be more appropriate and may be used to provide the proper level of protection.

NEW SECTION

WAC 296-62-3180 APPENDIX C—COMPLIANCE GUIDELINES. (1) Occupational safety and health program. Each hazardous waste site clean-up effort will require an occupational safety and health program headed by the site coordinator or the employer's representative. The program will be designed for the protection of employees at the site. The purpose of the program will need to be developed before work begins on the site and implemented as work proceeds. The program is to facilitate coordination and communication among personnel responsible for the various activities which will take place at the site. It will provide the overall means for planning and implementing the needed safety and health training and job orientation of employees who will be working at the site. The program will provide the means for identifying and controlling worksite hazards and the means for monitoring program effectiveness. The program will need to cover the responsibilities and authority of the site coordinator or the employer's manager on the site for the safety and health of employees at the site, and the relationships with contractors or support services as to what each employer's safety and health responsibilities are for their employees on the site. Each contractor on the site needs to have its own safety and health program so structured that it will smoothly interface with the program of the site coordinator. Also those employers involved with treating, storing, or disposal of hazardous waste as covered in WAC 296-62-3140 must have implemented a safety and health plan for their employees. This program is to include the hazard communication program required in WAC 296-62-3140(1) and the training required in WAC 296-62-3140(5) as parts of the employers comprehensive overall safety and health program. This program is to be in writing.

(a) Each site or workplace safety and health program will need to include the following:

(i) Policy statements of the line of authority and accountability for implementing the program, the objectives of the program and the role of the site safety and health officer or manager and staff;

(ii) Means or methods for the development of procedures for identifying and controlling workplace hazards at the site;

(iii) Means or methods for the development and communication to employees of the various plans, work rules, standard operating procedures and practices that pertain to individual employees and supervisors;

(iv) Means for the training of supervisors and employees to develop the needed skills and knowledge to perform their work in a safe and healthful manner;

(v) Means to anticipate and prepare for emergency situations; and

(vi) Means for obtaining information feedback to aid in evaluating the program and for improving the effectiveness of the program. The management and employees should be trying continually to improve the effectiveness of the program thereby enhancing the protection being afforded those working on the site.

(b) Accidents on the site should be investigated to provide information on how such occurrences can be avoided in the future. When injuries or illnesses occur on the site or workplace, they will need to be investigated to determine what needs to be done to prevent this incident from occurring again. Such information will need to be used as feedback on the effectiveness of the program and the information turned into positive steps to prevent any reoccurrence. Receipt of employee suggestions or complaints relating to safety and health issues involved with site or workplace activities is also a feedback mechanism that needs to be used effectively to improve the program and may serve in part as an evaluative tool(s).

(2) Training.

(a) The employer is encouraged to utilize those training programs that have been recognized by the National Institute of Environmental Health Sciences through its training grants program. These training and educational programs are being developed for the employees who work directly with hazardous substances. For further information about these programs contact: National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709.

(b) The training programs for employees subject to the requirements of WAC 296-62-3040 are expected to address: The safety and health hazards employees should expect to find on sites; what control measures or techniques are effective for those hazards; what monitoring procedures are effective in characterizing exposure levels; what makes an effective employer's safety and health program; what a site safety and health plan should include; and employee's responsibilities under WISHA and other regulations. Supervisors will need training in their responsibilities under the safety and health program and its subject areas such as the spill containment program, the personal protective equipment program, the medical surveillance program, the emergency response plan and other areas.

(c) Training programs for emergency service organizations are available from the United States National Fire Academy, Emmitsburg, MD and the various state fire training schools. The International Society of Fire Service Instructors, Ashland, MA is another resource.

(d) The training programs for employees covered by the requirements of WAC 296-62-3110(3) are expected to address: The need for and use of personal protective equipment including respirators; the decontamination procedures to be used; preplanning activities for hazardous substance incidents including the emergency response plan; company standard operating procedures for hazardous substance emergency responses; the use of the incident command system and other subjects. Hands-on training should be stressed whenever possible. Critiques done after an incident which include any evaluation of what worked, and what did not, and how can we do better the next time, may be counted as training time.

(e) For hazardous materials teams, the training will need to address the care, use and/or testing of chemical protective clothing including totally encapsulating suits, the medical surveillance program, the standard operating procedures for the use of plugging and patching equipment and other subject areas.

(f) Officers and leaders who may be expected to be in charge at an incident will need to be fully knowledgeable of their company's incident command system. They will need to know where and how to obtain additional assistance and be familiar with the local district's emergency response plan.

(g) Technical experts or medical experts or environmental experts that work with hazardous materials in their regular jobs, who may be sent to the incident scene by the shipper, manufacturer or governmental agency to advise and assist the person in charge of the incident need not have monthly training sessions, however, they will be required to have the twenty-four hours of training on an annual basis. Their training must include the care and use of personal protective equipment including respirators; knowledge of the incident command system; and those areas needed to keep them current in their respective field as it relates to safety and health involving specific hazardous substances.

(h) Those employees who work for public works departments or special equipment operators who operate bulldozers, sand trucks, backhoes, etc., who may be called to the incident scene to provide emergency support assistance, will need at least a safety and health briefing before entering the area of potential or actual exposure. These specially skilled persons, who have not been a part of the emergency plan and do not meet the required training hours, must be made aware of the hazards they face and be provided all necessary protective clothing and equipment required for their tasks. If respirators are to be worn, the specially skilled person shall be trained in accordance with WAC 296-62-071 through 296-62-07121 before proceeding into the hazardous area to do their assigned job.

(3) Decontamination. Decontamination procedures should be tailored to the specific hazards of the site and will vary in complexity, and number of steps, depending on the level of hazard and the employee's exposure to the hazard. Decontamination procedures and PPE decontamination methods will vary depending upon the specific substance, since one procedure or method will not work for all substances. Evaluation of decontamination methods and procedures should be performed, as necessary, to assure that employees are not exposed to hazards by reusing PPE. References in WAC 296-62-3190, Appendix D, may be used for guidance in establishing an effective decontamination program.

(4) Emergency response plans. States, along with designated districts within the states, will be developing or have developed emergency response plans. These district and state plans are to be utilized in the emergency response plans called for in this standard. Each employer needs to assure that its emergency response plan is compatible with the local plan. In addition, the chemical manufacturers' association (CMA) is another helpful resource in formulating an effective emergency response

plan. Also the current Emergency Response Guidebook from the United States Department of Transportation, CMA's CHEMTREC and the Fire Service Emergency Management Handbook should be used as resources.

NEW SECTION

WAC 296-62-3190 APPENDIX D—REFERENCES. The following references may be consulted for further information on the subject of this notice:

(1) WISHA Guidelines for Superfund and Other Hazardous Waste Site Activities, W.R.D. 84-13 as amended, October 24, 1986.

(2) WISHA Hazardous Waste Activity Form, July 1986, WISHA Form F413-016-000.

(3) Hazardous Waste Inspections Reference Manual, U.S. Department of Labor, Occupational Safety and Health Administration, 1986.

(4) Memorandum of Understanding Among the National Institute for Occupational Safety and Health, the Occupational Safety and Health Administration, the United States Coast Guard, and the United States Environmental Protection Agency; Guidance for Worker Protection During Hazardous Waste Site Investigations and Clean-up and Hazardous Substance Emergencies; December 18, 1980.

(5) National Priorities List, 1st Edition, October 1984; U.S. Environmental Protection Agency, Revised periodically.

(6) The Decontamination of Response Personnel, Field Standard Operating Procedures (F.S.O.P.) 7; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, December 1984.

(7) Preparation of a Site Safety Plan, Field Standard Operating Procedures (F.S.O.P.) 9; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, April 1985.

(8) Standard Operating Safety Guidelines; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, Environmental Response Team; November 1984.

(9) Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, National Institute for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), U.S. Coast Guard (USCG), and Environmental Protection Agency (EPA); October 1985.

(10) Protecting Health and Safety at Hazardous Waste Sites: An Overview, U.S. Environmental Protection Agency, EPA/625/9-85/006; September 1985.

(11) Hazardous Waste Sites and Hazardous Substance Emergencies, NIOSH Worker Bulletin, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health; December 1982.

(12) Personal Protective Equipment for Hazardous Materials Incidents: A Selection Guide; U.S. Department of Health and Human Services, Public Health

Service, Centers for Disease Control, National Institute for Occupational Safety and Health; October 1984.

(13) Fire Service Emergency Management Handbook, International Association of Fire Chiefs Foundation, 101 East Holly Avenue, Unit 10B, Sterling, VA 22170, January 1985.

(14) Emergency Response Guidebook, U.S. Department of Transportation, Washington, D.C., 1983.

(15) Report to the Congress on Hazardous Materials Training, Planning and Preparedness, Federal Emergency Management Agency, Washington, DC, July 1986.

(16) Workbook for Fire Command, Alan V. Brunacini and J. David Beageron, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, 1985.

(17) Fire Command, Alan V. Brunacini, National Fire Protection, Batterymarch Park, Quincy, MA 02269, 1985.

(18) Incident Command System, Fire Protection Publications, Oklahoma State University, Stillwater, OK 74078, 1983.

(19) Site Emergency Response Planning, Chemical Manufacturers Association, Washington, DC 20037, 1986.

NEW SECTION

WAC 296-62-07523 BENZENE. (1) Scope and application.

(a) This section applies to all occupational exposures to benzene. Chemical Abstracts Service Registry No. 71-43-2, except as provided in (b) and (c) of this subsection.

(b) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use of gasoline, motor fuels, or other fuels containing benzene subsequent to its final discharge from bulk wholesale storage facilities, except that operations where gasoline or motor fuels are dispensed for more than four hours per day in an indoor location are covered by this section.

(ii) Loading and unloading operations at bulk wholesale storage facilities which use vapor control systems for all loading and unloading operations, except for the provisions of WAC 296-62-054 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iii) The storage, transportation, distribution, or sale of benzene or liquid mixtures containing more than 0.1 percent benzene in intact containers or in transportation pipelines while sealed in such a manner as to contain benzene vapors or liquid, except for the provisions of WAC 296-62-054 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iv) Containers and pipelines carrying mixtures with less than 0.1 percent benzene and natural gas processing plants processing gas with less than 0.1 percent benzene.

(v) Work operations where the only exposure to benzene is from liquid mixtures containing 0.5 percent or less of benzene by volume, or the vapors released from such liquids until September 12, 1988; work operations

where the only exposure to benzene is from liquid mixtures containing 0.3 percent or less of benzene by volume or the vapors released from such liquids from September 12, 1988, to September 12, 1989; and work operations where the only exposure to benzene is from liquid mixtures containing 0.1 percent or less of benzene by volume or the vapors released from such liquids after September 12, 1989; except that tire building machine operators using solvents with more than 0.1 percent benzene are covered by subsection (9) of this section.

(vi) Oil and gas drilling, production, and servicing operations.

(vii) Coke oven batteries.

(c) The cleaning and repair of barges and tankers which have contained benzene are excluded from subsection (6) of this section (Methods of compliance), subsection (5)(a) of this section (General), and subsection (5)(f) of this section (Accuracy of monitoring). Engineering and work practice controls shall be used to keep exposures below 10 ppm unless it is proven to be not feasible.

(2) Definitions.

(a) "Action level" means an airborne concentration of benzene of 0.5 ppm calculated as an 8-hour time-weighted average.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section, or any other person authorized by the Washington Industrial Safety and Health Act (WISHA) or regulations issued under WISHA.

(c) "Benzene" (C₆H₆) (CAS Registry No. 71-43-2) means liquefied or gaseous benzene. It includes benzene contained in liquid mixtures and the benzene vapors released by these liquids. It does not include trace amounts of unreacted benzene contained in solid materials.

(d) "Bulk wholesale storage facility" means a bulk terminal or bulk plant where fuel is stored prior to its delivery to wholesale customers.

(e) "Container" means any barrel, bottle, can, cylinder, drum, reaction vessel, storage tank, or the like, but does not include piping systems.

(f) "Day" means any part of a calendar day.

(g) "Director" means the director of the department of labor and industries, or his/her designated representative.

(h) "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may or does result in an unexpected significant release of benzene.

(i) "Employee exposure" means exposure to airborne benzene which would occur if the employee were not using respiratory protective equipment.

(j) "Regulated area" means any area where airborne concentrations of benzene exceed or can reasonably be expected to exceed, the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(k) "Vapor control system" means any equipment used for containing the total vapors displaced during the loading of gasoline, motor fuel, or other fuel tank trucks and the displacing of these vapors through a vapor processing system or balancing the vapor with the storage tank. This equipment also includes systems containing the vapors displaced from the storage tank during the unloading of the tank truck which balance the vapors back to the tank truck.

(3) Permissible exposure limits (PELs).

(a) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of one part of benzene per million parts of air (1 ppm) as an 8-hour time-weighted average.

(b) Short-term exposure limit (STEL). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 5 ppm as averaged over any fifteen minute period.

(4) Regulated areas.

(a) The employer shall establish a regulated area wherever the airborne concentration of benzene exceeds or can reasonably be expected to exceed the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be determined from the rest of the workplace in any manner that minimizes the number of employees exposed to benzene within the regulated area.

(5) Exposure monitoring.

(a) General.

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of each employee's average exposure to airborne benzene.

(ii) Representative 8-hour TWA employee exposures shall be determined on the basis of one sample or samples representing the full shift exposure for each job classification in each work area.

(iii) Determinations of compliance with the STEL shall be made from fifteen minute employee breathing zone samples measured at operations where there is reason to believe exposures are high, such as where tanks are opened, filled, unloaded, or gauged; where containers or process equipment are opened and where benzene is used for cleaning or as a solvent in an uncontrolled situation. The employer may use objective data, such as measurements from brief period measuring devices, to determine where STEL monitoring is needed.

(iv) Except for initial monitoring as required under (b) of this subsection, where the employer can document that one shift will consistently have higher employee exposures for an operation, the employer shall only be required to determine representative employee exposure for that operation during the shift on which the highest exposure is expected.

(b) Initial monitoring.

(i) Each employer who has a place of employment covered under subsection (1)(a) of this section shall

monitor each of these workplaces and work operations to determine accurately the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under (b)(i) of this subsection shall be completed by sixty days after the effective date of this standard or within thirty days of the introduction of benzene into the workplace. Where the employer has monitored within one year prior to the effective date of this standard and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection.

(c) Periodic monitoring and monitoring frequency.

(i) If the monitoring required by (b)(i) of this subsection reveals employee exposure at or above the action level but at or below the TWA, the employer shall repeat such monitoring for each such employee at least every year.

(ii) If the monitoring required by (b)(i) of this subsection reveals employee exposure above the TWA, the employer shall repeat such monitoring for each such employee at least every six months.

(iii) The employer may alter the monitoring schedule from every six months to annually for any employee for whom two consecutive measurements taken at least seven days apart indicate that the employee exposure has decreased to the TWA or below, but is at or above the action level.

(iv) Monitoring for the STEL shall be repeated as necessary to evaluate exposures of employees subject to short term exposures.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b)(i) of this subsection reveals employee exposure to be below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least seven days apart, are below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(e) Additional monitoring.

(i) The employer shall institute the exposure monitoring required under (b) and (c) of this subsection when there has been a change in the production, process, control equipment, personnel, or work practices which may result in new or additional exposures to benzene, or when the employer has any reason to suspect a change which may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures, or other breakdowns occur that may lead to employee exposure, the employer shall monitor (using area or personal sampling) after the cleanup of the spill or repair of the leak, rupture or other breakdown to ensure that exposures have returned to the level that existed prior to the incident.

(f) Accuracy of monitoring. Monitoring shall be accurate, to a confidence level of ninety-five percent, to within plus or minus twenty-five percent for airborne concentrations of benzene.

(g) Employee notification of monitoring results.

(i) The employer shall, within fifteen working days after the receipt of the results of any monitoring performed under this standard, notify each employee of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) Whenever the PELs are exceeded, the written notification required by (g)(i) of this subsection shall contain the corrective action being taken by the employer to reduce the employee exposure to or below the PEL, or shall refer to a document available to the employee which states the corrective actions to be taken.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to benzene at or below the permissible exposure limits, except to the extent that the employer can establish that these controls are not feasible or where the provisions of (a)(iii) of this subsection or subsection (7)(a) of this section apply.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the PELs, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(iii) Where the employer can document that benzene is used in a workplace less than a total of thirty days per year, the employer shall use engineering controls, work practice controls or respiratory protection or any combination of these controls to reduce employee exposure to benzene to or below the PELs, except that employers shall use engineering and work practice controls, if feasible, to reduce exposure to or below 10 ppm as an 8-hour TWA.

(b) Compliance program.

(i) When any exposures are over the PEL, the employer shall establish and implement a written program to reduce employee exposure to or below the PEL primarily by means of engineering and work practice controls, as required by (a) of this subsection.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be reviewed and revised as appropriate based on the most recent exposure monitoring data, to reflect the current status of the program.

(iii) Written compliance programs shall be furnished upon request for examination and copying to the director, affected employees, and designated employee representatives.

(7) Respiratory protection.

(a) General. The employer shall provide respirators, and assure that they are used, where required by this section. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering and work practice controls;

(ii) In work operations for which the employer establishes that compliance with either the TWA or STEL through the use of engineering and work practice controls is not feasible, such as some maintenance and repair activities, vessel cleaning, or other operations where engineering and work practice controls are infeasible because exposures are intermittent in nature and limited in duration;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient or are not required under subsection (6)(a)(iii) of this section to reduce exposure to or below the PELs; and

(iv) In emergencies.

(b) Respirator selection.

(i) Where respirators are required or allowed under this section, the employer shall select and provide, at no cost to the employee, the appropriate respirator as specified in Table 1 of this section, and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those jointly approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11. Negative pressure respirators shall have filter elements approved by MSHA/NIOSH for organic vapors or benzene.

(iii) Any employee who cannot wear a negative pressure respirator shall be given the option of wearing a respirator with less breathing resistance such as a powered air-purifying respirator or supplied air respirator.

(c) Respirator program. The employer shall institute a respiratory protection program in accordance with Part E, Respiratory protection, WAC 296-62-071 through 296-62-07121.

(d) Respirator use.

(i) Where air-purifying respirators are used, the employer shall replace the air purifying element at the expiration of service life or at the beginning of each shift in which they will be used, whichever comes first.

(ii) If an air purifying element becomes available with an end of useful life indicator for benzene approved by MSHA/NIOSH, the element may be used until such time as the indicator shows no further useful life.

(iii) The employer shall permit employees who wear respirators to leave the regulated area to wash their faces and respirator facepieces as necessary in order to prevent skin irritation associated with respirator use or to change the filter elements of air-purifying respirators whenever they detect a change in breathing resistance or chemical vapor breakthrough.

(e) Respirator fit testing.

(i) The employer shall perform, and certify the results of, either quantitative or qualitative fit tests at the time of initial fitting and at least annually thereafter for each employee wearing a negative pressure respirator. The test shall be used to select a respirator facepiece which exhibits minimum leakage and provides the required protection as prescribed in Table 1 of this section. The employer shall provide and assure that the employee wears a respirator demonstrated by the fit test to provide the required protection.

(ii) The employer shall follow the test protocols outlined in Appendix E of this standard for whichever type of fit testing the employer chooses.

TABLE 1. - RESPIRATORY PROTECTION FOR BENZENE

Airborne concentration of benzene or condition of use	Respirator type
(a) Less than or equal to 10 ppm.	(1) Half-mask air-purifying respirator with organic vapor cartridge.
(b) Less than or equal to 50 ppm.	(1) Full facepiece respirator with organic vapor cartridges.
(c) Less than or equal to 100 ppm.	(1) Full facepiece gas mask with chin style canister. ¹
(d) Less than or equal to 1,000 ppm.	(1) Full facepiece powered air-purifying respirator with organic vapor canister. ¹
(e) Greater than 1,000 ppm or unknown concentration.	(1) Supplied air respirator with full facepiece in positive-pressure mode. (2) Self-contained breathing apparatus with full facepiece in positive-pressure mode. (3) Full facepiece positive-pressure supplied-air respirator with auxiliary self-contained air supply.
(f) Escape.....	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.
(g) Firefighting.....	(1) Full facepiece self-contained breathing apparatus in positive pressure mode.

¹ Canisters must have a minimum service life of four (4) hours when tested at 150 ppm benzene, at a flow rate of 64 LPM, 25° C, and 85% relative humidity for non-powered air purifying respirators. The flow rate shall be 115 LPM and 170 LPM respectively for tight fitting and loose fitting powered air-purifying respirators.

(8) Protective clothing and equipment. Personal protective clothing and equipment shall be worn where appropriate to prevent eye contact and limit dermal exposure to liquid benzene. Protective clothing and equipment shall be provided by the employer at no cost to the employee and the employer shall assure its use where appropriate. Eye and face protection shall meet the requirements of WAC 296-24-07801.

(9) Medical surveillance.

(a) General.

(i) The employer shall make available a medical surveillance program for employees who are or may be exposed to benzene at or above the action level thirty or more days per year; for employees who are or may be exposed to benzene at or above the PELs ten or more days per year; for employees who have been exposed to more than 10 ppm of benzene for thirty or more days in a year prior to the effective date of the standard when employed by their current employer; and for employees involved in the tire building operations called tire building machine operators, who use solvents containing greater than 0.1 percent benzene.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and that all laboratory tests are conducted by an accredited laboratory.

(iii) The employer shall assure that persons other than licensed physicians who administer the pulmonary function testing required by this section shall complete a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution.

(iv) The employer shall assure that all examinations and procedures are provided without cost to the employee and at a reasonable time and place.

(b) Initial examination.

(i) Within sixty days of the effective date of this standard, or before the time of initial assignment, the employer shall provide each employee covered by (a)(i) of this subsection with a medical examination including the following elements:

(A) A detailed occupational history which includes:

(I) Past work exposure to benzene or any other hematological toxins;

(II) A family history of blood dyscrasias including hematological neoplasms;

(III) A history of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, abnormal function of formed blood elements;

(IV) A history of renal or liver dysfunction;

(V) A history of medicinal drugs routinely taken;

(VI) A history of previous exposure to ionizing radiation; and

(VII) Exposure to marrow toxins outside of the current work situation.

(B) A complete physical examination.

(C) Laboratory tests. A complete blood count including a leukocyte count with differential, a quantitative thrombocyte count, hematocrit, hemoglobin, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC). The results of these tests shall be reviewed by the examining physician.

(D) Additional tests as necessary in the opinion of the examining physician, based on alterations to the components of the blood or other signs which may be related to benzene exposure.

(E) For all workers required to wear respirators for at least thirty days a year, the physical examination shall pay special attention to the cardiopulmonary system and shall include a pulmonary function test.

(ii) No initial medical examination is required to satisfy the requirements of (b)(i) of this subsection if adequate records show that the employee has been examined in accordance with the procedures of (b)(i) of this subsection within the twelve months prior to the effective date of this standard.

(c) Periodic examinations.

(i) The employer shall provide each employee covered under (a)(i) of this subsection with a medical examination annually following the previous examination. These periodic examinations shall include at least the following elements:

(A) A brief history regarding any new exposure to potential marrow toxins, changes in medicinal drug use, and the appearance of physical signs relating to blood disorders;

(B) A complete blood count including a leukocyte count with differential, quantitative thrombocyte count, hemoglobin, hematocrit, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC); and

(C) Appropriate additional tests as necessary, in the opinion of the examining physician, in consequence of alterations in the components of the blood or other signs which may be related to benzene exposure.

(ii) Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the employer shall provide the employee with an additional medical examination which shall include those elements considered appropriate by the examining physician.

(iii) For persons required to use respirators for at least thirty days a year, a pulmonary function test shall be performed every three years. A specific evaluation of the cardiopulmonary system shall be made at the time of the pulmonary function test.

(d) Emergency examinations.

(i) In addition to the surveillance required by (a)(i) of this subsection, if an employee is exposed to benzene in an emergency situation, the employer shall have the employee provide a urine sample at the end of the employee's shift and have a urinary phenol test performed on the sample within seventy-two hours. The urine specific gravity shall be corrected to 1.024.

(ii) If the result of the urinary phenol test is below 75 mg phenol/L of urine, no further testing is required.

(iii) If the result of the urinary phenol test is equal to or greater than 75 mg phenol/L of urine, the employer shall provide the employee with a complete blood count including an erythrocyte count, leukocyte count with differential and thrombocyte count at monthly intervals for a duration of three months following the emergency exposure.

(iv) If any of the conditions specified in (e)(i) of this subsection exists, then the further requirements of (e) of this subsection shall be met and the employer shall, in addition, provide the employees with periodic examinations if directed by the physician.

(e) Additional examinations and referrals.

(i) Where the results of the complete blood count required for the initial and periodic examinations indicate any of the following abnormal conditions exist, then the blood count shall be repeated within two weeks.

(A) The hemoglobin level or the hematocrit falls below the normal limit (outside the ninety-five percent confidence interval (C.I.)) as determined by the laboratory for the particular geographic area and/or these indices show a persistent downward trend from the individual's preexposure norms; provided these findings cannot be explained by other medical reasons.

(B) The thrombocyte (platelet) count varies more than twenty percent below the employee's most recent values or falls outside the normal limit (ninety-five percent C.I.) as determined by the laboratory.

(C) The leukocyte count is below 4,000 per mm³ or there is an abnormal differential count.

(ii) If the abnormality persists, the examining physician shall refer the employee to a hematologist or an internist for further evaluation unless the physician has good reason to believe such referral is unnecessary. (See Appendix C for examples of conditions where a referral may be unnecessary.)

(iii) The employer shall provide the hematologist or internist with the information required to be provided to the physician under this subsection and the medical record required to be maintained by subsection (11)(b)(ii) of this section.

(iv) The hematologist's or internist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's actual or representative exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous employment-related medical examinations of the affected employee which is not otherwise available to the examining physician.

(g) Physician's written opinions.

(i) For each examination under this section, the employer shall obtain and provide the employee with a copy of the examining physician's written opinion within fifteen days of the examination. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical examination and tests;

(B) The physician's opinion concerning whether the employee has any detected medical conditions which would place the employee's health at greater than normal risk of material impairment from exposure to benzene;

(C) The physician's recommended limitations upon the employee's exposure to benzene or upon the employee's use of protective clothing or equipment and respirators.

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions resulting from benzene exposure which require further explanation or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work in a benzene-exposed workplace.

(h) Medical removal plan.

(i) When a physician makes a referral to a hematologist/internist as required under (e)(ii) of this subsection, the employee shall be removed from areas where exposures may exceed the action level until such time as the physician makes a determination under (h)(ii) of this subsection.

(ii) Following the examination and evaluation by the hematologist/internist, a decision to remove an employee from areas where benzene exposure is above the action level or to allow the employee to return to areas where benzene exposure is above the action level shall be made by the physician in consultation with the hematologist/internist. This decision shall be communicated in writing to the employer and employee. In the case of removal, the physician shall state the required probable duration

of removal from occupational exposure to benzene above the action level and the requirements for future medical examinations to review the decision.

(iii) For any employee who is removed pursuant to (h)(ii) of this subsection, the employer shall provide a follow-up examination. The physician, in consultation with the hematologist/internist, shall make a decision within six months of the date the employee was removed as to whether the employee shall be returned to the usual job or whether the employee should be removed permanently.

(iv) Whenever an employee is temporarily removed from benzene exposure pursuant to (h)(i) or (ii) of this subsection, the employer shall transfer the employee to a comparable job for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible, but in no event higher than the action level. The employer shall maintain the employee's current wage rate, seniority, and other benefits. If there is no such job available, the employer shall provide medical removal protection benefits until such a job becomes available or for six months, whichever comes first.

(v) Whenever an employee is removed permanently from benzene exposure based on a physician's recommendation pursuant to (h)(iii) of this subsection, the employee shall be given the opportunity to transfer to another position which is available or later becomes available for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible but in no event higher than the action level. The employer shall assure that such employee suffers no reduction in current wage rate, seniority, or other benefits as a result of the transfer.

(i) Medical removal protection benefits.

(i) The employer shall provide to an employee six months of medical removal protection benefits immediately following each occasion an employee is removed from exposure to benzene because of hematological findings pursuant to (h)(i) and (ii) of this subsection, unless the employee has been transferred to a comparable job where benzene exposures are below the action level.

(ii) For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the current wage rate, seniority, and other benefits of an employee as though the employee had not been removed.

(iii) The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or from employment with another employer made possible by virtue of the employee's removal.

(10) Communication of benzene hazards to employees.

(a) Signs and labels.

(i) The employer shall post signs at entrances to regulated areas. The signs shall bear the following legend:

DANGER
BENZENE
CANCER HAZARD
FLAMMABLE—NO SMOKING
AUTHORIZED PERSONNEL ONLY
RESPIRATOR REQUIRED

(ii) The employer shall ensure that labels or other appropriate forms of warning are provided for containers of benzene within the workplace. There is no requirement to label pipes. The labels shall comply with the requirements of WAC 296-62-05411 and in addition shall include the following legend:

DANGER
CONTAINS BENZENE
CANCER HAZARD

(b) Material safety data sheets.

(i) Employers shall obtain or develop, and shall provide access to their employees, to a material safety data sheet (MSDS) which addresses benzene and complies with WAC 296-62-054.

(ii) Employers who are manufacturers or importers shall:

(A) Comply with subsection (1) of this section; and

(B) Comply with the requirement in WISHA's hazard communication standard, WAC 296-62-054 (Hazard communication purpose), that they deliver to downstream employers an MSDS which addresses benzene.

(c) Information and training.

(i) The employer shall provide employees with information and training at the time of their initial assignment to a work area where benzene is present. If exposures are above the action level, employees shall be provided with information and training at least annually thereafter.

(ii) The training program shall be in accordance with the requirements of WAC 296-62-05415 (1) and (2), and shall include specific information on benzene for each category of information included in that section.

(iii) In addition to the information required under WAC 296-62-054, the employer shall:

(A) Provide employees with an explanation of the contents of this section, including Appendices A and B, and indicate to them where the standard is available; and

(B) Describe the medical surveillance program required under subsection (9) of this section, and explain the information contained in Appendix C.

(11) Recordkeeping.

(a) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements required by subsection (5) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) A description of the sampling and analytical methods used;

(C) A description of the type of respiratory protective devices worn, if any; and

(D) The name, Social Security number, job classification, and exposure levels of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (9) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) The employer's copy of the physician's written opinion on the initial, periodic, and special examinations, including results of medical examinations and all tests, opinions, and recommendations;

(C) Any employee medical complaints related to exposure to benzene;

(D) A copy of the information provided to the physician as required by subsection (9)(f)(ii) through (v) of this section; and

(E) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee exposure monitoring records required by this subsection shall be provided upon request for examination and copying to employees, employee representatives, and the director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this subsection shall be provided upon request for examination and copying, to the subject employee, to anyone having the specific written consent of the subject employee, and to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-05205.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to disposal, and transmit them to the director if required by the director within that period.

(12) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe the measuring or monitoring of employee exposure to benzene conducted pursuant to subsection (5) of this section.

(b) Observation procedures. When observation of the measuring or monitoring of employee exposure to benzene requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(13) Dates.

(a) Engineering and work practice controls required by subsection (6)(a) of this section shall be implemented no later than December 10, 1989.

(b) Coke and coal chemical operations may comply with (b)(ii) of this subsection or alternately include within the compliance program required by subsection (6)(b) of this section, a requirement to phase in engineering controls as equipment is repaired and replaced. For coke and coal chemical operations choosing the latter alternative, compliance with the engineering controls requirements of subsection (6)(a) of this section shall be achieved no later than December 10, 1992. Substantial compliance with the engineering control requirements shall be achieved no later than December 10, 1990.

(14) Appendices. The information contained in WAC 296-62-07525, Appendices A, B, C, and D is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations. The protocols on respiratory fit testing in Appendix E are mandatory.

NEW SECTION

WAC 296-62-07525 APPENDIX A SUBSTANCE SAFETY DATA SHEET—BENZENE. (1) Substance identification.

(a) Substance: Benzene.

(b) Permissible exposure: Except as to the use of gasoline, motor fuels, and other fuels subsequent to discharge from bulk terminals and other exemptions specified in WAC 296-62-07523 (1)(b):

(i) Airborne: The maximum time-weighted average (TWA) exposure limit is one part of benzene vapor per million parts of air (1 ppm) for an eight-hour workday and the maximum short-term exposure limit (STEL) is 5 ppm for any fifteen-minute period.

(ii) Dermal: Eye contact shall be prevented and skin contact with liquid benzene shall be limited.

(c) Appearance and odor: Benzene is a clear, colorless liquid with a pleasant, sweet odor. The odor of benzene does not provide adequate warning of its hazard.

(2) Health hazard data.

(a) Ways in which benzene affects your health. Benzene can affect your health if you inhale it, or if it comes in contact with your skin or eyes. Benzene is also harmful if you happen to swallow it.

(b) Effects of overexposure.

(i) Short-term (acute) overexposure: If you are overexposed to high concentrations of benzene, well above the levels where its odor is first recognizable, you may feel breathless, irritable, euphoric, or giddy; you may experience irritation in eyes, nose, and respiratory tract. You may develop a headache, feel dizzy, nauseated, or intoxicated. Severe exposures may lead to convulsions and loss of consciousness.

(ii) Long-term (chronic) exposure. Repeated or prolonged exposure to benzene, even at relatively low concentrations, may result in various blood disorders, ranging from anemia to leukemia, an irreversible, fatal disease. Many blood disorders associated with benzene exposure may occur without symptoms.

(3) Protective clothing and equipment.

(a) Respirators. Respirators are required for those operations in which engineering controls or work practice controls are not feasible to reduce exposure to the permissible level. However, where employers can document that benzene is present in the workplace less than thirty days a year, respirators may be used in lieu of engineering controls. If respirators are worn, they must have joint Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) seal of approval, and cartridge or canisters must be replaced before the end of their service life, or the end of the shift, whichever occurs first. If you experience difficulty breathing while wearing a respirator, you may request a positive pressure respirator from your employer. You must be thoroughly trained to use the assigned respirator, and the training will be provided by your employer.

(b) Protective clothing. You must wear appropriate protective clothing (such as boots, gloves, sleeves, aprons, etc.) over any parts of your body that could be exposed to liquid benzene.

(c) Eye and face protection. You must wear splash-proof safety goggles if it is possible that benzene may get into your eyes. In addition, you must wear a face shield if your face could be splashed with benzene liquid.

(4) Emergency and first aid procedures.

(a) Eye and face exposure. If benzene is splashed in your eyes, wash it out immediately with large amounts of water. If irritation persists or vision appears to be affected see a doctor as soon as possible.

(b) Skin exposure. If benzene is spilled on your clothing or skin, remove the contaminated clothing and wash the exposed skin with large amounts of water and soap immediately. Wash contaminated clothing before you wear it again.

(c) Breathing. If you or any other person breathes in large amounts of benzene, get the exposed person to fresh air at once. Apply artificial respiration if breathing has stopped. Call for medical assistance or a doctor as soon as possible. Never enter any vessel or confined space where the benzene concentration might be high without proper safety equipment and at least one other person present who will stay outside. A life line should be used.

(d) Swallowing. If benzene has been swallowed and the patient is conscious, do not induce vomiting. Call for medical assistance or a doctor immediately.

(5) Medical requirements. If you are exposed to benzene at a concentration at or above 0.5 ppm as an 8-hour time-weighted average, or have been exposed at or above 10 ppm in the past while employed by your current employer, your employer is required to provide a medical examination and history and laboratory tests within sixty days of the effective date of this standard and annually thereafter. These tests shall be provided without cost to you. In addition, if you are accidentally exposed to benzene (either by ingestion, inhalation, or skin/eye contact) under emergency conditions known or suspected to constitute toxic exposure to benzene, your employer is required to make special laboratory tests available to you.

(6) Observation of monitoring. Your employer is required to perform measurements that are representative of your exposure to benzene and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear the protective clothing and equipment.

(7) Access to records. You or your representative are entitled to see the records of measurements of your exposure to benzene upon written request to your employer. Your medical examination records can be furnished to yourself, your physician, or designated representative upon request by you to your employer.

(8) Precautions for safe use, handling, and storage. Benzene liquid is highly flammable. It should be stored in tightly closed containers in a cool, well ventilated area. Benzene vapor may form explosive mixtures in air. All sources of ignition must be controlled. Use non-sparking tools when opening or closing benzene containers. Fire extinguishers, where provided, must be readily available. Know where they are located and how to operate them. Smoking is prohibited in areas where benzene is used or stored. Ask your supervisor where benzene is used in your area and for additional plant safety rules.

NEW SECTION

WAC 296-62-07527 APPENDIX B SUBSTANCE TECHNICAL GUIDELINES—BENZENE.

(1) Physical and chemical data.

(a) Substance identification.

(i) Synonyms: Benzol, benzole, coal naphtha, cyclohexatriene, phene, phenyl hydride, pyrobenzol. (Benzin, petroleum benzin and Benzine do not contain benzene.)

(ii) Formula: C₆H₆ (CAS Registry Number: 71-43-2).

(b) Physical data.

(i) Boiling point (760 mm Hg); 80.1 C (176 F).

(ii) Specific gravity (water=1): 0.879.

(iii) Vapor density (air=1): 2.7.

(iv) Melting point: 5.5 C (42 F).

(v) Vapor pressure at 20 C (68 F): 75 mm Hg.

(vi) Solubility in water: .06%.

(vii) Evaporation rate (ether=1): 2.8.

(viii) Appearance and odor: Clear, colorless liquid with a distinctive sweet odor.

(2) Fire, explosion, and reactivity hazard data.

(a) Fire.

(i) Flash point (closed cup): -11 C (12 F).

(ii) Autoignition temperature: 580 C (1076 F).

(iii) Flammable limits in Air. % by volume: Lower: 1.3%, Upper: 7.5%.

(iv) Extinguishing media: Carbon dioxide, dry chemical, or foam.

(v) Special fire-fighting procedures: Do not use solid stream of water, since stream will scatter and spread fire. Fine water spray can be used to keep fire-exposed containers cool.

(vi) Unusual fire and explosion hazards: Benzene is a flammable liquid. Its vapors can form explosive mixtures. All ignition sources must be controlled when benzene is used, handled, or stored. Where liquid or vapor may be released, such areas shall be considered as hazardous locations. Benzene vapors are heavier than air; thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which benzene is handled.

(vii) Benzene is classified as a 1 B flammable liquid for the purpose of conforming to the requirements of WAC 296-24-330. A concentration exceeding 3,250 ppm is considered a potential fire explosion hazard. Locations where benzene may be present in quantities sufficient to produce explosive or ignitable mixtures are considered Class I Group D for the purposes of conforming to the requirements of WAC 296-24-95613.

(b) Reactivity.

(i) Conditions contributing to instability: Heat.

(ii) Incompatibility: Heat and oxidizing materials.

(iii) Hazardous decomposition products: Toxic gases and vapors (such as carbon monoxide).

(3) Spill and leak procedures.

(a) Steps to be taken if the material is released or spilled. As much benzene as possible should be absorbed with suitable materials, such as dry sand or earth; benzene remaining must be flushed with large amounts of water. Do not flush benzene into a confined space, such as a sewer, because of explosion danger. Remove all ignition sources. Ventilate enclosed places.

(b) Waste disposal method. Disposal methods must conform to other jurisdictional regulations. If allowed, benzene may be disposed of:

(i) By absorbing it in dry sand or earth and disposing in a sanitary landfill;

(ii) If small quantities, by removing it to a safe location from buildings or other combustible sources, pouring it in dry sand or earth and cautiously igniting it; and

(iii) If large quantities, by atomizing it in a suitable combustion chamber.

(4) Miscellaneous precautions.

(a) High exposure to benzene can occur when transferring the liquid from one container to another. Such

operations should be well ventilated and good work practices must be established to avoid spills.

(b) Use nonsparking tools to open benzene containers which are effectively grounded and bonded prior to opening and pouring.

(c) Employers must advise employees of all plant areas and operations where exposure to benzene could occur. Common operations in which high exposures to benzene may be encountered are: The primary production and utilization of benzene, and transfer of benzene.

NEW SECTION

WAC 296-62-07529 APPENDIX C MEDICAL SURVEILLANCE GUIDELINES FOR BENZENE.

(1) Route of entry.

Inhalation; skin absorption.

(2) Toxicology. Benzene is primarily an inhalation hazard. Systemic absorption may cause depression of the hematopoietic system, pancytopenia, aplastic anemia, and leukemia. Inhalation of high concentrations can affect central nervous system function. Aspiration of small amounts of liquid benzene immediately causes pulmonary edema and hemorrhage of pulmonary tissue. There is some absorption through the skin. Absorption may be more rapid in the case of abraded skin, and benzene may be more readily absorbed if it is present in a mixture or as a contaminant in solvents which are readily absorbed. The defatting action of benzene may produce primary irritation due to repeated or prolonged contact with the skin. High concentrations are irritating to the eyes and the mucous membranes of the nose, and respiratory tract.

(3) Signs and symptoms. Direct skin contact with benzene may cause erythema. Repeated or prolonged contact may result in drying, scaling dermatitis, or development of secondary skin infections. In addition, there is benzene absorption through the skin. Local effects of benzene vapor or liquid on the eye are slight. Only at very high concentrations is there any smarting sensation in the eye. Inhalation of high concentrations of benzene may have an initial stimulatory effect on the central nervous system characterized by exhilaration, nervous excitation, and/or giddiness, followed by a period of depression, drowsiness, or fatigue. A sensation of tightness in the chest accompanied by breathlessness may occur and ultimately the victim may lose consciousness. Tremors, convulsions, and death may follow from respiratory paralysis or circulatory collapse in a few minutes to several hours following severe exposures.

The detrimental effect on the blood-forming system of prolonged exposure to small quantities of benzene vapor is of extreme importance. The hematopoietic system is the chief target for benzene's toxic effects which are manifested by alterations in the levels of formed elements in the peripheral blood. These effects have occurred at concentrations of benzene which may not cause irritation of mucous membranes, or any unpleasant sensory effects. Early signs and symptoms of benzene morbidity are varied, often not readily noticed and non-specific. Subjective complaints of headache, dizziness, and loss of appetite may precede or follow clinical signs. Rapid pulse and low blood pressure, in addition to a

physical appearance of anemia, may accompany a subjective complaint of shortness of breath and excessive tiredness. Bleeding from the nose, gums, or mucous membranes, and the development of purpuric spots (small bruises) may occur as the condition progresses. Clinical evidence of leukopenia, anemia, and thrombocytopenia, singly or in combination, has been frequently reported among the first signs.

Bone marrow may appear normal, aplastic, or hyperplastic, and may not, in all situations, correlate with peripheral blood forming tissues. Because of variations in the susceptibility to benzene morbidity, there is no "typical" blood picture. The onset of effects of prolonged benzene exposure may be delayed for many months or years after the actual exposure has ceased and identification or correlation with benzene exposure must be sought out in the occupational history.

(4) Treatment of acute toxic effects. Remove from exposure immediately. Make sure you are adequately protected and do not risk being overcome by fumes. Give oxygen or artificial resuscitation if indicated. Flush eyes, wash skin if contaminated and remove all contaminated clothing. Symptoms of intoxication may persist following severe exposures. Recovery from mild exposures is usually rapid and complete.

(5) Surveillance and preventive considerations.

(a) General. The principal effects of benzene exposure which form the basis for this regulation are pathological changes in the hematopoietic system, reflected by changes in the peripheral blood and manifesting clinically as pancytopenia, aplastic anemia, and leukemia. Consequently, the medical surveillance program is designed to observe, on a regular basis, blood indices for early signs of these effects, and although early signs of leukemia are not usually available, emerging diagnostic technology and innovative regimes make consistent surveillance for leukemia, as well as other hematopoietic effects, essential.

Initial examinations are to be provided within sixty days of the effective date of this standard, or at the time of initial assignment, and periodic examinations annually thereafter.

There are special provisions for medical tests in the event of hematologic abnormalities or for emergency situations.

The blood values which require referral to a hematologist or internist are noted in (b)(i) of this subsection. The standard specifies that blood abnormalities that persist must be referred "unless the physician has good reason to believe such referral is unnecessary" ((b)(i) of this subsection). Examples of conditions that could make a referral unnecessary despite abnormal blood limits are iron or folate deficiency, menorrhagia, or blood loss due to some unrelated medical abnormality.

Symptoms and signs of benzene toxicity can be non-specific. Only a detailed history and appropriate investigative procedure will enable a physician to rule out or confirm conditions that place the employee at increased risk. To assist the examining physician with regard to which laboratory tests are necessary and when to refer an employee to the specialist, OSHA has established the following guidelines.

(b) Hematology guidelines. A minimum battery of tests is to be performed by strictly standardized methods.

(i) Red cell, white cell, platelet counts, white blood cell differential, hematocrit and red cell indices must be performed by an accredited laboratory. The normal ranges for the red cell and white cell counts are influenced by altitude, race, and sex, and therefore should be determined by the accredited laboratory in the specific area where the tests are performed.

Either a decline from an absolute normal or an individual's baseline to a subnormal value or a rise to a supra-normal value, are indicative of potential toxicity, particularly if all blood parameters decline. The normal total white blood count is approximately 7,200/mm³ plus or minus 3,000. For cigarette smokers the white count may be higher and the upper range may be 2,000 cells higher than normal for the laboratory. In addition, infection, allergies and some drugs may raise the white cell count. The normal platelet count is approximately 250,000 with a range of 140,000 to 400,000. Counts outside this range should be regarded as possible evidence of benzene toxicity.

Certain abnormalities found through routine screening are of greater significance in the benzene-exposed worker and require prompt consultation with a specialist, namely:

(A) Thrombocytopenia.

(B) A trend of decreasing white cell, red cell, or platelet indices in an individual over time is more worrisome than an isolated abnormal finding at one test time. The importance of trend highlights the need to compare an individual's test results to baseline and/or previous periodic tests.

(C) A constellation or pattern of abnormalities in the different blood indices is of more significance than a single abnormality. A low white count not associated with any abnormalities in other cell indices may be a normal statistical variation, whereas if the low white count is accompanied by decreases in the platelet and/or red cell indices, such a pattern is more likely to be associated with benzene toxicity and merits thorough investigation.

Anemia, leukopenia, macrocytosis or an abnormal differential white blood cell count should alert the physician to further investigate and/or refer the patient if repeat tests confirm the abnormalities. If routine screening detects an abnormality, follow-up tests which may be helpful in establishing the etiology of the abnormality are the peripheral blood smear and the reticulocyte count.

The extreme range of normal for reticulocytes is 0.4 to 2.5 percent of the red cells, the usual range being 0.5 to 1.2 percent of the red cells, but the typical value is in the range of 0.8 to 1.0 percent. A decline in reticulocytes to levels of less than 0.4 percent is to be regarded as possible evidence (unless another specific cause is found) of benzene toxicity requiring accelerated surveillance. An increase in reticulocyte levels to about 2.5 percent may also be consistent with (but is not as characteristic of) benzene toxicity.

(ii) An important diagnostic test is a careful examination of the peripheral blood smear. As with reticulocyte count the smear should be with fresh uncoagulated blood obtained from a needle tip following venipuncture or from a drop of earlobe blood (capillary blood). If necessary, the smear may, under certain limited conditions, be made from a blood sample anticoagulated with EDTA (but never with oxalate or heparin). When the smear is to be prepared from a specimen of venous blood which has been collected by a commercial Vacutainer type tube containing neutral EDTA, the smear should be made as soon as possible after the venesection. A delay of up to twelve hours is permissible between the drawing of the blood specimen into EDTA and the preparation of the smear if the blood is stored at refrigerator (not freezing) temperature.

(iii) The minimum mandatory observations to be made from the smear are:

(A) The differential white blood cell count;

(B) Description of abnormalities in the appearance of red cells; and

(C) Description of any abnormalities in the platelets.

(D) A careful search must be made throughout of every blood smear for immature white cells such as band forms (in more than normal proportion, i.e., over ten percent of the total differential count), any number of metamyelocytes, myelocytes, or myeloblasts. Any nucleate or multinucleated red blood cells should be reported. Large "giant" platelets or fragments of megakaryocytes must be recognized.

An increase in the proportion of band forms among the neutrophilic granulocytes is an abnormality deserving special mention, for it may represent a change which should be considered as an early warning of benzene toxicity in the absence of other causative factors (most commonly infection). Likewise, the appearance of metamyelocytes, in the absence of another probable cause, is to be considered a possible indication of benzene-induced toxicity.

An upward trend in the number of basophils, which normally do not exceed about 2.0 percent of the total white cells, is to be regarded as possible evidence of benzene toxicity. A rise in the eosinophil count is less specific but also may be suspicious of toxicity if it rises above 6.0 percent of the total white count.

The normal range of monocytes is from 2.0 to 8.0 percent of the total white count with an average of about 5.0 percent. About twenty percent of individuals reported to have mild but persisting abnormalities caused by exposure to benzene show a persistent monocytosis. The findings of a monocyte count which persists at more than ten to twelve percent of the normal white cell count (when the total count is normal) or persistence of an absolute monocyte count in excess of 800/mm³ should be regarded as a possible sign of benzene-induced toxicity.

A less frequent but more serious indication of benzene toxicity is the finding in the peripheral blood of the so-called "pseudo" (or acquired) Pelger-Huet anomaly. In this anomaly many, or sometimes the majority, of the neutrophilic granulocytes possess two round nuclear segments—less often one or three round segments—rather

than three normally elongated segments. When this anomaly is not hereditary, it is often but not invariably predictive of subsequent leukemia. However, only about two percent of patients who ultimately develop acute myelogenous leukemia show the acquired Pelger-Huet anomaly. Other tests that can be administered to investigate blood abnormalities are discussed below; however, such procedures should be undertaken by the hematologist.

An uncommon sign, which cannot be detected from the smear, but can be elicited by a "sucrose water test" of peripheral blood, is transient paroxysmal nocturnal hemoglobinuria (PNH), which may first occur insidiously during a period of established aplastic anemia, and may be followed within one to a few years by the appearance of rapidly fatal acute myelogenous leukemia. Clinical detection of PNH, which occurs in only one or two percent of those destined to have acute myelogenous leukemia, may be difficult; if the "sucrose water test" is positive, the somewhat more definitive Ham test, also known as the acid-serum hemolysis test, may provide confirmation.

(E) Individuals documented to have developed acute myelogenous leukemia years after initial exposure to benzene may have progressed through a preliminary phase of hematologic abnormality. In some instances pancytopenia (i.e., a lowering in the counts of all circulating blood cells of bone marrow origin, but not to the extent implied by the term "aplastic anemia") preceded leukemia for many years. Depression of a single blood cell type or platelets may represent a harbinger of aplasia or leukemia. The finding of two or more cytopenias, or pancytopenia in a benzene-exposed individual, must be regarded as highly suspicious of more advanced although still reversible, toxicity. "Pancytopenia" coupled with the appearance of immature cells (myelocytes, myeloblasts, erythroblasts, etc.), with abnormal cells (pseudo Pelger-Huet anomaly, atypical nuclear heterochromatin, etc.), or unexplained elevations of white blood cells must be regarded as evidence of benzene overexposure unless proved otherwise. Many severely aplastic patients manifested the ominous finding of five to ten percent myeloblasts in the marrow, occasional myeloblasts and myelocytes in the blood and twenty to thirty monocytes. It is evident that isolated cytopenias, pancytopenias, and even aplastic anemias induced by benzene may be reversible and complete recovery has been reported on cessation of exposure. However, since any of these abnormalities is serious, the employee must immediately be removed from any possible exposure to benzene vapor. Certain tests may substantiate the employee's prospects for progression or regression. One such test would be an examination of the bone marrow, but the decision to perform a bone marrow aspiration or needle biopsy is made by the hematologist.

The findings of basophilic stippling in circulating red blood cells (usually found in one to five percent of red cells following marrow injury), and detection in the bone marrow of what are termed "ringed sideroblasts" must be taken seriously, as they have been noted in recent years to be premonitory signs of subsequent leukemia.

Recently peroxidase-staining of circulating or marrow neutrophil granulocytes, employing benzidine dihydrochloride, have revealed the disappearance of, or diminution in, peroxidase in a sizable proportion of the granulocytes, and this has been reported as an early sign of leukemia. However, relatively few patients have been studied to date. Granulocyte granules are normally strongly peroxidase positive. A steady decline in leukocyte alkaline phosphatase has also been reported as suggestive of early acute leukemia. Exposure to benzene may cause an early rise in serum iron, often but not always associated with a fall in the reticulocyte count. Thus, serial measurements of serum iron levels may provide a means of determining whether or not there is a trend representing sustained suppression of erythropoiesis.

Measurement of serum iron, determination of peroxidase and of alkaline phosphatase activity in peripheral granulocytes can be performed in most pathology laboratories. Peroxidase and alkaline phosphatase staining are usually undertaken when the index of suspicion for leukemia is high.

NEW SECTION

WAC 296-62-07531 APPENDIX D SAMPLING AND ANALYTICAL METHODS FOR BENZENE MONITORING AND MEASUREMENT PROCEDURES. Measurements taken for the purpose of determining employee exposure to benzene are best taken so that the representative average eight-hour exposure may be determined from a single eight-hour sample or two four-hour samples. Short-time interval samples (or grab samples) may also be used to determine average exposure level if a minimum of five measurements are taken in a random manner over the eight-hour work shift. Random sampling means that any portion of the work shift has the same chance of being sampled as any other. The arithmetic average of all such random samples taken on one work shift is an estimate of an employee's average level of exposure for that work shift. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analysis must be performed with procedures meeting the requirements of the standard.

There are a number of methods available for monitoring employee exposures to benzene. The sampling and analysis may be performed by collection of the benzene vapor on charcoal adsorption tubes, with subsequent chemical analysis by gas chromatography. Sampling and analysis may also be performed by portable direct reading instruments, real-time continuous monitoring systems, passive dosimeters or other suitable methods. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his unique field conditions. The standard requires that the method of monitoring must have an accuracy, to a ninety-five percent confidence level, of not less than plus or minus twenty-five percent for concentrations of benzene greater than or equal to 0.5 ppm.

The WISHA laboratory uses NIOSH Method 1500 for evaluation of benzene air concentrations.

(1) WISHA method HYDCB for air samples.

Analyte: Benzene.

Matrix: Air.

Procedure: Adsorption on charcoal, desorption with carbon disulfide, analysis by GC.

Detection limit: 0.25 ppm.

Recommended air volume and sampling rate: 10L at 0.05 to 0.2 L/min.

(a) Principle of the method.

(i) A known volume of air is drawn through a charcoal tube to trap the organic vapors present.

(ii) The charcoal in the tube is transferred to a small, stoppered vial, and the analyte is desorbed with carbon disulfide.

(iii) An aliquot of the desorbed sample is injected into a gas chromatograph.

(iv) The area of the resulting peak is determined and compared with areas obtained from standards.

(b) Advantages and disadvantages of the method.

(i) The sampling device is small, portable, and involves no liquids. Interferences are minimal, and most of those which do occur can be eliminated by altering chromatographic conditions. The samples are analyzed by means of a quick, instrumental method.

(ii) The amount of sample which can be taken is limited by the number of milligrams that the tube will hold before overloading. When the sample value obtained for the backup section of the charcoal tube exceeds twenty-five percent of that found on the front section, the possibility of sample loss exists.

(c) Apparatus.

(i) A calibrated personal sampling pump whose flow can be determined within ± 5 percent at the recommended flow rate.

(ii) Charcoal tubes: Glass with both ends flame sealed, 7 cm long with a 6-mm O.D. and a 4-mm I.D., containing two sections of 20/40 mesh activated charcoal separated by a 2-mm portion of urethane foam. The activated charcoal is prepared from coconut shells and is obtained commercially. The adsorbing section contains 100 mg of charcoal, the back-up section 50 mg. A 3-mm portion of urethane foam is placed between the outlet end of the tube and the back-up section. A plug of silanized glass wool is placed in front of the adsorbing section. The pressure drop across the tube must be less than one inch of mercury at a flow rate of one liter per minute.

(iii) Gas chromatograph equipped with a flame ionization detector.

(iv) Column (10-ft 1/8-in stainless steel) packed with 80/100 Supelcoport coated with twenty percent SP 2100, 0.1 percent CW 1500.

(v) An electronic integrator or some other suitable method for measuring peak area.

(vi) Two-milliliter sample vials with Teflon-lined caps.

(vii) Microliter syringes: 10-microliter 10-uL syringe, and other convenient sizes for making standards, 1-uL syringe for sample injections.

(viii) Pipets: 1.0 mL delivery pipets.

(ix) Volumetric flasks: Convenient sizes for making standard solutions.

(d) Reagents.

(i) Chromatographic quality carbon disulfide (CS₂). Most commercially available carbon disulfide contains a trace of benzene which must be removed. It can be removed with the following procedure:

Heat under reflux for two to three hours, 500 mL of carbon disulfide, 10 mL concentrated sulfuric acid, and five drops of concentrated nitric acid. The benzene is converted to nitrobenzene. The carbon disulfide layer is removed, dried with anhydrous sodium sulfate, and distilled. The recovered carbon disulfide should be benzene free. (It has recently been determined that benzene can also be removed by passing the carbon disulfide through 13x molecular sieve.)

(ii) Benzene, reagent grade.

(iii) p-Cymene, reagent grade, (internal standard).

(iv) Desorbing reagent. The desorbing reagent is prepared by adding 0.05 mL of p-Cymene per milliliter of carbon disulfide. (The internal standard offers a convenient means correcting analytical response for slight inconsistencies in the size of sample injections. If the external standard technique is preferred, the internal standard can be eliminated.)

(v) Purified GC grade helium, hydrogen, and air.

(e) Procedure.

(i) Cleaning of equipment. All glassware used for the laboratory analysis should be properly cleaned and free of organics which could interfere in the analysis.

(ii) Calibration of personal pumps. Each pump must be calibrated with a representative charcoal tube in the line.

(iii) Collection and shipping of samples.

(A) Immediately before sampling, break the ends of the tube to provide an opening at least one-half the internal diameter of the tube (2 mm).

(B) The smaller section of the charcoal is used as the backup and should be placed nearest the sampling pump.

(C) The charcoal tube should be placed in a vertical position during sampling to minimize channeling through the charcoal.

(D) Air being sampled should not be passed through any hose or tubing before entering the charcoal tube.

(E) A sample size of ten liters is recommended. Sample at a flow rate of approximately 0.05 to 0.2 liters per minute. The flow rate should be known with an accuracy of at least ± 5 percent.

(F) The charcoal tubes should be capped with the supplied plastic caps immediately after sampling.

(G) Submit at least one blank tube (a charcoal tube subjected to the same handling procedures, without having any air drawn through it) with each set of samples. Take necessary shipping and packing precautions to minimize breakage of samples.

(iv) Analysis of samples.

(A) Preparation of samples. In preparation for analysis, each charcoal tube is scored with a file in front of the first section of charcoal and broken open. The glass wool is removed and discarded. The charcoal in the first (larger) section is transferred to a 2-ml vial. The separating section of foam is removed and discarded; the

second section is transferred to another capped vial. These two sections are analyzed separately.

(B) Desorption of samples. Prior to analysis, 1.0 mL of desorbing solution is pipetted into each sample container. The desorbing solution consists of 0.05 uL internal standard per mL of carbon disulfide. The sample vials are capped as soon as the solvent is added. Desorption should be done for thirty minutes with occasional shaking.

(C) GC conditions. Typical operating conditions for the gas chromatograph are:

- (I) mL/min (60 psig) helium carrier gas flow.
- (II) mL/min (40 psig) hydrogen gas flow to detector.
- (III) mL/min (40 psig) air flow to detector.
- (IV) 250°C injector temperature.
- (V) 250°C detector temperature.
- (VI) Column temperature variable.

(D) Injection size. 1 µL.

(D) Measurement of area. The peak areas are measured by an electronic integrator or some other suitable form of area measurement.

(F) An internal standard procedure is used. The integrator is calibrated to report results in ppm for a ten liter air sample after correction for desorption efficiency.

(v) Determination of desorption efficiency.

(A) Importance of determination. The desorption efficiency of a particular compound can vary from one laboratory to another and from one lot of chemical to another. Thus, it is necessary to determine, at least once, the percentage of the specific compound that is removed in the desorption process, provided the same batch of charcoal is used.

(B) Procedure for determining desorption efficiency. The reference portion of the charcoal tube is removed. To the remaining portion, amounts representing 0.5X, 1X, and 2X and (X represents target concentration) based on a 10 L air sample are injected into several tubes at each level. Dilutions of benzene with carbon disulfide are made to allow injection of measurable quantities. These tubes are then allowed to equilibrate at least overnight. Following equilibration they are analyzed following the same procedure as the samples. Desorption efficiency is determined by dividing the amount of benzene found by amount spiked on the tube.

(f) Calibration and standards. A series of standards varying in concentration over the range of interest is prepared and analyzed under the same GC conditions that will be used on the samples. A calibration curve is prepared by plotting concentration (mg/mL) versus peak area.

(g) Calculations. Benzene air concentration can be calculated from the following equation:

$$\text{mg/m}^3 = (A)(B)/(C)(D)$$

Where: A=mg/mL benzene, obtained from the calibration curve

B=desorption volume (1 mL)

C=Liters of air sampled

D=desorption efficiency

The concentration in mg/m³ can be converted to ppm (at 25 and 760 mm) with the following equation:

$$\text{ppm} = (\text{mg/m}^3)(24.46)/(78.11)$$

Where: 24.46=molar volume of an ideal gas 25 C and 760 mm

78.11=molecular weight of benzene

(h) Backup data.

(i) Detection limit-air samples.

The detection limit for the analytical procedure is 2.2 mg with a coefficient of variation of 0.023 at this level. This would be equivalent to an air concentration of 0.25 ppm for a 10 L air sample. This amount provided a chromatographic peak that could be identifiable in the presence of possible interferences. The detection limit data were obtained by making 1 uL injections of a 2.2 mg/mL standard.

Injection	Area Count	
1	655.4	
2	617.5	
3	662.0	$\bar{x} = 640.2$
4	641.1	SD = 14.9
5	636.4	CV = 0.023
6	629.2	

(ii) Pooled coefficient of variation-Air Samples. The pooled coefficient of variation for the analytical procedure was determined by 1 uL replicate injections of analytical standards. The standards were 16.04, 32.08, and 64.16 ug/mL, which are equivalent to 0.5, 1.0, and 2.0 ppm for a 10 L air sample respectively.

Injection	Area Counts		
	0.5 ppm	1.0 ppm	2.0 ppm
1	3996.5	8130.2	16481
2	4059.4	8235.6	16493
3	4052.0	8307.9	16535
4	4027.2	8263.2	16609
5	4046.8	8291.1	16552
6	4137.9	8288.8	16618
\bar{x} =	4053.3	8254.0	16548.3
SD=	47.2	62.5	57.1
CV=	0.0116	0.0076	0.0034
\bar{CV} = 0.008			

(iii) Storage data-air samples.

Samples were generated at 1.03 ppm benzene at eighty percent relative humidity, 22 C, and 643 mm. All samples were taken for fifty minutes at 0.2 L/min. Six samples were analyzed immediately and the rest of the samples were divided into two groups by fifteen samples each. One group was stored at refrigerated temperature of -25 C, and the other group was stored at ambient temperature (approximately 23 C). These samples were analyzed over a period of fifteen days. The results are tabulated below.

PERCENT RECOVERY

Day Analyzed	Refrigerated			Ambient		
0	97.4	98.7	98.9	97.4	98.7	98.9
0	97.1	100.6	100.9	97.1	100.6	100.9
2	95.8	96.4	95.4	95.4	96.6	96.9
5	93.9	93.7	92.4	92.4	94.3	94.1
9	93.6	95.5	94.6	95.2	95.6	96.6
13	94.3	95.3	93.7	91.0	95.0	94.6
15	96.8	95.8	94.2	92.9	96.3	95.9

(iv) Desorption data.

Samples were prepared by injecting liquid benzene onto the A section of charcoal tubes. Samples were prepared that would be equivalent to 0.5, 1.0, and 2.0 ppm for a 10 L air sample.

PERCENT RECOVERY

Sample	PERCENT RECOVERY		
	0.5 ppm	1.0 ppm	2.0 ppm
1	99.4	98.8	99.5
2	99.5	98.7	99.7
3	99.2	98.6	99.8
4	99.4	99.1	100.0
5	99.2	99.0	99.7
6	99.8	99.1	99.9
X=	99.4	98.9	99.8
SD=	0.22	0.21	0.18
CV=	0.0022	0.0021	0.0018
X̄= 99.4			

(v) Carbon disulfide.

Carbon disulfide from a number of sources was analyzed for benzene contamination. The results are given in the following table. The benzene contaminant can be removed with the procedures given in section 4.1.

SAMPLE	ug Benzene/mL	ppm equivalent (for 10 L air sample)
Aldrich Lot 83017.....	4.20	0.13
Baker Lot 720364.....	1.0f	0.03
Baker Lot 822351.....	1.0f	0.03
Malinkrodt Lot WEMP.....	1.74	0.05
Malinkrodt Lot WHGA.....	5.65	0.18
Treated CS ₂	2.90	0.09

(2) WISHA laboratory method for bulk samples.

Analyte: Benzene.

Matrix: Bulk samples.

Procedure: Bulk samples are analyzed directly by high performance liquid chromatography (HPLC) or by capillary gas chromatography. See laboratory manual for GC procedure.

Detection limits: 0.01% by volume.

(a) Principle of the method.

(i) An aliquot of the bulk sample to be analyzed is injected into a liquid chromatograph or gas chromatograph.

(ii) The peak area for benzene is determined and compared to areas obtained from standards.

(b) Advantages and disadvantages of the method.

(i) The analytical procedure is quick, sensitive, and reproducible.

(ii) Reanalysis of samples is possible.

(iii) Interferences can be circumvented by proper selection of HPLC parameters or GC parameters.

(iv) Samples must be free of any particulates that may clog the capillary tubing in the liquid chromatograph. This may require distilling the sample or clarifying with a clarification kit.

(c) Apparatus.

(i) Liquid chromatograph equipped with a UV detector or capillary gas chromatograph with FID detector.

(ii) HPLC column that will separate benzene from other components in the bulk sample being analyzed. The column used for validation studies was a Waters uBondapack C18, 30 cm x 3.9 mm.

(iii) A clarification kit to remove any particulates in the bulk if necessary.

(iv) A micro-distillation apparatus to distill any samples if necessary.

(v) An electronic integrator or some other suitable method of measuring peak areas.

(vi) Microliter syringes—10 uL syringe and other convenient sizes for making standards. 10 uL syringe for sample injections.

(vii) Volumetric flasks, 5 mL and other convenient sizes for preparing standards and making dilutions.

(d) Reagents.

(i) Benzene, reagent grade.

(ii) HPLC grade water, methyl alcohol, and isopropyl alcohol.

(e) Collection and shipment of samples.

(i) Samples should be transported in glass containers with Teflon-lined caps.

(ii) Samples should not be put in the same container used for air samples.

(f) Analysis of samples.

(i) Sample preparation.

If necessary, the samples are distilled or clarified. Samples are analyzed undiluted. If the benzene concentration is out of the working range, suitable dilutions are made with isopropyl alcohol.

(ii) HPLC conditions.

The typical operating conditions for the high performance liquid chromatograph are:

(A) Mobile phase—Methyl alcohol/water, 50/50.

(B) Analytical wavelength—254 nm.

(C) Injection size—10 uL.

(iii) Measurement of peak area and calibration.

Peak areas are measured by an integrator or other suitable means. The integrator is calibrated to report results % in benzene by volume.

(g) Calculations.

Since the integrator is programmed to report results in % benzene by volume in an undiluted sample, the following equation is used:

$$\% \text{ Benzene by Volume} = A \times B$$

Where: A=% by volume on report

B=Dilution Factor

(B=1 for undiluted sample)

(h) Backup data.

(i) Detection limit—bulk samples.

The detection limit for the analytical procedure for bulk samples is 0.88 ug, with a coefficient of variation of 0.019 at this level. This amount provided a chromatographic peak that could be identifiable in the presence of possible interferences. The detection limit data were obtained by making 10 uL injections of a 0.10% by volume standard.

1	45386	$\bar{X} = 44040.1$ $SD = 852.5$ $CV = 0.019$
2	44214	
3	43822	
4	44062	
5	44006	
6	42724	

(ii) Pooled coefficient of variation—bulk samples.

The pooled coefficient of variation for analytical procedure was determined by 50 uL replicate injections of analytical standards. The standards were 0.01, 0.02, 0.04, 0.10, 1.0, and 2.0% benzene by volume.

Injection No.	0.01	0.02	0.04	0.10	1.0	2.0
1	45386	84737	166097	448497	4395380	9339150
2	44241	84300	170832	441299	4590800	9484900
3	43822	83835	164160	443719	4593200	9557580
4	44062	84381	164445	444842	4642350	9677060
5	44006	83012	168398	442564	4646430	9766240
6	42724	81957	173002	443975	4646260
$\bar{X} =$	44040.1	83703.6	167872	444149	4585767	9564986
$SD =$	852.5	1042.2	3589.8	2459.1	96839.3	166233
$CV =$	0.0194	0.0125	0.0213	0.0055	0.0211	0.0174
$\bar{CV} =$	0.017					

NEW SECTION

WAC 296-62-07533 APPENDIX E QUALITATIVE AND QUANTITATIVE FIT TESTING PROCEDURES. Fit test protocols.

(1) The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT).

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask; or three sizes of full facepiece; and units from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the

most comfortable fit. Each respirator represents a different size and shape, and if fitted and used properly, will provide adequate protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

- (i) Position of the mask on the nose;
- (ii) Room for eye protection;
- (iii) Room to talk; and
- (iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

- (i) Chin properly placed;
- (ii) Adequate strap tension, not overly tightened;
- (iii) Fit across nose bridge;
- (iv) Respirator of proper size to span distance from nose to chin;
- (v) Tendency of respirator to slip; and
- (vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or ANSI Z88.2-1980. Before conducting the negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side-to-side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) Positive pressure test. Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) Negative pressure test. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any

type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall certify that a successful fit test has been administered to the employee. The certification shall include the following information:

- (i) Name of employee;
- (ii) Type, brand, and size of respirator; and
- (iii) Date of test.

Where QNFT is used, the fit factor, strip chart, or other recording of the results of the test, shall be retained with the certification. The certification shall be maintained until the next fit test is administered.

(m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure. The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.

(n) Test exercises. The test subject shall perform exercises, in the test environment, in the manner described below:

(i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.

(ii) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.

(iii) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.

(iv) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) Talking. The subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.

(vi) Grimace. The test subject shall grimace by smiling or frowning.

(vii) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) Normal breathing. Same as exercise in (n)(i) of this subsection.

Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds.

The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(2) Qualitative fit test (QLFT) protocols.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that test equipment is in proper working order.

(iii) The employer shall assure that QLFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Isoamyl acetate protocol.

(i) Odor threshold screening.

The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately twenty-five degrees C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clean dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off, and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two test jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contains a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half and wetted with 0.75 cc of pure IAA. The test subject shall hand the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises; or to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the test has failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to

the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Saccharin solution aerosol protocol. The saccharin solution aerosol QLFT protocol is the only currently available, validated test protocol for use with particulate disposable dust respirators not equipped with high-efficiency filters. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) Threshold screening as well as fit testing subjects shall wear an enclosure about the head and shoulders that is approximately twelve inches in diameter by fourteen inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts NZ FT 14 and NZ FT 15 combined, is adequate.

(B) The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 1 cc of warm water. It can be prepared by putting 1 cc of the fit test solution (see (b)(ii)(E) of this subsection) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after thirty squeezes (subitem (J)), the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for fifteen minutes before the test.

(B) The fit test uses the same enclosure described in (c)(i) of this subsection.

(C) The test subject shall don the enclosure while wearing the respirator selected in (c)(i) of this subsection. The respirator shall be properly adjusted and equipped with a particulate filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding eighty-three grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in subsection (1)(h) of this section.

(I) Every thirty seconds the aerosol concentration shall be replenished using one-half the number of squeezes as initially.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(d) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver two hundred milliliters per minute.

(iv) Advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) "Quantitative fit test." The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agent is a gas or vapor.

(ii) "Challenge agent" means the aerosol, gas, or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) "Test subject" means the person wearing the respirator for quantitative fit testing.

(iv) "Normal standing position" means standing erect and straight with arms down along the sides and looking straight ahead.

(v) "Maximum peak penetration method" means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) "Average peak penetration method" means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ratio of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus.

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) Procedural requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonably stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and at the end of the test.

(C) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration; or

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

NEW SECTION

WAC 296-62-07540 FORMALDEHYDE. (1) Scope and application. This standard applies to all occupational exposures to formaldehyde, i.e., from formaldehyde gas, its solutions, and materials that release formaldehyde.

(2) Definitions. For purposes of this standard, the following definitions shall apply:

(a) "Action level" means a concentration of 0.5 part formaldehyde per million parts of air (0.5 ppm) calculated as an 8-hour time-weighted average (TWA) concentration.

(b) "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 provision of WAC 296-24-006 shall apply.

(c) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the job site.

(d) "Director" means the director of the department of labor and industries, or his designated representative.

(e) "Emergency" is any occurrence, such as but not limited to equipment failure, rupture of containers, or failure of control equipment that results in an uncontrolled release of a significant amount of formaldehyde.

(f) "Employee exposure" means the exposure to airborne formaldehyde which would occur without corrections for protection provided by any respirator that is in use.

(g) "Formaldehyde" means the chemical substance, HCHO, Chemical Abstracts Service Registry No. 50-00-0.

(3) Permissible exposure limit (PEL).

(a) TWA: The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds one part formaldehyde per million parts of air (1 ppm) as an 8-hour TWA.

(b) Short term exposure limit (STEL): The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds two parts formaldehyde per million parts of air (2 ppm) as a fifteen-minute STEL.

(4) Exposure monitoring.

(a) General.

(i) Each employer who has a workplace covered by this standard shall monitor employees to determine their exposure to formaldehyde.

(ii) Exceptions.

(A) The employer need not initiate exposure monitoring unless there is a formaldehyde hazard as defined in subsection (13) of this section or there are employee health complaints possibly associated with formaldehyde exposure.

(B) Where the employer documents, using objective data, that the presence of formaldehyde or formaldehyde-releasing products in the workplace cannot result in airborne concentrations of formaldehyde that would cause any employee to be exposed at or above the action level or the STEL under foreseeable conditions of use, the employer will not be required to measure employee exposure to formaldehyde unless there are employee health complaints possibly associated with formaldehyde exposure.

(iii) When an employee's exposure is determined from representative sampling, the measurements used shall be representative of the employee's full shift or short-term exposure to formaldehyde, as appropriate.

(iv) Representative samples for each job classification in each work area shall be taken for each shift unless the employer can document with objective data that exposure levels for a given job classification are equivalent for different workshifts.

(b) Initial monitoring. The employer shall identify all employees who may be exposed at or above the action level or at or above the STEL and accurately determine the exposure of each employee so identified.

(i) Unless the employer chooses to measure the exposure of each employee potentially exposed to formaldehyde, the employer shall develop a representative sampling strategy and measure sufficient exposures within each job classification for each workshift to correctly characterize and not underestimate the exposure of any employee within each exposure group.

(ii) The initial monitoring process shall be repeated each time there is a change in production, equipment, process, personnel, or control measures which may result in new or additional exposure to formaldehyde.

(c) Periodic monitoring.

(i) The employer shall periodically measure and accurately determine exposure to formaldehyde for employees shown by the initial monitoring to be exposed at or above the action level or at or above the STEL.

(ii) If the last monitoring results reveal employee exposure at or above the action level, the employer shall repeat monitoring of the employees at least every six months.

(iii) If the last monitoring results reveal employee exposure at or above the STEL, the employer shall repeat monitoring of the employees at least once a year under worst conditions.

(d) Termination of monitoring. The employer may discontinue periodic monitoring for employees if results from two consecutive sampling periods taken at least seven days apart show that employee exposure is below the action level and the STEL. The results must be statistically representative and consistent with the employer's knowledge of the job and work operation.

(e) Accuracy of monitoring. Monitoring shall be accurate, at the ninety-five percent confidence level, to within plus or minus twenty-five percent for airborne

concentrations of formaldehyde at the TWA and the STEL and to within plus or minus thirty-five percent for airborne concentrations of formaldehyde at the action level.

(f) Employee notification of monitoring results. Within fifteen days of receiving the results of exposure monitoring conducted under this standard, the employer shall notify the affected employees of these results. Notification shall be in writing, either by distributing copies of the results to the employees or by posting the results. If the employee exposure is over either PEL, the employer shall develop and implement a written plan to reduce employee exposure to or below both PELs, and give written notice to employees. The written notice shall contain a description of the corrective action being taken by the employer to decrease exposure.

(g) Observation of monitoring.

(i) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to formaldehyde required by this standard.

(ii) When observation of the monitoring of employee exposure to formaldehyde requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the clothing and equipment to the observer, require the observer to use such clothing and equipment, and assure that the observer complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish regulated areas where the concentration of airborne formaldehyde exceeds either the TWA or the STEL and post all entrances and accessways with signs bearing the following information:

DANGER
FORMALDEHYDE
IRRITANT AND POTENTIAL CANCER HAZARD
AUTHORIZED PERSONNEL ONLY

(b) The employer shall limit access to regulated areas to authorized persons who have been trained to recognize the hazards of formaldehyde.

(c) An employer at a multi-employer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite.

(6) Methods of compliance.

(a) Engineering controls and work practices. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to formaldehyde at or below the TWA and the STEL.

(b) Exception. Whenever the employer has established that feasible engineering and work practice controls cannot reduce employee exposure to or below either of the PELs, the employer shall apply these controls to reduce employee exposures to the extent feasible and shall supplement them with respirators which satisfy this standard.

(7) Respiratory protection.

(a) General. Where respiratory protection is required, the employer shall provide the respirators at no cost to

the employee and shall assure that they are properly used. The respirators shall comply with the requirements of this standard and shall reduce the concentration of formaldehyde inhaled by the employee to at or below both the TWA and the STEL. Respirators shall be used in the following circumstances:

(i) During the interval necessary to install or implement feasible engineering and work practice controls;

(ii) In work operations, such as maintenance and repair activities or vessel cleaning, for which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the PELs; and

(iv) In emergencies.

(b) Respirator selection.

(i) The appropriate respirators as specified in Table 1 shall be selected from those approved by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(ii) The employer shall make available a powered air-purifying respirator, meeting the specifications in Table 1, to any employee who experiences difficulty wearing a negative-pressure respirator to reduce exposure to formaldehyde.

(c) Respirator usage.

(i) Whenever respirator use is required by this standard, the employer shall institute a respiratory protection program in accordance with WAC 296-62-07109, 296-62-07111, 296-62-07115, and 296-62-07117.

(ii) The employer shall perform either quantitative or qualitative face fit tests in accordance with the procedures outlined in Appendix E at the time of initial fitting and at least annually thereafter for all employees required by this standard to wear negative-pressure respirators.

(A) Respirators selected shall be from those exhibiting the best facepiece fit.

(B) No respirator shall be chosen that would potentially permit the employee to inhale formaldehyde at concentrations in excess of either the TWA or the STEL.

TABLE 1
MINIMUM REQUIREMENTS FOR RESPIRATORY
PROTECTION AGAINST FORMALDEHYDE

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
Up to 10 ppm.....	Full facepiece with cartridges or canisters specifically approved for protection against formaldehyde ² .
Up to 100 ppm.....	Full-face mask, chest or back mounted type, with industrial size canister specifically approved for protection against formaldehyde. Type C supplied-air respirator, demand type, with full facepiece, hood, or helmet.

TABLE 1
MINIMUM REQUIREMENTS FOR RESPIRATORY
PROTECTION AGAINST FORMALDEHYDE

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
Above 100 ppm or unknown (emergencies).....	Self-contained breathing apparatus (SCBA) with positive-pressure full facepiece. Combination supplied-air, full facepiece positive-pressure respirator with auxiliary self-contained air supply.
Firefighting.....	SCBA with positive-pressure in full facepiece.
Escape.....	SCBA in demand or pressure demand mode. Full-face mask, front or back mounted type with industrial size canister specifically approved for protection against formaldehyde.

¹ Respirators specified for use at higher concentrations may be used at lower concentrations.

² A half-mask respirator with cartridges specifically approved for protection against formaldehyde can be substituted for the full facepiece respirator providing that effective gas-proof goggles are provided and used in combination with the half-mask respirator.

(iii) Where air purifying chemical cartridge respirators are used, the cartridges shall be replaced after three hours of use or at the end of the workshift, whichever is sooner unless the cartridge contains a NIOSH-approved end-of-service indicator to show when breakthrough occurs.

(iv) Unless the canister contains a NIOSH-approved end-of-service life indicator to show when breakthrough occurs, canisters used in atmospheres up to 10 ppm shall be replaced every four hours and industrial sized canisters used in atmospheres up to 100 ppm shall be replaced every two hours or at the end of the workshift, whichever is sooner.

(v) Employers shall permit employees to leave the work area to wash their faces and respirator facepieces as needed to prevent skin irritation from respirator use.

(8) Protective equipment and clothing. Employers shall comply with the provisions of WAC 296-24-07501 and 296-24-078. When protective equipment or clothing is provided under these provisions, the employer shall provide these protective devices at no cost to the employee and assure that the employee wears them.

(a) Selection. The employer shall select protective clothing and equipment based upon the form of formaldehyde to be encountered, the conditions of use, and the hazard to be prevented.

(i) All contact of the eyes and skin with liquids containing one percent or more formaldehyde shall be prevented by the use of chemical protective clothing made of material impervious to formaldehyde and the use of other personal protective equipment, such as goggles and face shields, as appropriate to the operation.

(ii) Contact with irritating or sensitizing materials shall be prevented to the extent necessary to eliminate the hazard.

(iii) Where a face shield is worn, chemical safety goggles are also required if there is a danger of formaldehyde reaching the area of the eye.

(iv) Full body protection shall be worn for entry into areas where concentrations exceed 100 ppm and for emergency reentry into areas of unknown concentration.

(b) Maintenance of protective equipment and clothing.

(i) The employer shall assure that protective equipment and clothing that has become contaminated with formaldehyde is cleaned or laundered before its reuse.

(ii) When ventilating formaldehyde-contaminated clothing and equipment, the employer shall establish a storage area so that employee exposure is minimized. Containers for contaminated clothing and equipment and storage areas shall have labels and signs containing the following information:

DANGER
FORMALDEHYDE-CONTAMINATED (CLOTHING)
EQUIPMENT
AVOID INHALATION AND SKIN CONTACT

(iii) The employer shall assure that only persons trained to recognize the hazards of formaldehyde remove the contaminated material from the storage area for purposes of cleaning, laundering, or disposal.

(iv) The employer shall assure that no employee takes home equipment or clothing that is contaminated with formaldehyde.

(v) The employer shall repair or replace all required protective clothing and equipment for each affected employee as necessary to assure its effectiveness.

(vi) The employer shall inform any person who launders, cleans, or repairs such clothing or equipment of formaldehyde's potentially harmful effects and of procedures to safely handle the clothing and equipment.

(9) Hygiene protection.

(a) The employer shall provide change rooms, as described in WAC 296-24-120 for employees who are required to change from work clothing into protective clothing to prevent skin contact with formaldehyde.

(b) If employees' skin may become splashed with solutions containing one percent or greater formaldehyde, for example because of equipment failure or improper work practices, the employer shall provide conveniently located quick drench showers and assure that affected employees use these facilities immediately.

(c) If there is any possibility that an employee's eyes may be splashed with solutions containing 0.1 percent or greater formaldehyde, the employer shall provide acceptable eyewash facilities within the immediate work area for emergency use.

(10) Housekeeping. For operations involving formaldehyde liquids or gas, the employer shall conduct a program to detect leaks and spills, including regular visual inspections.

(a) Preventative maintenance of equipment, including surveys for leaks, shall be undertaken at regular intervals.

(b) In work areas where spillage may occur, the employer shall make provisions to contain the spill, to decontaminate the work area, and to dispose of the waste.

(c) The employer shall assure that all leaks are repaired and spills are cleaned promptly by employees wearing suitable protective equipment and trained in proper methods for cleanup and decontamination.

(d) Formaldehyde-contaminated waste and debris resulting from leaks or spills shall be placed for disposal in sealed containers bearing a label warning of formaldehyde's presence and of the hazards associated with formaldehyde.

(11) Emergencies. For each workplace where there is the possibility of an emergency involving formaldehyde, the employer shall assure appropriate procedures are adopted to minimize injury and loss of life. Appropriate procedures shall be implemented in the event of an emergency.

(12) Medical surveillance.

(a) Employees covered.

(i) The employer shall institute medical surveillance programs for all employees exposed to formaldehyde at concentrations at or exceeding the action level or exceeding the STEL.

(ii) The employer shall make medical surveillance available for employees who develop signs and symptoms of overexposure to formaldehyde and for all employees exposed to formaldehyde in emergencies. When determining whether an employee may be experiencing signs and symptoms of possible overexposure to formaldehyde, the employer may rely on the evidence that signs and symptoms associated with formaldehyde exposure will occur only in exceptional circumstances when airborne exposure is less than 0.1 ppm and when formaldehyde is present in materials in concentrations less than 0.1 percent.

(b) Examination by a physician. All medical procedures, including administration of medical disease questionnaires, shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(c) Medical disease questionnaire. The employer shall make the following medical surveillance available to employees prior to assignment to a job where formaldehyde exposure is at or above the action level or above the STEL and annually thereafter. The employer shall also make the following medical surveillance available promptly upon determining that an employee is experiencing signs and symptoms indicative of possible overexposure to formaldehyde.

(i) Administration of a medical disease questionnaire, such as in Appendix D, which is designed to elicit information on work history, smoking history, any evidence of eye, nose, or throat irritation; chronic airway problems or hyperreactive airway disease; allergic skin conditions or dermatitis; and upper or lower respiratory problems.

(ii) A determination by the physician, based on evaluation of the medical disease questionnaire, of whether a

medical examination is necessary for employees not required to wear respirators to reduce exposure to formaldehyde.

(d) Medical examinations. Medical examinations shall be given to any employee who the physician feels, based on information in the medical disease questionnaire, may be at increased risk from exposure to formaldehyde and at the time of initial assignment and at least annually thereafter to all employees required to wear a respirator to reduce exposure to formaldehyde. The medical examination shall include:

(i) A physical examination with emphasis on evidence of irritation or sensitization of the skin and respiratory system, shortness of breath, or irritation of the eyes.

(ii) Laboratory examinations for respirator wearers consisting of baseline and annual pulmonary function tests. As a minimum, these tests shall consist of forced vital capacity (FVC), forced expiratory volume in one second (FEV1), and forced expiratory flow (FEF).

(iii) Any other test which the examining physician deems necessary to complete the written opinion.

(iv) Counseling of employees having medical conditions that would be directly or indirectly aggravated by exposure to formaldehyde on the increased risk of impairment of their health.

(e) Examinations for employees exposed in an emergency. The employer shall make medical examinations available as soon as possible to all employees who have been exposed to formaldehyde in an emergency.

(i) The examination shall include a medical and work history with emphasis on any evidence of upper or lower respiratory problems, allergic conditions, skin reaction or hypersensitivity, and any evidence of eye, nose, or throat irritation.

(ii) Other examinations shall consist of those elements considered appropriate by the examining physician.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and Appendices A, C, D, and E;

(ii) A description of the affected employee's job duties as they relate to the employee's exposure to formaldehyde;

(iii) The representative exposure level for the employee's job assignment;

(iv) Information concerning any personal protective equipment and respiratory protection used or to be used by the employee; and

(v) Information from previous medical examinations of the affected employee within the control of the employer.

(vi) In the event of a nonroutine examination because of an emergency, the employer shall provide to the physician as soon as possible: A description of how the emergency occurred and the exposure the victim may have received.

(g) Physician's written opinion.

(i) For each examination required under this standard, the employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination except that it

shall not reveal specific findings or diagnoses unrelated to occupational exposure to formaldehyde. The written opinion shall include:

(A) The physician's opinion as to whether the employee has any medical condition that would place the employee at an increased risk of material impairment of health from exposure to formaldehyde;

(B) Any recommended limitations on the employee's exposure or changes in the use of personal protective equipment, including respirators;

(C) A statement that the employee has been informed by the physician of any medical conditions which would be aggravated by exposure to formaldehyde, whether these conditions may have resulted from past formaldehyde exposure or from exposure in an emergency, and whether there is a need for further examination or treatment.

(ii) The employer shall provide for retention of the results of the medical examination and tests conducted by the physician.

(iii) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days of its receipt.

(13) Hazard communication.

(a) General. Notwithstanding any exemption granted in WAC 296-62-05403 (6)(c) for wood products, each employer who has a workplace covered by this standard shall comply with the requirements of WAC 296-62-05409 through 296-62-05419.

(i) For purposes of hazard communication, formaldehyde gas, all mixtures or solutions composed of greater than 0.1 percent formaldehyde, and materials capable of releasing formaldehyde into the air under any normal condition of use at concentrations reaching or exceeding 0.1 ppm shall be considered a health hazard.

(ii) As a minimum, specific health hazards that the employer shall address are: Cancer, irritation and sensitization of the skin and respiratory system, eye and throat irritation, and acute toxicity.

(b) Manufacturers and importers who produce or import formaldehyde or formaldehyde-containing products shall provide downstream employers using or handling these products with an objective determination through the required labels and MSDSs if these items may constitute a health hazard within the meaning of WAC 296-62-05407 under normal conditions of use.

(c) Labels.

(i) The employer shall assure that hazard warning labels complying with the requirements of WAC 296-62-05411 are affixed to all containers where the presence of formaldehyde constitutes a health hazard.

(ii) Information on labels. As a minimum, labels shall identify the hazardous chemical; list the name and address of the responsible party; contain the information "potential cancer hazard"; and appropriately warn of all other hazards as defined in Part C (WAC 296-62-054 through 296-62-05425), Appendices A and B.

(iii) Substitute warning labels. The employer may use warning labels required by other statutes, regulations, or ordinances which impart the same information as the warning statements required by this subitem.

(d) Material safety data sheets.

(i) Any employer who uses formaldehyde-containing materials that constitute a health hazard as defined in this standard shall comply with the requirements of WAC 296-62-05413 with regard to the development and updating of material safety data sheets.

(ii) Manufacturers, importers, and distributors of formaldehyde containing materials that constitute a health hazard as defined in this standard shall assure that material safety data sheets and updated information are provided to all employers purchasing such materials at the time of the initial shipment and at the time of the first shipment after a material safety data sheet is updated.

(14) Employee information and training.

(a) Employee training. Written materials for employee training shall be updated as soon as possible, but no later than two months after the effective date of the standard.

(b) Participation. The employer shall assure that all employees who are assigned to workplaces where there is a health hazard from formaldehyde participate in a training program.

(c) Frequency.

(i) Employers shall provide employees with information and training on formaldehyde at the time of their initial assignment and whenever a new hazard from formaldehyde is introduced into their work area.

(ii) Employers shall provide such information and training at least annually for all employees exposed to formaldehyde concentrations at or above the action level or the STEL.

(d) Training program. The training program shall be conducted in a manner which the employee is able to understand and shall include:

(i) A discussion of the contents of this regulation and the contents of the material safety data sheet;

(ii) The purpose for and a description of the medical surveillance program required by this standard, including:

(A) A description of the potential health hazards associated with exposure to formaldehyde and a description of the signs and symptoms of exposure to formaldehyde.

(B) Instructions to immediately report to the employer the development of any adverse signs or symptoms that the employee suspects is attributable to formaldehyde exposure.

(iii) Description of operations in the work area where formaldehyde is present and an explanation of the safe work practices appropriate for limiting exposure to formaldehyde in each job;

(iv) The purpose for, proper use of, and limitations of personal protective clothing and equipment;

(v) Instructions for the handling of spills, emergencies, and clean-up procedures;

(vi) An explanation of the importance of engineering and work practice controls for employee protection and any necessary instruction in the use of these controls; and

(vii) A review of emergency procedures including the specific duties or assignments of each employee in the event of an emergency.

(e) Access to training materials.

(i) The employer shall inform all affected employees of the location of written training materials and shall make these materials readily available, without cost, to the affected employees.

(ii) The employer shall provide, upon request, all training materials relating to the employee training program to the director of labor and industries, or his designated representative.

(15) Recordkeeping.

(a) Exposure measurements. The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to formaldehyde. This record shall include:

(i) The date of measurement;

(ii) The operation being monitored;

(iii) The methods of sampling and analysis and evidence of their accuracy and precision;

(iv) The number, durations, time, and results of samples taken;

(v) The types of protective devices worn; and

(vi) The names, job classifications, Social Security numbers, and exposure estimates of the employees whose exposures are represented by the actual monitoring results.

(b) Exposure determinations. Where the employer has determined that no monitoring is required under this standard, the employer shall maintain a record of the objective data relied upon to support the determination that no employee is exposed to formaldehyde at or above the action level.

(c) Medical surveillance. The employer shall establish and maintain an accurate record for each employee subject to medical surveillance under this standard. This record shall include:

(i) The name and Social Security number of the employee;

(ii) The physician's written opinion;

(iii) A list of any employee health complaints that may be related to exposure to formaldehyde; and

(iv) A copy of the medical examination results, including medical disease questionnaires and results of any medical tests required by the standard or mandated by the examining physician.

(d) Respirator fit testing.

(i) The employer shall establish and maintain accurate records for employees subject to negative-pressure respirator fit testing required by this standard.

(ii) This record shall include:

(A) A copy of the protocol selected for respirator fit testing;

(B) A copy of the results of any fit testing performed;

(C) The size and manufacturer of the types of respirators available for selection; and

(D) The date of the most recent fit testing, the name and Social Security number of each tested employee, and the respirator type and facepiece selected.

(e) Record retention. The employer shall retain records required by this standard for at least the following periods:

(i) Exposure records and determinations shall be kept for at least thirty years;

(ii) Medical records shall be kept for the duration of employment plus thirty years; and

(iii) Respirator fit testing records shall be kept until replaced by a more recent record.

(f) Availability of records.

(i) Upon request, the employer shall make all records maintained as a requirement of this standard available for examination and copying to the director of labor and industries, or his designated representative.

(ii) The employer shall make employee exposure records, including estimates made from representative monitoring and available upon request for examination and copying, to the subject employee, or former employee, and employee representatives in accordance with WAC 296-62-052 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this standard shall be provided upon request for examination and copying, to the subject employee, or former employee, or to anyone having the specific written consent of the subject employee or former employee.

(16) Effective dates.

(a) Laboratories. This standard shall become effective for anatomy, histology, and pathology laboratories thirty days after the adoption date, except as noted in (b) of this subsection. For all laboratories other than anatomy, histology, and pathology, subsections (2) and (4) through (15) of this section shall become effective on September 1, 1988, except as noted in (b) of this subsection.

(b) Engineering and work practice controls. Engineering and work practice controls required by this standard shall be implemented as soon as possible, but no later than February 2, 1989.

(c) Employee training. Written materials for employee training shall be updated as soon as possible, but no later than two months after the effective date of the standard.

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

NEW SECTION

WAC 296-62-07542 APPENDIX A—SUBSTANCE TECHNICAL GUIDELINE FOR FORMALIN. (1) The following substance technical guideline for formalin provides information on uninhibited formalin solution (thirty-seven percent formaldehyde, no methanol stabilizer). It is designed to inform employees at the production level of their rights and duties under the formaldehyde standard whether their job title defines them as workers or supervisors. Much of the information provided is general; however, some information is specific for formalin. When employee exposure to formaldehyde is from resins capable of releasing formaldehyde, the resin itself and other impurities or decomposition products may also be toxic, and employers should include this information as well when informing employees of the hazards associated with the materials they handle. The precise hazards associated with exposure to formaldehyde depend both on the form (solid, liquid, or gas) of the material and the concentration of formaldehyde

present. For example, thirty-seven to fifty percent solutions of formaldehyde present a much greater hazard to the skin and eyes from spills or splashes than solutions containing less than one percent formaldehyde. Individual substance technical guidelines used by the employer for training employees should be modified to properly give information on the material actually being used.

(a) Substance identification.

(i) Chemical name: Formaldehyde.

(ii) Chemical family: Aldehyde.

(iii) Chemical formula: HCHO.

(iv) Molecular weight: 30.03.

(v) Chemical abstracts service number (CAS number): 50-00-0.

Synonyms: Formalin; Formic Aldehyde; Paraform; Formol; Formalin (Methanol-free); Fyde; Formalith; Methanal; Methyl Aldehyde; Methylene Glycol; Methylene Oxide; Tetraoxymethalene; Oxomethane; Oxymethylene.

(b) Components and contaminants.

(i) Percent: 37.0 Formaldehyde.

(ii) Percent: 63.0 water.

Note. Inhibited solutions contain methanol.

(iii) Other contaminants: Formic acid (alcohol free).

Exposure limits:

(A) WISHA TWA-1 ppm.

(B) WISHA STEL-2 ppm.

(c) Physical data.

(i) Description: Colorless liquid, pungent odor.

(ii) Boiling point: 214°F (101°C).

(iii) Specific gravity: 1.08 (H₂O=1 @ 20 C).

(iv) pH: 2.8-4.0.

(v) Solubility in water: Miscible.

(vi) Solvent solubility: Soluble in alcohol and acetone.

(vii) Vapor density: 1.04 (Air=1 @ 20 C).

(viii) Odor threshold: 0.8-1 ppm.

(d) Fire and explosion hazard.

(i) Moderate fire and explosion hazard when exposed to heat or flame.

(ii) The flash point of thirty-seven percent formaldehyde solutions is above normal room temperature, but the explosion range is very wide, from seven to seventy-three percent by volume in air.

(iii) Reaction of formaldehyde with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid yields explosive compounds.

(iv) Flash point: 185°F (85°C) closed cup.

(v) Lower explosion limit: Seven percent.

(vi) Upper explosion limit: Seventy-three percent.

(vii) Autoignition temperature: 806°F (430°C).

(viii) Flammable class (WISHA): III A.

Extinguishing media:

(I) Use dry chemical, "alcohol foam," carbon dioxide, or water in flooding amounts as fog. Solid streams may not be effective. Cool fire-exposed containers with water from side until well after fire is out.

(II) Use of water spray to flush spills can also dilute the spill to produce nonflammable mixtures. Water runoff, however, should be contained for treatment.

(ix) National Fire Protection Association Section 325M Designation:

(A) Health: 2-Materials hazardous to health, but areas may be entered with full-faced mask self-contained breathing apparatus which provides eye protection.

(B) Flammability: 2-Materials which must be moderately heated before ignition will occur. Water spray may be used to extinguish the fire because the material can be cooled below its flash point.

(C) Reactivity: D-Materials which (in themselves) are normally stable even under fire exposure conditions and which are not reactive with water. Normal fire fighting procedures may be used.

(e) Reactivity.

(i) Stability: Formaldehyde solutions may self-polymerize to form paraformaldehyde which precipitates.

(ii) Incompatibility (materials to avoid):

(A) Strong oxidizing agents, caustics, strong alkalies, isocyanates, anhydrides, oxides, and inorganic acids.

(B) Formaldehyde reacts with hydrochloric acid to form the potent carcinogen, bis-chloromethyl ether. Formaldehyde reacts with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid to yield explosive compounds. A violent reaction occurs when formaldehyde is mixed with strong oxidizers.

(C) Hazardous combustion or decomposition products: Oxygen from the air can oxidize formaldehyde to formic acid, especially when heated. Formic acid is corrosive.

(f) Health hazard data.

(i) Acute effects of exposure.

(A) Ingestion (swallowing): Liquids containing ten to forty percent formaldehyde cause severe irritation and inflammation of the mouth, throat, and stomach. Severe stomach pains will follow ingestion with possible loss of consciousness and death. Ingestion of dilute formaldehyde solutions (0.03-0.04%) may cause discomfort in the stomach and pharynx.

(B) Inhalation (breathing):

(I) Formaldehyde is highly irritating to the upper respiratory tract and eyes. Concentrations of 0.5 to 2.0 ppm may irritate the eyes, nose, and throat of some individuals.

(II) Concentrations of 3 to 5 ppm also cause tearing of the eyes and are intolerable to some persons.

(III) Concentrations of 10 to 20 ppm cause difficulty in breathing, burning of the nose and throat, coughing, and heavy tearing of the eyes, and 25 to 30 ppm causes severe respiratory tract injury leading to pulmonary edema and pneumonitis. A concentration of 100 ppm is immediately dangerous to life and health. Deaths from accidental exposure to high concentrations of formaldehyde have been reported.

(C) Skin (dermal): Formalin is a severe skin irritant and a sensitizer. Contact with formalin causes white discoloration, smarting, drying, cracking, and scaling. Prolonged and repeated contact can cause numbness and a hardening or tanning of the skin. Previously exposed persons may react to future exposure with an allergic eczematous dermatitis or hives.

(D) Eye contact: Formaldehyde solutions splashed in the eye can cause injuries ranging from transient discomfort to severe, permanent corneal clouding and loss

of vision. The severity of the effect depends on the concentration of formaldehyde in the solution and whether or not the eyes are flushed with water immediately after the accident.

Note: The perception of formaldehyde by odor and eye irritation becomes less sensitive with time as one adapts to formaldehyde. This can lead to overexposure if a worker is relying on formaldehyde's warning properties to alert him or her to the potential for exposure.

(E) Acute animal toxicity:

(I) Oral, rats: LD50=800 mg/kg.

(II) Oral, mouse: LD50=42 mg/kg.

(III) Inhalation, rats: LC50=250 mg/kg.

(IV) Inhalation, mouse: LC50=900 mg/kg.

(V) Inhalation, rats: LC50=590 mg/kg.

(g) Chronic effects of exposure.

(i) Carcinogenicity: Formaldehyde has the potential to cause cancer in humans. Repeated and prolonged exposure increases the risk. Various animal experiments have conclusively shown formaldehyde to be a carcinogen in rats. In humans, formaldehyde exposure has been associated with cancers of the lung, nasopharynx and oropharynx, and nasal passages.

(ii) Mutagenicity: Formaldehyde is genotoxic in several in vitro test systems showing properties of both an initiator and a promoter.

(iii) Toxicity: Prolonged or repeated exposure to formaldehyde may result in respiratory impairment. Rats exposed to formaldehyde at 2 ppm developed benign nasal tumors and changes of the cell structure in the nose as well as inflamed mucous membranes of the nose. Structural changes in the epithelial cells in the human nose have also been observed. Some persons have developed asthma or bronchitis following exposure to formaldehyde, most often as the result of an accidental spill involving a single exposure to a high concentration of formaldehyde.

(h) Emergency and first-aid procedures.

(i) Ingestion (swallowing): If the victim is conscious, dilute, inactivate, or absorb the ingested formaldehyde by giving milk, activated charcoal, or water. Any organic material will inactivate formaldehyde. Keep affected person warm and at rest. Get medical attention immediately. If vomiting occurs, keep head lower than hips.

(ii) Inhalation (breathing): Remove the victim from the exposure area to fresh air immediately. Where the formaldehyde concentration may be very high, each rescuer must put on a self-contained breathing apparatus before attempting to remove the victim, and medical personnel should be informed of the formaldehyde exposure immediately. If breathing has stopped, give artificial respiration. Keep the affected person warm and at rest. Qualified first-aid or medical personnel should administer oxygen, if available, and maintain the patient's airways and blood pressure until the victim can be transported to a medical facility. If exposure results in a highly irritated upper respiratory tract and coughing continues for more than ten minutes, the worker should be hospitalized for observation and treatment.

(iii) Skin contact: Remove contaminated clothing (including shoes) immediately. Wash the affected area of your body with soap or mild detergent and large

amounts of water until no evidence of the chemical remains (at least fifteen to twenty minutes). If there are chemical burns, get first aid to cover the area with sterile, dry dressing, and bandages. Get medical attention if you experience appreciable eye or respiratory irritation.

(iv) Eye contact: Wash the eyes immediately with large amounts of water occasionally lifting lower and upper lids, until no evidence of chemical remains (at least fifteen to twenty minutes). In case of burns, apply sterile bandages loosely without medication. Get medical attention immediately. If you have experienced appreciable eye irritation from a splash or excessive exposure, you should be referred promptly to an ophthalmologist for evaluation.

(i) Emergency procedures.

(i) Emergencies:

(A) If you work in an area where a large amount of formaldehyde could be released in an accident or from equipment failure, your employer must develop procedures to be followed in event of an emergency. You should be trained in your specific duties in the event of an emergency, and it is important that you clearly understand these duties. Emergency equipment must be accessible and you should be trained to use any equipment that you might need. Formaldehyde contaminated equipment must be cleaned before reuse.

(B) If a spill of appreciable quantity occurs, leave the area quickly unless you have specific emergency duties. Do not touch spilled material. Designated persons may stop the leak and shut off ignition sources if these procedures can be done without risk. Designated persons should isolate the hazard area and deny entry except for necessary people protected by suitable protective clothing and respirators adequate for the exposure. Use water spray to reduce vapors. Do not smoke, and prohibit all flames or flares in the hazard area.

(ii) Special firefighting procedures:

(A) Learn procedures and responsibilities in the event of a fire in your workplace.

(B) Become familiar with the appropriate equipment and supplies and their location.

(C) In firefighting, withdraw immediately in case of rising sound from venting safety device or any discoloration of storage tank due to fire.

(j) Spill, leak, and disposal procedures.

(i) Occupational spill: For small containers, place the leaking container in a well ventilated area. Take up small spills with absorbent material and place the waste into properly labeled containers for later disposal. For larger spills, dike the spill to minimize contamination and facilitate salvage or disposal. You may be able to neutralize the spill with sodium hydroxide or sodium sulfite. Your employer must comply with EPA rules regarding the clean-up of toxic waste and notify state and local authorities, if required. If the spill is greater than 1,000 lb/day, it is reportable under EPA's superfund legislation.

(ii) Waste disposal: Your employer must dispose of waste containing formaldehyde in accordance with applicable local, state, and federal law and in a manner that minimizes exposure of employees at the site and of the clean-up crew.

(k) Monitoring and measurement procedures.

(i) **Monitoring requirements:** If your exposure to formaldehyde exceeds the 0.5 ppm action level or the 2 ppm STEL, your employer must monitor your exposure. Your employer need not measure every exposure if a "high exposure" employee can be identified. This person usually spends the greatest amount of time nearest the process equipment. If you are a "representative employee," you will be asked to wear a sampling device to collect formaldehyde. This device may be a passive badge, a sorbent tube attached to a pump, or an impinger containing liquid. You should perform your work as usual, but inform the person who is conducting the monitoring of any difficulties you are having wearing the device.

(ii) **Evaluation of 8-hour exposure:** Measurements taken for the purpose of determining time-weighted average (TWA) exposures are best taken with samples covering the full shift. Samples collected must be taken from the employee's breathing zone air.

(iii) **Short-term exposure evaluation:** If there are tasks that involve brief but intense exposure to formaldehyde, employee exposure must be measured to assure compliance with the STEL. Sample collections are for brief periods, only fifteen minutes, but several samples may be needed to identify the peak exposure.

(iv) **Monitoring techniques:** WISHA's only requirement for selecting a method for sampling and analysis is that the methods used accurately evaluate the concentration of formaldehyde in employees' breathing zones. Sampling and analysis may be performed by collection of formaldehyde on liquid or solid sorbents with subsequent chemical analysis. Sampling and analysis may also be performed by passive diffusion monitors and short-term exposure may be measured by instruments such as real-time continuous monitoring systems and portable direct reading instruments.

(v) **Notification of results:** Your employer must inform you of the results of exposure monitoring representative of your job. You may be informed in writing, but posting the results where you have ready access to them constitutes compliance with the standard.

(l) Protective equipment and clothing.

(Material impervious to formaldehyde is needed if the employee handles formaldehyde solutions of one percent or more. Other employees may also require protective clothing or equipment to prevent dermatitis.)

(i) Respiratory protection:

(A) Use NIOSH-approved full facepiece negative pressure respirators equipped with approved cartridges or canisters within the use limitations of these devices. (Present restrictions on cartridges and canisters do not permit them to be used for a full workshift.) In all other situations, use positive pressure respirators such as the positive-pressure air purifying respirator or the self-contained breathing apparatus (SCBA).

(B) If you use a negative pressure respirator, your employer must provide you with fit testing of the respirator at least once a year in accordance with the procedures outlined in WAC 296-62-07550 Appendix E.

(ii) Protective gloves:

(A) Wear protective (impervious) gloves provided by your employer, at no cost, to prevent contact with formalin.

(B) Your employer should select these gloves based on the results of permeation testing and in accordance with the ACGIH guidelines for selection of chemical protective clothing.

(iii) Eye protection:

(A) If you might be splashed in the eyes with formalin, it is essential that you wear goggles or some other type of complete protection for the eye.

(B) You may also need a face shield if your face is likely to be splashed with formalin, but you must not substitute face shields for eye protection. (This section pertains to formaldehyde solutions of one percent or more.)

(iv) Other protective equipment:

(A) You must wear protective (impervious) clothing and equipment provided by your employer at no cost to prevent repeated or prolonged contact with formaldehyde liquids.

(B) If you are required to change into whole-body chemical protective clothing, your employer must provide a change room for your privacy and for storage of your normal clothing.

(C) If you are splashed with formaldehyde, use the emergency showers and eyewash fountains provided by your employer immediately to prevent serious injury. Report the incident to your supervisor and obtain necessary medical support.

(2) **Entry into an IDLH atmosphere.** Enter areas where the formaldehyde concentration might be 100 ppm or more only with complete body protection including a self-contained breathing apparatus with a full facepiece operated in a positive pressure mode or a supplied-air respirator with full facepiece and operated in a positive pressure mode. This equipment is essential to protect your life and health under such extreme conditions.

(a) Engineering controls.

(i) **Ventilation** is the most widely applied engineering control method for reducing the concentration of airborne substances in the breathing zones of workers. There are two distinct types of ventilation.

(ii) **Local exhaust:** Local exhaust ventilation is designed to capture airborne contaminants as near to the point of generation as possible. To protect you, the direction of contaminant flow must always be toward the local exhaust system inlet and away from you.

(iii) General (mechanical):

(A) **General dilution ventilation** involves continuous introduction of fresh air into the workroom to mix with the contaminated air and lower your breathing zone concentration of formaldehyde. Effectiveness depends on the number of air changes per hour.

(B) Where devices emitting formaldehyde are spread out over a large area, general dilution ventilation may be the only practical method of control.

(iv) **Work practices:** Work practices and administrative procedures are an important part of a control system. If you are asked to perform a task in a certain

manner to limit your exposure to formaldehyde, it is extremely important that you follow these procedures.

(b) Medical surveillance.

(i) Medical surveillance helps to protect employees' health. You are encouraged strongly to participate in the medical surveillance program.

(ii) Your employer must make a medical surveillance program available at no expense to you and at a reasonable time and place if you are exposed to formaldehyde at concentrations above 0.5 ppm as an 8-hour average or 2 ppm over any fifteen-minute period.

(A) You will be offered medical surveillance at the time of your initial assignment and once a year afterward as long as your exposure is at least 0.5 ppm (TWA) or 2 ppm (STEL).

(B) Even if your exposure is below these levels, you should inform your employer if you have signs and symptoms that you suspect, through your training, are related to your formaldehyde exposure because you may need medical surveillance to determine if your health is being impaired by your exposure.

(iii) The surveillance plan includes:

(A) A medical disease questionnaire.

(B) A physical examination if the physician determines this is necessary.

(iv) If you are required to wear a respirator, your employer must offer you a physical examination and a pulmonary function test every year.

(v) The physician must collect all information needed to determine if you are at increased risk from your exposure to formaldehyde. At the physician's discretion, the medical examination may include other tests, such as a chest x-ray, to make this determination.

(vi) After a medical examination the physician will provide your employer with a written opinion which includes any special protective measures recommended and any restrictions on your exposure. The physician must inform you of any medical conditions you have which would be aggravated by exposure to formaldehyde. All records from your medical examinations, including disease surveys, must be retained at your employer's expense.

(c) Emergencies.

(i) If you are exposed to formaldehyde in an emergency and develop signs or symptoms associated with acute toxicity from formaldehyde exposure, your employer must provide you with a medical examination as soon as possible.

(ii) This medical examination will include all steps necessary to stabilize your health.

(iii) You may be kept in the hospital for observation if your symptoms are severe to ensure that any delayed effects are recognized and treated.

NEW SECTION

WAC 296-62-07544 APPENDIX B—SAMPLING STRATEGY AND ANALYTICAL METHODS FOR FORMALDEHYDE. (1) To protect the health of employees, exposure measurements must be unbiased and representative of employee exposure. The proper measurement of employee exposure requires more than a token commitment on the part of the employer.

WISHA's mandatory requirements establish a baseline; under the best of circumstances all questions regarding employee exposure will be answered. Many employers, however, will wish to conduct more extensive monitoring before undertaking expensive commitments, such as engineering controls, to assure that the modifications are truly necessary. The following sampling strategy, which was developed at NIOSH by Nelson A. Leidel, Kenneth A. Busch, and Jeremiah R. Lynch and described in NIOSH publication No. 77-173 (Occupational Exposure Sampling Strategy Manual) will assist the employer in developing a strategy for determining the exposure of his or her employees.

(2) There is no one correct way to determine employee exposure. Obviously, measuring the exposure of every employee exposed to formaldehyde will provide the most information on any given day. Where few employees are exposed, this may be a practical solution. For most employers, however, use of the following strategy will give just as much information at less cost.

(3) Exposure data collected on a single day will not automatically guarantee the employer that his or her workplace is always in compliance with the formaldehyde standard. This does not imply, however, that it is impossible for an employer to be sure that his or her worksite is in compliance with the standard. Indeed, a properly designed sampling strategy showing that all employees are exposed below the PELs, at least with a ninety-five percent certainty, is compelling evidence that the exposure limits are being achieved provided that measurements are conducted using valid sampling strategy and approved analytical methods.

(4) There are two PELs, the TWA concentration and the STEL.

(a) Most employers will find that one of these two limits is more critical in the control of their operations, and OSHA expects that the employer will concentrate monitoring efforts on the critical component.

(b) If the more difficult exposure is controlled, this information, along with calculations to support the assumptions, should be adequate to show that the other exposure limit is also being achieved.

(5) Sampling strategy.

(a) Determination of the need for exposure measurements.

(b) The employer must determine whether employees may be exposed to concentrations in excess of the action level. This determination becomes the first step in an employee exposure monitoring program that minimizes employer sampling burdens while providing adequate employee protection.

(c) If employees may be exposed above the action level, the employer must measure exposure. Otherwise, an objective determination that employee exposure is low provides adequate evidence that exposure potential has been examined.

(d) The employer should examine all available relevant information, e.g., insurance company and trade association data and information from suppliers or exposure data collected from similar operations.

(e) The employer may also use previously-conducted sampling including area monitoring. The employer must

make a determination relevant to each operation although this need not be on a separate piece of paper.

(f) If the employer can demonstrate conclusively that no employee is exposed above the action level or the STEL through the use of objective data, the employer need proceed no further on employee exposure monitoring until such time that conditions have changed and the determination is no longer valid.

(g) If the employer cannot determine that employee exposure is less than the action level and the STEL, employee exposure monitoring will have to be conducted.

(6) Workplace material survey.

(a) The primary purpose of a survey of raw material is to determine if formaldehyde is being used in the work environment and if so, the conditions under which formaldehyde is being used.

(b) The first step is to tabulate all situations where formaldehyde is used in a manner such that it may be released into the workplace atmosphere or contaminate the skin. This information should be available through analysis of company records and information on the MSDSs available through provisions of this standard and the hazard communication standard.

(c) If there is an indication from materials handling records and accompanying MSDSs that formaldehyde is being used in the following types of processes or work operations, there may be a potential for releasing formaldehyde into the workplace atmosphere:

(i) Any operation that involves grinding, sanding, sawing, cutting, crushing, screening, sieving, or any other manipulation of material that generates formaldehyde-bearing dust.

(ii) Any processes where there have been employee complaints or symptoms indicative of exposure to formaldehyde.

(iii) Any liquid or spray process involving formaldehyde.

(iv) Any process that uses formaldehyde in preserved tissue.

(v) Any process that involves the heating of a formaldehyde-bearing resin.

Processes and work operations that use formaldehyde in these manners will probably require further investigation at the worksite to determine the extent of employee monitoring that should be conducted.

(7) Workplace observations.

(a) To this point, the only intention has been to provide an indication as to the existence of potentially exposed employees. With this information, a visit to the workplace is needed to observe work operations, to identify potential health hazards, and to determine whether any employees may be exposed to hazardous concentrations of formaldehyde.

(b) In many circumstances, sources of formaldehyde can be identified through the sense of smell. However, this method of detection should be used with caution because of olfactory fatigue.

(c) Employee location in relation to source of formaldehyde is important in determining if an employee may be significantly exposed to formaldehyde. In most instances, the closer a worker is to the source, the higher the probability that a significant exposure will occur.

Other characteristics should be considered. Certain high temperature operations give rise to higher evaporation rates. Locations of open doors and windows provide natural ventilation that tend to dilute formaldehyde emissions. General room ventilation also provides a measure of control.

(8) Calculation of potential exposure concentrations.

(a) By knowing the ventilation rate in a workplace and the quantity of formaldehyde generated, the employer may be able to determine by calculation if the PELs might be exceeded.

(b) To account for poor mixing of formaldehyde into the entire room, locations of fans and proximity of employees to the work operation, the employer must include a safety factor.

(c) If an employee is relatively close to a source, particularly if he or she is located downwind, a safety factor of one hundred may be necessary.

(d) For other situations, a factor of ten may be acceptable. If the employer can demonstrate through such calculations that employee exposure does not exceed the action level or the STEL, the employer may use this information as objective data to demonstrate compliance with the standard.

(9) Sampling strategy.

(a) Once the employer determines that there is a possibility of substantial employee exposure to formaldehyde, the employer is obligated to measure employee exposure.

(b) The next step is selection of a maximum risk employee. When there are different processes where employees may be exposed to formaldehyde, a maximum risk employee should be selected for each work operation.

(c) Selection of the maximum risk employee requires professional judgment. The best procedure for selecting the maximum risk employee is to observe employees and select the person closest to the source of formaldehyde. Employee mobility may affect this selection; e.g., if the closest employee is mobile in his tasks, he may not be the maximum risk employee. Air movement patterns and differences in work habits will also affect selection of the maximum risk employee.

(d) When many employees perform essentially the same task, a maximum risk employee cannot be selected. In this circumstance, it is necessary to resort to random sampling of the group of workers. The objective is to select a subgroup of adequate size so that there is a high probability that the random sample will contain at least one worker with high exposure if one exists. The number of persons in the group influences the number that need to be sampled to ensure that at least one individual from the highest ten percent exposure group is contained in the sample. For example, to have ninety percent confidence in the results, if the group size is ten, nine should be sampled; for fifty, only eighteen need to be sampled.

(e) If measurement shows exposure to formaldehyde at or above the action level or the STEL, the employer needs to identify all other employees who may be exposed at or above the action level or STEL and measure or otherwise accurately characterize the exposure of these employees.

(f) Whether representative monitoring or random sampling are conducted, the purpose remains the same to determine if the exposure of any employee is above the action level. If the exposure of the most exposed employee is less than the action level and the STEL, regardless of how the employee is identified, then it is reasonable to assume that measurements of exposure of the other employees in that operation would be below the action level and the STEL.

(10) Exposure measurements.

(a) There is no "best" measurement strategy for all situations. Some elements to consider in developing a strategy are:

- (i) Availability and cost of sampling equipment;
- (ii) Availability and cost of analytic facilities;
- (iii) Availability and cost of personnel to take samples;
- (iv) Location of employees and work operations;
- (v) Intraday and interday variations in the process;
- (vi) Precision and accuracy of sampling and analytic methods; and
- (vii) Number of samples needed.

(b) Samples taken for determining compliance with the STEL differ from those that measure the TWA concentration in important ways. STEL samples are best taken in a nonrandom fashion using all available knowledge relating to the area, the individual, and the process to obtain samples during periods of maximum expected concentrations. At least three measurements on a shift are generally needed to spot gross errors or mistakes; however, only the highest value represents the STEL.

(c) If an operation remains constant throughout the workshift, a much greater number of samples would need to be taken over the thirty-two discrete nonoverlapping periods in an 8-hour workshift to verify compliance with a STEL. If employee exposure is truly uniform throughout the workshift, however, an employer in compliance with the 1 ppm TWA would be in compliance with the 2 ppm STEL, and this determination can probably be made using objective data.

(11) Need to repeat the monitoring strategy.

(a) Interday and intraday fluctuations in employee exposure are mostly influenced by the physical processes that generate formaldehyde and the work habits of the employee. Hence, in-plant process variations influence the employer's determination of whether or not additional controls need to be imposed. Measurements that employee exposure is low on a day that is not representative of worst conditions may not provide sufficient information to determine whether or not additional engineering controls should be installed to achieve the PELs.

(b) The person responsible for conducting sampling must be aware of systematic changes which will negate the validity of the sampling results. Systematic changes in formaldehyde exposure concentration for an employee can occur due to:

- (i) The employee changing patterns of movement in the workplace;
- (ii) Closing of plant doors and windows;
- (iii) Changes in ventilation from season to season;
- (iv) Decreases in ventilation efficiency or abrupt failure of engineering control equipment; and

(v) Changes in the production process or work habits of the employee.

(c) Any of these changes, if they may result in additional exposure that reaches the next level of action (i.e., 0.5 or 1.0 ppm as an 8-hour average or 2 ppm over fifteen minutes) require the employer to perform additional monitoring to reassess employee exposure.

(d) A number of methods are suitable for measuring employee exposure to formaldehyde or for characterizing emissions within the worksite. The preamble to this standard describes some methods that have been widely used or subjected to validation testing. A detailed analytical procedure derived from the WISHA Method ALDE-1 for acrolein and formaldehyde is presented below for informational purposes.

(e) Inclusion of WISHA's method in this appendix in no way implies that it is the only acceptable way to measure employee exposure to formaldehyde. Other methods that are free from significant interferences and that can determine formaldehyde at the permissible exposure limits within ± 25 percent of the "true" value at the ninety-five percent confidence level are also acceptable. Where applicable, the method should also be capable of measuring formaldehyde at the action level to ± 35 percent of the "true" value with a ninety-five percent confidence level. WISHA encourages employers to choose methods that will be best for their individual needs. The employer must exercise caution, however, in choosing an appropriate method since some techniques suffer from interferences that are likely to be present in workplaces of certain industry sectors where formaldehyde is used.

(12) WISHA's analytical laboratory method.

Method No: ALDE-1.

Matrix: Air.

(a) Target concentration: 1 ppm (1.2 mg/m³).

(b) Procedures: Air samples are collected by drawing known volumes of air through sampling tubes containing XAD-2 adsorbent which have been coated with 2-(hydroxymethyl) piperidine. The samples are desorbed with toluene and then analyzed by gas chromatography using a nitrogen selective detector.

(c) Recommended sampling rate and air volumes: 0.1 L/min and 24 L.

(d) Reliable quantitation limit: 16 ppb (20 ug/m³).

(e) Standard error of estimate at the target concentration: 7.3%.

(f) Status of the method: A sampling and analytical method that has been subjected to the established evaluation procedures of the organic methods evaluation branch.

(13) Date: March, 1985.

(a) General discussion.

(i) Background: The current WISHA method for collecting acrolein vapor recommends the use of activated 13X molecular sieves. The samples must be stored in an ice bath during and after sampling and also they must be analyzed within forty-eight hours of collection. The current WISHA method for collecting formaldehyde vapor recommends the use of bubblers containing ten percent methanol in water as the trapping solution.

This work was undertaken to resolve the sample stability problems associated with acrolein and also to eliminate the need to use bubblers to sample formaldehyde. A goal of this work was to develop and/or to evaluate a common sampling and analytical procedure for acrolein and formaldehyde.

NIOSH has developed independent methodologies for acrolein and formaldehyde which recommend the use of reagent-coated adsorbent tubes to collect the aldehydes as stable derivatives. The formaldehyde sampling tubes contain Chromosorb 102 adsorbent coated with N-benzylethanolamine (BEA) which reacts with formaldehyde vapor to form a stable oxazolidine compound. The acrolein sampling tubes contain XAD-2 adsorbent coated with 2-(hydroxymethyl) to piperidine (2-HMP) which reacts with acrolein vapor to form a different, stable oxazolidine derivative. Acrolein does not appear to react with BEA to give a suitable reaction product. Therefore, the formaldehyde procedure cannot provide a common method for both aldehydes. However, formaldehyde does react with 2-HMP to form a very suitable reaction product. It is the quantitative reaction of acrolein and formaldehyde with 2-HMP that provides the basis for this evaluation.

This sampling and analytical procedure is very similar to the method recommended by NIOSH for acrolein. Some changes in the NIOSH methodology were necessary to permit the simultaneous determination of both aldehydes and also to accommodate WISHA laboratory equipment and analytical techniques.

(ii) Limit-defining parameters: The analyte air concentrations reported in this method are based on the recommended air volume for each analyte collected separately and a desorption volume of 1 mL. The amounts are presented as acrolein and/or formaldehyde, even though the derivatives are the actual species analyzed.

(A) Detection limits of the analytical procedure: The detection limit of the analytical procedure was 386 pg per injection for formaldehyde. This was the amount of analyte which gave a peak whose height was about five times the height of the peak given by the residual formaldehyde derivative in a typical blank front section of the recommended sampling tube.

(B) Detection limits of the overall procedure: The detection limits of the overall procedure were 482 ng per sample (16 ppb or 20 ug/m³ for formaldehyde). This was the amount of analyte spiked on the sampling device which allowed recoveries approximately equal to the detection limit of the analytical procedure.

(C) Reliable quantitation limits: The reliable quantitation limit was 482 ng per sample (16 ppb or 20 ug/m³) for formaldehyde. These were the smallest amounts of analyte which could be quantitated within the limits of a recovery of at least seventy-five percent and a precision (± 1.96 SD) of $\pm 25\%$ or better.

The reliable quantitation limit and detection limits reported in the method are based upon optimization of the instrument for the smallest possible amount of analyte. When the target concentration of an analyte is exceptionally higher than these limits, they may not be attainable at the routine operating parameters.

(D) Sensitivity: The sensitivity of the analytical procedure over concentration ranges representing 0.4 to 2 times the target concentration, based on the recommended air volumes, was seven thousand five hundred eighty-nine area units per ug/mL for formaldehyde. This value was determined from the slope of the calibration curve. The sensitivity may vary with the particular instrument used in the analysis.

(E) Recovery: The recovery of formaldehyde from samples used in an eighteen-day storage test remained above ninety-two percent when the samples were stored at ambient temperature. These values were determined from regression lines which were calculated from the storage data. The recovery of the analyte from the collection device must be at least seventy-five percent following storage.

(F) Precision (analytical method only): The pooled coefficient of variation obtained from replicate determinations of analytical standards over the range of 0.4 to 2 times the target concentration was 0.0052 for formaldehyde ((d)(C)(iii) of this subsection).

(G) Precision (overall procedure): The precision at the ninety-five percent confidence level for the ambient temperature storage tests was $\pm 14.3\%$ for formaldehyde. These values each include an additional $\pm 5\%$ for sampling error. The overall procedure must provide results at the target concentrations that are $\pm 25\%$ at the ninety-five percent confidence level.

(H) Reproducibility: Samples collected from controlled test atmospheres and a draft copy of this procedure were given to a chemist unassociated with this evaluation. The formaldehyde samples were analyzed following fifteen days storage. The average recovery was 96.3% and the standard deviation was 1.7%.

(iii) Advantages:

(A) The sampling and analytical procedures permit the simultaneous determination of acrolein and formaldehyde.

(B) Samples are stable following storage at ambient temperature for at least eighteen days.

(iv) Disadvantages: None.

(b) Sampling procedure.

(i) Apparatus:

(A) Samples are collected by use of a personal sampling pump that can be calibrated to within $\pm 5\%$ of the recommended 0.1 L/min sampling rate with the sampling tube in line.

(B) Samples are collected with laboratory prepared sampling tubes. The sampling tube is constructed of silane treated glass and is about 8-cm long. The ID is 4 mm and the OD is 6 mm. One end of the tube is tapered so that a glass wool end plug will hold the contents of the tube in place during sampling. The other end of the sampling tube is open to its full 4-mm ID to facilitate packing of the tube. Both ends of the tube are fire-polished for safety. The tube is packed with a 75-mg backup section, located nearest the tapered end and a 150-mg sampling section of pretreated XAD-2 adsorbent which has been coated with 2-HMP. The two sections of coated adsorbent are separated and retained with small plugs of silanized glass wool. Following packing, the sampling tubes are sealed with two 7/32 inch

OD plastic and caps. Instructions for the pretreatment and the coating of XAD-2 adsorbent are presented in (d) of this subsection.

(C) Sampling tubes, similar to those recommended in this method, are marketed by Supelco, Inc. These tubes were not available when this work was initiated; therefore, they were not evaluated.

(ii) Reagents: None required.

(iii) Technique:

(A) Properly label the sampling tube before sampling and then remove the plastic end caps.

(B) Attach the sampling tube to the pump using a section of flexible plastic tubing such that the large, front section of the sampling tube is exposed directly to the atmosphere. Do not place any tubing ahead of the sampling tube. The sampling tube should be attached in the worker's breathing zone in a vertical manner such that it does not impede work performance.

(C) After sampling for the appropriate time, remove the sampling tube from the pump and then seal the tube with plastic end caps.

(D) Include at least one blank for each sampling set. The blank should be handled in the same manner as the samples with the exception that air is not drawn through it.

(E) List any potential interferences on the sample data sheet.

(iv) Breakthrough:

(A) Breakthrough was defined as the relative amount of analyte found on a backup sample in relation to the total amount of analyte collected on the sampling train.

(B) For formaldehyde collected from test atmospheres containing six times the PEL, the average five percent breakthrough air volume was 41 L. The sampling rate was 0.1 L/min and the average mass of formaldehyde collected was 250 ug.

(v) Desorption efficiency: No desorption efficiency corrections are necessary to compute air sample results because analytical standards are prepared using coated adsorbent. Desorption efficiencies were determined, however, to investigate the recoveries of the analytes from the sampling device. The average recovery over the range of 0.4 to 2 times the target concentration, based on the recommended air volumes, was 96.2% for formaldehyde. Desorption efficiencies were essentially constant over the ranges studied.

(vi) Recommended air volume and sampling rate:

(A) The recommended air volume for formaldehyde is 24 L.

(B) The recommended sampling rate is 0.1 L/min.

(vii) Interferences:

(A) Any collected substance that is capable of reacting with 2-HMP and thereby depleting the derivatizing agent is a potential interference. Chemicals which contain a carbonyl group, such as acetone, may be capable of reacting with 2-HMP.

(b) There are no other known interferences to the sampling method.

(viii) Safety precautions:

(A) Attach the sampling equipment to the worker in such a manner that it will not interfere with work performance or safety.

(B) Follow all safety practices that apply to the work area being sampled.

(c) Analytical procedure.

(i) Apparatus:

(A) A gas chromatograph (GC), equipped with a nitrogen selective detector.

(B) A GC column capable of resolving the analytes from any interference. A 6 ft x 1/4 in OD (2mm ID) glass GC column containing 10% UCON 50-HB-5100 + 2% KOH on 80/100 mesh Chromosorb W-AW was used for the evaluation. Injections were performed on-column.

(C) Vials, glass 2-mL with Teflon-lined caps.

(D) Volumetric flasks, pipets, and syringes for preparing standards, making dilutions, and performing injections.

(ii) Reagents:

(A) Toluene and dimethylformamide. Burdick and Jackson solvents were used in this evaluation.

(B) Helium, hydrogen, and air, GC grade.

(C) Formaldehyde, thirty-seven percent by weight, in water. Aldrich Chemical, ACS Reagent Grade formaldehyde was used in this evaluation.

(D) Ambrlite XAD-2 adsorbent coated with 2-(hydroxymethyl) piperidine (2-HMP), 10% by weight ((d) of this subsection).

(E) Desorbing solution with internal standard. This solution was prepared by adding 20 uL of dimethylformamide to 100 mL of toluene.

(iii) Standard preparation:

(A) Formaldehyde: Prepare stock standards by diluting known volumes of thirty-seven percent formaldehyde solution with methanol. A procedure to determine the formaldehyde content of these standards is presented in (d) of this subsection. A standard containing 7.7 mg/mL formaldehyde was prepared by diluting 1 mL of the thirty-seven percent reagent to 50 mL with methanol.

(B) It is recommended that analytical standards be prepared about sixteen hours before the air samples are to be analyzed in order to ensure the complete reaction of the analytes with 2-HMP. However, rate studies have shown the reaction to be greater than ninety-five percent complete after four hours. Therefore, one or two standards can be analyzed after this reduced time if sample results are outside the concentration range of the prepared standards.

(C) Place 150-mg portions of coated XAD-2 adsorbent, from the same lot number as used to collect the air samples, into each of several glass 2-mL vials. Seal each vial with a Teflon-lined cap.

(D) Prepare fresh analytical standards each day by injecting appropriate amounts of the diluted analyte directly onto 150-mg portions of coated adsorbent. It is permissible to inject both acrolein and formaldehyde on the same adsorbent portion. Allow the standards to stand at room temperature. A standard, approximately the target levels, was prepared by injecting 11 uL of the acrolein and 12 uL of the formaldehyde stock standards onto a single coated XAD-2 adsorbent portion.

(E) Prepare a sufficient number of standards to generate the calibration curves. Analytical standard concentrations should bracket sample concentrations. Thus, if

samples are not in the concentration range of the prepared standards, additional standards must be prepared to determine detector response.

(F) Desorb the standards in the same manner as the samples following the sixteen-hour reaction time.

(iv) Sample preparation:

(A) Transfer the 150-mg section of the sampling tube to a 2-mL vial. Place the 75-mg section in a separate vial. If the glass wool plugs contain a significant number of adsorbent beads, place them with the appropriate sampling tube section. Discard the glass wool plugs if they do not contain a significant number of adsorbent beads.

(B) Add 1 mL of desorbing solution to each vial.

(C) Seal the vials with Teflon-lined caps and then allow them to desorb for one hour. Shake the vials by hand with vigorous force several times during the desorption time.

(D) Save the used sampling tubes to be cleaned and recycled.

(v) Analysis:

(A) GC conditions.

Column temperature:

Bi-level temperature program.

First level: 100°C to 140°C at 4°C/min following completion of the first level.

Second level: 140°C to 180°C at 20°C/min following completion of the first level.

Isothermal period: Hold column at 180°C until the recorder pen returns to baseline (usually about twenty-five minutes after injection).

Injector temperature: 180°C.

Helium flow rate: 30 mL/min (detector response will be reduced if nitrogen is substituted for helium carrier gas).

Injection volume: 51 0.8 uL.

GC column: Six-ft x 1/4-in OD (2 mm ID) glass GC column containing 10% UCON 50-HB-5100NZG651+512% KOH on 80/100 Chromosorb W-AW.

NPD conditions:

Hydrogen flow rate: 3 mL/min.

Air flow rate: 50 mL/min.

Detector temperature: 275 5151C.

(B) Use a suitable method, such as electronic integration, to measure detector response.

(C) Use an internal standard method to prepare the calibration curve with several standard solutions of different concentrations. Prepare the calibration curve daily. Program the integrator to report results in ug/mL.

(D) Bracket sample concentrations with standards.

(vi) Interferences (analytical).

(A) Any compound with the same general retention time as the analytes and which also gives a detector response is a potential interference. Possible interferences should be reported to the laboratory with submitted samples by the industrial hygienist.

(B) GC parameters (temperature, column, etc.), may be changed to circumvent interferences.

(C) A useful means of structure designation is GC/MS. It is recommended this procedure be used to confirm samples whenever possible.

(D) The coated adsorbent usually contains a very small amount of residual formaldehyde derivative.

(vii) Calculations:

(A) Results are obtained by use of calibration curves. Calibration curves are prepared by plotting detector response against concentration for each standard. The best line through the data points is determined by curve fitting.

(B) The concentration, in ug/mL, for a particular sample is determined by comparing its detector response to the calibration curve. If either of the analytes is found on the backup section, it is added to the amount found on the front section. Blank corrections should be performed before adding the results together.

(C) The acrolein and/or formaldehyde air concentration can be expressed using the following equation:

$$\text{Mg/m}^3 = (\text{A})(\text{B})/\text{C}.$$

where A=ug/mL from 3.7.2, B=desorption volume, and C=L of air sampled.

No desorption efficiency corrections are required.

(D) The following equation can be used to convert results in mg/m³ to ppm.

$$\text{ppm} = (\text{mg/m}^3)(24.45)/\text{MW}$$

where mg/m³=result from 3.7.3, 24.45=molar volume of an ideal gas at 760 mm Hg and 25 5151C, MW=molecular weight (Formaldehyde=30.0).

(d) Backup data.

(i) Backup data on detection limits, reliable quantitation limits, sensitivity and precision of the analytical method, breakthrough, desorption efficiency, storage, reproducibility, and generation of test atmospheres are available in OSHA Method 52, developed by the Organics Methods Evaluation Branch, OSHA Analytical Laboratory, Salt Lake City, Utah.

(ii) Procedure to coat XAD-2 adsorbent with 2-HMP:

(A) Apparatus: Soxhlet extraction apparatus, rotary evaporation apparatus, vacuum dessicator, 1-L vacuum flask, 1-L round-bottomed evaporative flask, 1-L Erlenmeyer flask, 250-mL Buchner funnel with a coarse fritted disc, etc.

(B) Reagents:

(I) Methanol, isooctane, and toluene.

(II) (Hydroxymethyl) piperidine.

(III) Amberlite XAD-2 nonionic polymeric adsorbent, twenty to sixty mesh, Aldrich Chemical XAD-2 was used in this evaluation.

(C) Procedure: Weigh 125 g of crude XAD-2 adsorbent into a 1-L Erlenmeyer flask. Add about 200 mL of water to the flask and then swirl the mixture to wash the adsorbent. Discard any adsorbent that floats to the top of the water and then filter the mixture using a fritted Buchner funnel. Air dry the adsorbent for two minutes. Transfer the adsorbent back to the Erlenmeyer flask and then add about 200 mL of methanol to the flask. Swirl and then filter the mixture as before. Transfer the washed adsorbent back to the Erlenmeyer flask and then add about 200 mL of methanol to the flask. Swirl and then filter the mixture as before. Transfer the washed adsorbent to a 1-L round-bottomed evaporative flask, add 13 g of 2-HMP and then 200 mL of methanol, swirl the mixture and then allow it to stand

for one hour. Remove the methanol at about 40°C and reduced pressure using a rotary evaporation apparatus. Transfer the coated adsorbent to a suitable container and store it in a vacuum desiccator at room temperature overnight. Transfer the coated adsorbent to a Soxhlet extractor and then extract the material with toluene for about twenty-four hours. Discard the contaminated toluene, add methanol in its place and then continue the Soxhlet extraction for an additional four hours. Transfer the adsorbent to a weighted 1-L round-bottom evaporative flask and remove the methanol using the rotary evaporation apparatus. Determine the weight of the adsorbent and then add an amount of 2-HMP, which is ten percent by weight of the adsorbent. Add 200 mL of methanol and then swirl the mixture. Allow the mixture to stand for one hour. Remove the methanol by rotary evaporation. Transfer the coated adsorbent to a suitable container and store it in a vacuum desiccator until all traces of solvents are gone. Typically, this will take two to three days. The coated adsorbent should be protected from contamination. XAD-2 adsorbent treated in this manner will probably not contain residual acrolein derivative. However, this adsorbent will often contain residual formaldehyde derivative levels of about 0.1 ug per 150 mg of adsorbent. If the blank values for a batch of coated adsorbent are too high, then the batch should be returned to the Soxhlet extractor, extracted with toluene again and then recoated. This process can be repeated until the desired blank levels are attained.

The coated adsorbent is now ready to be packed into sampling tubes. The sampling tubes should be stored in a sealed container to prevent contamination. Sampling tubes should be stored in the dark at room temperature. The sampling tubes should be segregated by coated adsorbent lot number. A sufficient amount of each lot number of coated adsorbent should be retained to prepare analytical standards for use with air samples from that lot number.

(iii) A procedure to determine formaldehyde by acid titration: Standardize the 0.1 N HCl solution using sodium carbonate and methyl orange indicator.

Place 50 mL of 0.1 M sodium sulfite and three drops of thymophthalein indicator into a 250-mL Erlenmeyer flask. Titrate the contents of the flask to a colorless endpoint with 0.1 N HCl (usually one or two drops is sufficient). Transfer 10 mL of the formaldehyde/methanol solution ((b)(iii)(A) of this subsection) into the same flask and titrate the mixture with 0.1 N HCl, again, to a colorless endpoint. The formaldehyde concentration of the standard may be calculated by the following equation:

$$\text{Formaldehyde, mg/mL} = \frac{\text{acid titer} \times \text{acid normality} \times 30.0}{\text{mL of Sample}}$$

This method is based on the quantitative liberation of sodium hydroxide when formaldehyde reacts with sodium sulfite to form the formaldehyde-bisulfite addition product. The volume of sample may be varied depending on the formaldehyde content but the solution to be titrated must contain excess sodium sulfite. Formaldehyde solutions containing substantial amounts of acid or base must be neutralized before analysis.

NEW SECTION

WAC 296-62-07546 APPENDIX C MEDICAL SURVEILLANCE—FORMALDEHYDE. (1) Health hazards. The occupational health hazards of formaldehyde are primarily due to its toxic effects after inhalation, after direct contact with the skin or eyes by formaldehyde in liquid or vapor form, and after ingestion.

(2) Toxicology.

(a) Acute effects of exposure.

(i) Inhalation (breathing): Formaldehyde is highly irritating to the upper airways. The concentration of formaldehyde that is immediately dangerous to life and health is 100 ppm. Concentrations above 50 ppm can cause severe pulmonary reactions within minutes. These include pulmonary edema, pneumonia, and bronchial irritation which can result in death. Concentrations above 5 ppm readily cause lower airway irritation characterized by cough, chest tightness, and wheezing. There is some controversy regarding whether formaldehyde gas is a pulmonary sensitizer which can cause occupational asthma in a previously normal individual. Formaldehyde can produce symptoms of bronchial asthma in humans. The mechanism may be either sensitization of the individual by exposure to formaldehyde or direct irritation by formaldehyde in persons with preexisting asthma. Upper airway irritation is the most common respiratory effect reported by workers and can occur over a wide range of concentrations, most frequently above 1 ppm. However, airway irritation has occurred in some workers with exposures to formaldehyde as low as 0.1 ppm. Symptoms of upper airway irritation include dry or sore throat, itching and burning sensations of the nose, and nasal congestion. Tolerance to this level of exposure may develop within one to two hours. This tolerance can permit workers remaining in an environment of gradually increasing formaldehyde concentrations to be unaware of their increasingly hazardous exposure.

(ii) Eye contact: Concentrations of formaldehyde between 0.05 ppm and 0.5 ppm produce a sensation of irritation in the eyes with burning, itching, redness, and tearing. Increased rate of blinking and eye closure generally protects the eye from damage at these low levels, but these protective mechanisms may interfere with some workers' work abilities. Tolerance can occur in workers continuously exposed to concentrations of formaldehyde in this range. Accidental splash injuries of human eyes to aqueous solutions of formaldehyde (formalin) have resulted in a wide range of ocular injuries including corneal opacities and blindness. The severity of the reactions have been directly dependent on the concentration of formaldehyde in solution and the amount of time lapsed before emergency and medical intervention.

(iii) Skin contact: Exposure to formaldehyde solutions can cause irritation of the skin and allergic contact dermatitis. These skin diseases and disorders can occur at levels well below those encountered by many formaldehyde workers. Symptoms include erythema, edema, and vesiculation or hives. Exposure to liquid formalin or

formaldehyde vapor can provoke skin reactions in sensitized individuals even when airborne concentrations of formaldehyde are well below 1 ppm.

(iv) Ingestion: Ingestion of as little as 30 ml of a thirty-seven percent solution of formaldehyde (formalin) can result in death. Gastrointestinal toxicity after ingestion is most severe in the stomach and results in symptoms which can include nausea, vomiting, and severe abdominal pain. Diverse damage to other organ systems including the liver, kidney, spleen, pancreas, brain, and central nervous systems can occur from the acute response to ingestion of formaldehyde.

(b) Chronic effects of exposure. Long-term exposure to formaldehyde has been shown to be associated with an increased risk of cancer of the nose and accessory sinuses, nasopharyngeal and oropharyngeal cancer, and lung cancer in humans. Animal experiments provide conclusive evidence of a causal relationship between nasal cancer in rats and formaldehyde exposure. Concordant evidence of carcinogenicity includes DNA binding, genotoxicity in short-term tests, and cytotoxic changes in the cells of the target organ suggesting both preneoplastic changes and a dose-rate effect. Formaldehyde is a complete carcinogen and appears to exert an effect on at least two stages of the carcinogenic process.

(3) Surveillance considerations.

(a) History.

(i) Medical and occupational history: Along with its acute irritative effects, formaldehyde can cause allergic sensitization and cancer. One of the goals of the work history should be to elicit information on any prior or additional exposure to formaldehyde in either the occupational or the nonoccupational setting.

(ii) Respiratory history: As noted above, formaldehyde has recognized properties as an airway irritant and has been reported by some authors as a cause of occupational asthma. In addition, formaldehyde has been associated with cancer of the entire respiratory system of humans. For these reasons, it is appropriate to include a comprehensive review of the respiratory system in the medical history. Components of this history might include questions regarding dyspnea on exertion, shortness of breath, chronic airway complaints, hyperreactive airway disease, rhinitis, bronchitis, bronchiolitis, asthma, emphysema, respiratory allergic reaction, or other pre-existing pulmonary disease.

In addition, generalized airway hypersensitivity can result from exposures to a single sensitizing agent. The examiner should, therefore, elicit any prior history of exposure to pulmonary irritants, and any short-term or long-term effects of that exposure.

Smoking is known to decrease mucociliary clearance of materials deposited during respiration in the nose and upper airways. This may increase a worker's exposure to inhaled materials such as formaldehyde vapor. In addition, smoking is a potential confounding factor in the investigation of any chronic respiratory disease, including cancer. For these reasons, a complete smoking history should be obtained.

(iii) Skin disorders: Because of the dermal irritant and sensitizing effects of formaldehyde, a history of skin disorders should be obtained. Such a history might include

the existence of skin irritation, previously documented skin sensitivity, and other dermatologic disorders. Previous exposure to formaldehyde and other dermal sensitizers should be recorded.

(iv) History of atopic or allergic diseases: Since formaldehyde can cause allergic sensitization of the skin and airways, it might be useful to identify individuals with prior allergen sensitization. A history of atopic disease and allergies to formaldehyde or any other substances should also be obtained. It is not definitely known at this time whether atopic diseases and allergies to formaldehyde or any other substances should also be obtained. Also it is not definitely known at this time whether atopic individuals have a greater propensity to develop formaldehyde sensitivity than the general population, but identification of these individuals may be useful for ongoing surveillance.

(v) Use of disease questionnaires: Comparison of the results from previous years with present results provides the best method for detecting a general deterioration in health when toxic signs and symptoms are measured subjectively. In this way recall bias does not affect the results of the analysis. Consequently, WISHA has determined that the findings of the medical and work histories should be kept in a standardized form for comparison of the year-to-year results.

(b) Physical examination.

(i) Mucosa of eyes and airways: Because of the irritant effects of formaldehyde, the examining physician should be alert to evidence of this irritation. A speculum examination of the nasal mucosa may be helpful in assessing possible irritation and cytotoxic changes, as may be indirect inspection of the posterior pharynx by mirror.

(ii) Pulmonary system: A conventional respiratory examination, including inspection of the thorax and auscultation and percussion of the lung fields should be performed as part of the periodic medical examination. Although routine pulmonary function testing is only required by the standard once every year for persons who are exposed over the TWA concentration limit, these tests have an obvious value in investigating possible respiratory dysfunction and should be used wherever deemed appropriate by the physician. In cases of alleged formaldehyde-induced airway disease, other possible causes of pulmonary dysfunction (including exposures to other substances) should be ruled out. A chest radiograph may be useful in these circumstances. In cases of suspected airway hypersensitivity or allergy, it may be appropriate to use bronchial challenge testing with formaldehyde or methacholine to determine the nature of the disorder. Such testing should be performed by or under the supervision of a physician experienced in the procedures involved.

(iii) Skin: The physician should be alert to evidence of dermal irritation of sensitization, including reddening and inflammation, urticaria, blistering, scaling, formation of skin fissures, or other symptoms. Since the integrity of the skin barrier is compromised by other dermal diseases, the presence of such disease should be noted. Skin sensitivity testing carries with it some risk of inducing sensitivity, and therefore, skin testing for formaldehyde sensitivity should not be used as a routine

screening test. Sensitivity testing may be indicated in the investigation of a suspected existing sensitivity. Guidelines for such testing have been prepared by the North American Contact Dermatitis Group.

(4) Additional examinations or tests. The physician may deem it necessary to perform other medical examinations or tests as indicated. The standard provides a mechanism whereby these additional investigations are covered under the standard for occupational exposure to formaldehyde.

(5) Emergencies. The examination of workers exposed in an emergency should be directed at the organ systems most likely to be affected. Much of the content of the examination will be similar to the periodic examination unless the patient has received a severe acute exposure requiring immediate attention to prevent serious consequences. If a severe overexposure requiring medical intervention or hospitalization has occurred, the physician must be alert to the possibility of delayed symptoms. Followup nonroutine examinations may be necessary to assure the patient's well-being.

(6) Employer obligations. The employer is required to provide the physician with the following information: A copy of this standard and appendices A, C, D, and E; a description of the affected employee's duties as they relate to his or her exposure concentration; an estimate of the employee's exposure including duration (e.g., fifteen hr./wk., three eight-hour shifts, full-time); a description of any personal protective equipment, including respirators, used by the employee; and the results of any previous medical determinations for the affected employee related to formaldehyde exposure to the extent that this information is within the employer's control.

(7) Physician's obligations. The standard requires the employer to obtain a written statement from the physician. This statement must contain the physician's opinion as to whether the employee has any medical condition which would place him or her at increased risk of impaired health from exposure to formaldehyde or use of respirators, as appropriate. The physician must also state his opinion regarding any restrictions that should be placed on the employee's exposure to formaldehyde or upon the use of protective clothing or equipment such as respirators. If the employee wears a respirator as a result of his or her exposure to formaldehyde, the physician's opinion must also contain a statement regarding the suitability of the employee to wear the type of respirator assigned. Finally, the physician must inform the employer that the employee has been told the results of the medical examination and of any medical conditions which require further explanation or treatment. This written opinion is not to contain any information on specific findings or diagnoses unrelated to occupational exposure to formaldehyde.

The purpose in requiring the examining physician to supply the employer with a written opinion is to provide the employer with a medical basis to assist the employer in placing employees initially, in assuring that their health is not being impaired by formaldehyde, and to assess the employee's ability to use any required protective equipment.

NEW SECTION

WAC 296-62-07548 APPENDIX D—NON-MANDATORY MEDICAL DISEASE QUESTIONNAIRE. (1) Identification.

- (a) Plant name:
- (b) Date:
- (c) Employee name:
- (d) Social Security number:
- (e) Job title:
- (f) Birthdate:
- (g) Age:
- (h) Sex:
- (i) Height:
- (j) Weight:

(2) Medical history.

- (a) Have you ever been in the hospital as a patient?
Yes No
If yes, what kind of problem were you having?

- (b) Have you ever had any kind of operation?
Yes No
If yes, what kind?

- (c) Do you take any kind of medicine regularly?
Yes No
If yes, what kind?

- (d) Are you allergic to any drugs, foods, or chemicals?
Yes No
If yes, what kind of allergy is it?

What causes the allergy?

- (e) Have you ever been told that you have asthma, hayfever, or sinusitis?
Yes No
- (f) Have you ever been told that you have emphysema, bronchitis, or any other respiratory problems?
Yes No
- (g) Have you ever been told you had hepatitis?
Yes No
- (h) Have you ever been told that you have cirrhosis?
Yes No
- (i) Have you ever been told that you had cancer?
Yes No
- (j) Have you ever had arthritis or joint pain?
Yes No
- (k) Have you ever been told that you had high blood pressure?
Yes No

- (1) Have you ever had a heart attack or heart trouble?
Yes No
- (3) Medical history update.
- (a) Have you been in the hospital as a patient any time within the past year?
Yes No
If so, for what condition?
- (b) Have you been under the care of a physician during the past year?
Yes No
If so, for what condition?
- (c) Is there any change in your breathing since last year?
Yes No
(i) Better?
(ii) Worse?
(iii) No change?
If change, do you know why?
- (d) Is your general health different this year from last year?
Yes No
If different, in what way?
- (e) Have you in the past year or are you now taking any medication on a regular basis?
Yes No
(i) Name Rx
(ii) Condition being treated
- (4) Occupational history.
- (a) How long have you worked for your present employer?
- (b) What jobs have you held with this employer? Include job title and length of time in each job.
- (c) In each of these jobs, how many hours a day were you exposed to chemicals?
- (d) What chemicals have you worked with most of the time?
- (e) Have you ever noticed any type of skin rash you feel was related to your work?
Yes No
- (f) Have you ever noticed that any kind of chemical makes you cough?
Yes No
(i) Wheeze:
Yes No
(ii) Become short of breath or cause your chest to become tight?
Yes No
- (g) Are you exposed to any dust or chemicals at home?
Yes No
Is yes, explain:
- (h) In other jobs, have you ever had exposure to:
(i) Wood dust?
Yes No
(ii) Nickel or chromium?
Yes No
(iii) Silica (foundry, sand blasting)?
Yes No
(iv) Arsenic or asbestos?
Yes No
(v) Organic solvents?
Yes No
(vi) Urethane foams?
Yes No
- (5) Occupational history update.
- (a) Are you working on the same job this year as you were last year?
Yes No
If not, how has your job changed?
- (b) What chemicals are you exposed to on your job?
- (c) How many hours a day are you exposed to chemicals?
- (d) Have you noticed any skin rash within the past year you feel was related to your work?
Yes No
If so, explain circumstances:
- (e) Have you noticed that any chemical makes you cough, be short of breath, or wheeze?
Yes No
If so, can you identify it?

(6) Miscellaneous.

(a) Do you smoke?

Yes No

If so, how much and for how long?

(i) Pipe

(ii) Cigars

(iii) Cigarettes

(b) Do you drink alcohol in any form?

Yes No

If so, how much, how long, and how often?

(c) Do you wear glasses or contact lenses?

Yes No

(d) Do you get any physical exercise other than that required to do your job?

Yes No

If so, explain:

(e) Do you have any hobbies or "side jobs" that require you to use chemicals, such as furniture stripping, sand blasting, insulation or manufacture of urethane foam, furniture, etc.?

Yes No

If so, please describe, giving type of business or hobby, chemicals used and length of exposures.

(7) Symptoms questionnaire.

(a) Do you ever have any shortness of breath?

Yes No

(i) If yes, do you have to rest after climbing several flights of stairs?

Yes No

(ii) If yes, if you walk on the level with people your own age, do you walk slower than they do?

Yes No

(iii) If yes, if you walk slower than a normal pace, do you have to limit the distance that you walk?

Yes No

(iv) If yes, do you have to stop and rest while bathing or dressing?

Yes No

(b) Do you cough as much as three months out of the year?

Yes No

(i) If yes, have you had this cough for more than two years?

Yes No

(ii) If yes, do you ever cough anything up from the chest?

Yes No

(c) Do you ever have a feeling of smothering, unable to take a deep breath, or tightness in your chest?

Yes No

(i) If yes, do you notice that this occurs on any particular day of the week?

Yes No

(ii) If yes, what day of the week?

Yes No

(iii) If yes, do you notice that this occurs at any particular place?

Yes No

(iv) If yes, do you notice that this is worse after you have returned to work after being off for several days?

Yes No

(d) Have you ever noticed any wheezing in your chest?

Yes No

(i) If yes, is this only with colds or other infections?

Yes No

(ii) Is this caused by exposure to any kind of dust or other material?

Yes No

(iii) If yes, what kind?

(e) Have you noticed any burning, tearing, or redness of your eyes when you are at work?

Yes No

Is so, explain circumstances:

(f) Have you noticed any sore or burning throat or itchy or burning nose when you are at work?

Yes No

Is so, explain circumstances:

(g) Have you noticed any stuffiness or dryness of your nose?

Yes No

(h) Do you ever have swelling of the eyelids or face?

Yes No

(i) Have you ever been jaundiced?

Yes No

If yes, was this accompanied by any pain?

Yes No

(j) Have you ever had a tendency to bruise easily or bleed excessively?

Yes No

(k) Do you have frequent headaches that are not relieved by aspirin or tylenol?

Yes No

- (i) If yes, do they occur at any particular time of the day or week?
Yes No
- (ii) If yes, when do they occur?
- (l) Do you have frequent episodes of nervousness or irritability?
Yes No
- (m) Do you tend to have trouble concentrating or remembering?
Yes No
- (n) Do you ever feel dizzy, light-headed, excessively drowsy, or like you have been drugged?
Yes No
- (o) Does your vision ever become blurred?
Yes No
- (p) Do you have numbness or tingling of the hands or feet or other parts of your body?
Yes No
- (q) Have you ever had chronic weakness or fatigue?
Yes No
- (r) Have you every had any swelling of your feet or ankles to the point where you could not wear your shoes?
Yes No
- (s) Are you bothered by heartburn or indigestion?
Yes No
- (t) Do you ever have itching, dryness, or peeling and scaling of the hands?
Yes No
- (u) Do you ever have a burning sensation in the hands, or reddening of the skin?
Yes No
- (v) Do you ever have cracking or bleeding of the skin on your hands?
Yes No
- (w) Are you under a physician's care?
Yes No
If yes, for what are you being treated?
- (x) Do you have any physical complaints today?
Yes No
If yes, explain:
- (y) Do you have other health conditions not covered by these questions?
Yes No
If yes, explain:

NEW SECTION

WAC 296-62-07550 APPENDIX E—QUALITATIVE AND QUANTITATIVE FIT TESTING

PROCEDURES. FIT test protocols. Because exposure to formaldehyde can affect the employee's ability to detect common odorants, fit test results from the isoamyl acetate test must be augmented by results from either the saccharin or irritant smoke test.

(1) The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT).

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask; or three sizes of full facepiece; and units from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape, and if fitted and used properly, will provide adequate protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

- (i) Position of the mask on the nose;
- (ii) Room for eye protection;
- (iii) Room to talk;
- (iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

- (i) Chin properly placed;
- (ii) Adequate strap tension, not overly tightened;
- (iii) Fit across nose bridge;
- (iv) Respirator of proper size to span distance from nose to chin;

(v) Tendency of respirator to slip;

(vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or in the latest edition of ANSI Z88.2. Before conducting the

negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side to side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) Positive pressure test. Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) Negative pressure test. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall certify that a successful fit test has been administered to the employee. The certification shall include the following information:

- (i) Name of employee;
- (ii) Type, brand, and size of respirator; and
- (iii) Date of test.

Where QNFT is used, the fit factor, strip chart, or other recording of the results of the test, shall be retained with the certification. The certification shall be maintained until the next fit test is administered.

(m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure.

The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.

(n) Test exercises. The test subject shall perform exercises, in the test environment, in the manner described below:

(i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.

(ii) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.

(iii) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.

(iv) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) Talking. The subject shall talk out loud slowly and loudly enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.

(vi) Grimace. The test subject shall grimace by smiling or frowning.

(vii) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) Normal breathing. Same as (n)(i) of this subsection.

(A) Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds.

(B) The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(2) Qualitative fit test (QLFT) protocols.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that the equipment is in proper working order.

(iii) The employer shall assure the QLFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Isoamyl acetate protocol.

(i) Odor threshold screening. The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately 25°C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one-liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clear dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contain a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half, and wetted with 0.75 cc of pure IAA. The

test subject shall hang the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises; or to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the test has failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self-sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Saccharin solution aerosol protocol. The saccharin solution aerosol QLFT protocol is the only currently available, validated test protocol for use with particulate disposable dust respirators not equipped with high-efficiency filters. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) Threshold screening as well as fit testing subjects shall wear an enclosure about the head and shoulders that is approximately twelve inches in diameter by fourteen inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts NZ FT 14 and NZ FT 15 combined, is adequate.

(B) The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer

shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 1 cc of warm water. It can be prepared by putting 1 cc of the fit test solution (see (c)(ii)(E) of this subsection) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after thirty squeezes, the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for fifteen minutes before the test.

(B) The fit test uses the same enclosure described in (c)(i) of this subsection.

(C) The test subject shall don the enclosure while wearing the respirator selected in (c)(i) of this subsection. The respirator shall be properly adjusted and equipped with a particular filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding eighty-three grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in subsection (1)(n) of this section.

(I) Every thirty seconds the aerosol concentration shall be replenished using one-half the number of squeezes as initially used.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(d) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver two hundred milliliters per minute.

(iv) If a half-mask is being fitted, advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) "Quantitative fit test." The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agency is a gas or vapor.

(ii) "Challenge agent" means the aerosol, gas, or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) "Test subject" means the person wearing the respirator for quantitative fit testing.

(iv) "Normal standing position" means standing erect and straight with arms down along the sides and looking straight ahead.

(v) "Maximum peak penetration method" means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) "Average peak penetration method" means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ratio of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus.

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent, and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set-up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) Procedural requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonable stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum

fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and of the end of the test.

(c) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration;

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

WSR 88-21-003
ADOPTED RULES
COMMISSION ON
ASIAN AMERICAN AFFAIRS
[Order 88-1—Filed October 6, 1988]

Be it resolved by the Washington State Commission on Asian American Affairs, acting at Seattle, that it does adopt the annexed rules relating to expand duties of executive committee to include public relations, abolish public relations committee; and change address of commission field office.

This action is taken pursuant to Notice No. WSR 88-16-030 filed with the code reviser on July 28, 1988. 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 Washington State Commission on Asian American Affairs as authorized in RCW 43.117.050(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 September 27, 1988.

By Lois Hayasaka
Executive Director

AMENDATORY SECTION (Amending Order 82-1, filed 9/28/82)

WAC 34-02-010 ORGANIZATION AND OPERATION OF THE COMMISSION ON ASIAN-AMERICAN AFFAIRS. (1) The commission on Asian-American affairs, hereinafter referred to as the commission, is a commission in the office of the governor established by RCW 43.117.030. The commission exists to improve the well-being of Asian-Pacific Americans by helping to insure their participation in the fields of government, business and education, and to aid Asian-Pacific Americans in obtaining governmental services in order to promote the health, safety and welfare of all residents of this state. The duties and responsibilities of the commission are more particularly described in chapter 43.117 RCW. The twelve members of the commission are appointed by the governor.

(2) All basic policy decisions are made by the commission at its regular and special meetings. To assist in policy formulation, and to otherwise assist in carrying out its various duties and responsibilities, the commission has an executive director, appointed by the governor based on commission recommendations, a staff hired by the executive director, and ~~((three))~~ two standing committees comprised of commission members. The committees are:

(a) The executive committee, which is responsible for reviewing major news releases and other information designed to increase the public's knowledge of the commission or Asian-Pacific Americans, and for conducting certain commission business and for undertaking specific tasks delegated by the commission;

(b) The nominations committee, which is responsible for developing and implementing procedures by which to recommend commission and executive director appointees, and for such other tasks as may be delegated by the commission; and

~~((c) The public relations committee, which is responsible for reviewing major news releases and other information designed to increase the public's knowledge of the commission or Asian-Pacific Americans.))~~

Other committees may be formed at any time by commission for the purpose of addressing various issues affecting Asian-Pacific Americans.

(3) The commission maintains a central administrative office at 1515 South Cherry, Olympia, Washington 98504, and a field office at ~~((671 South Jackson, Suite 206;))~~ 110 Prefontaine Pl. S., Suite 202, Seattle, Washington, 98104.

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 82-1, filed 9/28/82)

WAC 34-04-120 ADOPTION OF FORM. The commission hereby adopts for use by all persons requesting inspection or copying of its records, the form set out below, entitled "Request for public records."

We have received your request for copies of our public records. Please complete the attached form and return it with the proper payment to the address below. We will forward to you those requested copies which are not exempt from disclosure when we receive this form. Thank you.

Return to:

Commission on Asian-American Affairs
c/o Executive Director
1515 South Cherry
Olympia, WA 98504

or

~~((671 South Jackson, Suite 206))~~
110 Prefontaine Pl. S., #202
Seattle, WA 98104

REQUEST FOR PUBLIC RECORDS

Date _____ Time _____

Name _____

Address _____

Description of Records

I certify that the information obtained through this request for public records will not be used for commercial purposes.

Signature

Number of copies _____
Number of pages _____
Per page charge \$.25
Total charge \$ _____

WSR 88-21-004
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
[Order 88-37—Filed October 6, 1988]

I, Fred Olson, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to the amending of chapter 173-433 WAC, Solid fuel burning device standards, this amendment extends the provision for an alternative test procedure for certification of a solid fuel burning device.

I, Fred Olson, 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 certain woodstove designs achieve extremely low emissions when operated in accordance with the manufacturer's instructions, but fail the standard test procedure. An alternative test procedure will allow fair and representative testing of innovative woodstove technologies. We are in the process of proposing and adopting a permanent rule, and this extension will allow time to finish the formal rule adoption process.

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

This rule is promulgated pursuant to chapters 70.94 and 43.21A 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 October 5, 1988.

By Fred A. Olson
Deputy Director

AMENDATORY SECTION (Amending Order 87-44, filed 12/16/87)

WAC 173-433-100 EMISSION PERFORMANCE STANDARDS. (1) Requirements for sale of new woodstoves in Washington. After July 1, 1988, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a new woodstove in Washington unless it has been:

(a) Tested to determine its emission performance and heating efficiency in accordance with criteria and procedures specified in subsection (7) of this section; certified by the DEQ in accordance with subsection (7) of this section; and labeled for emission performance and heating efficiency as specified in subsection (10) of this section; or

(b) Tested to determine its emission performance and heating efficiency in accordance with criteria and procedures specified by the EPA in 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters, certified by the EPA under test conditions no less stringent than those imposed under subsection (7) of this section; and labeled for emission performance and heating efficiency as specified in 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters.

(2) Exemptions.

(a) Any solid fuel burning device not defined herein as a woodstove.

(b) Solid fuel burning devices that are not suitable for use as heating equipment in or in connection with residences or commercial installations, such as portable camping stoves, are excluded from this section.

(c) Wood-fired forced air furnaces that primarily heat living space or water through indirect heat transfer using

forced air or pressurized water systems are excluded from this section.

(3) *General certification procedures.* A solid fuel burning device that is exempt and therefore not eligible for certification under DEQ or EPA regulations may be tested to demonstrate its emission performance in accordance with criteria and procedures no less stringent than those imposed under WAC 173-433-100(7), subject to the following conditions:

(a) All criteria and procedures shall be submitted by the applicant for review and approval by the department prior to certification testing;

(b) Certification of the solid fuel burning device shall be granted by the department upon approval of test results that demonstrate that the solid fuel burning device meets emission performance standards equivalent to those under WAC 173-433-100(6).

(4) *State-wide emission performance standards.* An air authority shall not adopt or enforce emission performance standards for solid fuel burning devices that are more stringent than the state-wide standard.

(5) *Label alteration.* A manufacturer, dealer, or retailer shall not alter either the permanent or removable label in any way from the label approved by the DEQ.

(6) *Emission performance standards and certification.*

(a) A new woodstove with minimum heat output of less than forty thousand Btu/hr advertised for sale, offered for sale, or sold in Washington after July 1, 1988, shall not exceed nine grams per hour for a noncatalytic woodstove or four grams per hour for a catalytic woodstove as weighted average particulate emission standard when tested and measured according to subsection (7) of this section.

(b) New woodstoves with minimum heat output equal to or greater than forty thousand Btu/hr advertised for sale, offered for sale, or sold in Washington after July 1, 1988, shall not exceed an average particulate emission standard equal to the sum of 8.0 grams per hour plus 0.2 grams per hour for each thousand Btu/hr heat output when tested and measured according to subsection (7) of this section.

(7) *Testing criteria and procedures.*

(a) To be considered eligible for certification a woodstove must be tested in strict compliance with criteria and procedures contained in the document Oregon Department of Environmental Quality Standard Method for Measuring the Emissions and Efficiencies of Residential Woodstoves dated June 8, 1984, and herein incorporated by reference and on file at the department.

(b) All testing for certification purposes shall be conducted by a stove testing laboratory accredited by the DEQ.

(8) *Changes in woodstove design.* The certification of a woodstove shall be valid for only the specific model, design, plans and specifications that were originally submitted, tested and approved for certification.

(9) *Woodstove alteration.* A manufacturer, dealer, or retailer shall not remove or render inoperable any devices or components of any systems installed by the manufacturer of a woodstove for the purpose of controlling air contaminant emissions, other than for replacement or routine maintenance.

(10) *Labeling requirements.* Woodstoves required to be labeled pursuant to subsection (1) of this section shall have affixed to them:

(a) A permanent label previously approved by the DEQ as to form, content, and location, that shows the test emissions and heating efficiency for the range of heat outputs tested; and

(b) A point-of-sale removable label that verifies certification and shows how that model woodstove emission test results compare with the emission performance standard; and shows the heating efficiency and heat output range of the appliance. The label shall be affixed to the woodstove at the point-of-sale near the front and top of the stove and remain affixed until sold and delivered to the consumer; or

(c) Labeling required by the EPA under 40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters.

(11) *Permanent label.*

(a) The permanent label shall contain the following information:

(i) Testing laboratory;

(ii) Date tested;

(iii) Test procedure used;

(iv) Manufacturer of woodstove;

(v) Model;

(vi) Design number;

(vii) The statement: "Performance may vary from test values depending upon actual home operating conditions";

(viii) A graph showing particulate emission rates, in grams per hour and overall efficiency over the range of heat outputs tested;

(ix) The axes of the graph shall be identified as follows: Vertical axis, left side: "Smoke - grams/hour," with a scale of zero to a maximum of twenty, bottom to top; vertical axis, right side: "Efficiency - %," with a scale of a minimum of fifty to a maximum of ninety, bottom to top; horizontal axis, bottom: "Heat Output - Btu/hour," with a scale from zero to a maximum of five thousand Btu/hour higher than the highest tested heat output;

(x) Curves describing emissions and efficiency at various heat outputs shall be printed on the graph as developed by the DEQ.

(b) The label shall be made of metal, and of a thickness sufficient to insure permanence of the label. The label shall be permanently attached to the woodstove such that it is readily visible after installation, and of such a design that it cannot be removed from the woodstove without damage to the label. The label shall be located on any visible exterior surface except that the label shall not be located on the bottom of the woodstove or any interior surface, compartment, or under overlapping covers or doors, or at another interior location. The label shall remain legible for the maximum expected useful life of the woodstove in normal operation.

(c) The permanent label may be combined with another label, such as a safety label, if the design and integrity of the permanent label is not compromised, and when the combination label has been approved by the DEQ.

(12) Removable label.

(a) The point-of-sale removable label, or "Emissions and Efficiency Performance" label, shall contain the following information:

- (i) "Smoke (Ave.) grams/hour," weighted average of tested values.
- (ii) "Efficiency (Ave.) %," weighted average of tested values.
- (iii) Summary of the applicable emissions standard.
- (iv) Heat output range, tested values.
- (v) Manufacturer of woodstove.
- (vi) Model of woodstove.
- (vii) Design number of model.
- (viii) A statement verifying certification.
- (ix) The statement "Performance may vary from test values depending upon actual home operating conditions."

(b) The label shall be visibly located on the woodstove when the woodstove is available for inspection by consumers.

(c) This label may not be combined with any other label or with other information.

(d) The label shall be attached to the woodstove in such a way that it can be easily removed by the consumer upon purchase.

(13) Alternative testing procedure. A Washington state manufacturer who believes his solid fuel burning device, for technical reasons, should be subject to an alternative testing procedure to that established by the U.S. Environmental Protection Agency (USEPA) may apply to the department for an alternative or modified procedure. The department will evaluate such applications. If disapproved, the solid fuel burning device shall remain subject to the USEPA testing protocol. If the application is approved, the manufacturer shall propose an alternative or modified testing procedure. If the procedure is approved by the department, it shall be the responsibility of the manufacturer to submit the device to an accredited testing laboratory and furnish the department with final test reports. If test results are equivalent to those required by USEPA testing, Washington certification may be issued. Interim certification, for a period not to exceed sixty days, may be issued by the department to cover the testing period. Interim certification may be renewed.

WSR 88-21-005
NOTICE OF PUBLIC MEETINGS
OIL AND GAS
CONSERVATION COMMITTEE
 [Memorandum—October 5, 1988]

The October 18, 1988, meeting of the Oil and Gas Conservation Committee, scheduled to take place in Ellensburg, has been cancelled due to a lack of agenda items.

The next regularly scheduled meeting will be January 17, 1989.

WSR 88-21-006
NOTICE OF PUBLIC MEETINGS
BOARD FOR VOLUNTEER FIREMEN
 [Memorandum—October 5, 1988]

The 1989 quarterly business meetings for the Board for Volunteer Firemen will be held at the Olympia Forum Building, 605 11th Avenue S.E., Olympia, Washington at 9:00 a.m. on the following dates:

- January 20, 1989
- April 21, 1989
- July 21, 1989
- October 20, 1989

The October 21, 1988, meeting scheduled for the Board for Volunteer Firemen has been cancelled.

WSR 88-21-007
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-137—Filed October 6, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use regulations.

I, Joseph R. Blum, 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 Cowlitz Hatchery fall chinook return has exceeded brood stock needs. While this is a major natural spawning reach of the river, spawning does not peak until later in October. There is inadequate time to follow the permanent rule procedures.

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 October 5, 1988.

By Judith Merchant
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-57-17500U COWLITZ RIVER Notwithstanding the provisions of WAC 220-57-175, effective immediately until further notice, it is unlawful to fish for or possess salmon taken for personal use from the waters of the Cowlitz River except as follows:

(1) Bag Limit A - Immediately through October 16, 1988 downstream from fishing boundary markers approximately 400 feet below the barrier dam structures.

(2) Bag limit A - Effective October 17, 1988 until further notice, downstream from fishing boundary markers approximately 400 feet below the barrier dam structures, except that chinook salmon over 28 inches in length taken upstream of the mouth of Blue Creek must be released.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-17500T COWLITZ RIVER. (88-135)

WSR 88-21-008
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-138—Filed October 6, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, 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 harvestable numbers of salmon are available in the upper Columbia and Klickitat rivers. These salmon are not needed for spawning escapement and it is in the public interest to harvest the fish. There is inadequate time to promulgate permanent regulations.

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 October 6, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05100N COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. Notwithstanding the provisions of WAC 220-32-051, effective immediately until further notice it is unlawful for any person to fish for or possess salmon taken for commercial purposes from those waters of the Columbia River or any tributary of the Columbia River upstream

from Bonneville Dam, except that treaty Indian fishermen having fishing rights under the Yakima Treaty may fish for, possess, and sell salmon under the provisions of this section:

(1) Those waters of the Columbia River downstream from the powerline crossing 3/4 mile below Wanapum Dam to a point 400 feet above Priest Rapids Dam are open:

Immediately until 6:00 p.m. October 8, 6:00 a.m. October 10 to 6:00 p.m. October 15, 1988

The following conditions apply to this fishery:

- (a) Each fisherman may not use more than five nets.
- (b) Each net must be identified at each end with the fisherman's name and enrollment number.
- (c) Each net shall not exceed 400 feet in length, and nets may not be combined to exceed 400 feet in length.
- (d) 8 inch minimum mesh.
- (e) Nets must be set at least 400 feet apart.
- (f) No nets may be placed nor boats landed on Goose Island.

(2) Those waters of the Klickitat River downstream from the Number 5 fishway to the Swinging Bridge, except for a closure within 30 feet of the Number 5 fishway, are open:

Immediately until 6:00 p.m. October 8,
12:00 noon October 11 to 6:00 p.m. October 15,
12:00 noon October 18 to 6:00 p.m. October 22,
12:00 noon October 25 to 6:00 p.m. October 29,
12:00 noon November 1 to 6:00 p.m. November 5,
12:00 noon November 8 to 6:00 p.m. November 12,
12:00 noon November 15 to 6:00 p.m. November 19,
12:00 noon November 22 to 6:00 p.m. November 26,
12:00 noon November 29 to 6:00 p.m. November 30,

The following provisions apply to this fishery:

It is unlawful for treaty Indian fishermen to sell or for any individual to purchase salmon taken in this fishery unless the original sale and purchase occurs within five miles of the Fisher Hill Bridge.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100M COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE - YAKIMA INDIAN NATION - PRIEST RAPIDS POOL FISHERY. (88-131)

WSR 88-21-009
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-139—Filed October 6, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 Hood Canal origin natural coho stocks are in low abundance due to low water conditions during the brood year. Conservation of these stocks is necessary for breeding escapement. There is inadequate time to follow permanent rule adoption procedures.

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 October 6, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-57-19500A DEWATTO CREEK. Notwithstanding the provisions of WAC 220-57-195, effective immediately until further notice, it is unlawful to fish for or possess salmon taken for personal use from the waters of Dewatto Creek.

NEW SECTION

WAC 220-57-20500A DOSEWALLIPS RIVER. Notwithstanding the provisions of WAC 220-57-200, effective immediately until further notice, it is unlawful to fish for or possess salmon taken for personal use from the waters of the Dosewallips River.

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

NEW SECTION

WAC 220-57-21000A DUCKABUSH RIVER. Notwithstanding the provisions of WAC 220-57-210, effective immediately until further notice, it is unlawful to fish for or possess salmon taken for personal use from the waters of the Duckabush River.

NEW SECTION

WAC 220-57-26500A HAMMA HAMMA RIVER. Notwithstanding the provisions of WAC 220-57-265, effective immediately until further notice, it is unlawful to fish for or possess salmon taken for personal use from the waters of the Hamma Hamma River.

NEW SECTION

WAC 220-57-47000A TAHUYA RIVER. Notwithstanding the provisions of WAC 220-57-470, effective immediately until further notice, it is unlawful to

fish for or possess salmon taken for personal use from the waters of the Tahuya River.

NEW SECTION

WAC 220-57-49000A UNION RIVER. Notwithstanding the provisions of WAC 220-57-490, effective immediately until further notice, it is unlawful to fish for or possess salmon taken for personal use from the waters of the Union River.

WSR 88-21-010

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-140—Filed October 6, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, 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 openings in Area 6D provide opportunity to harvest non-Indian allocation of Strait of Juan de Fuca origin coho and to prevent wastage; net length restriction in Area 6D is necessary to maintain an orderly fishery. Openings in Areas 7 and 7A provide opportunity for reef net gear to harvest the non-Indian coho allocation by preseason agreement. Openings in Area 7B provide opportunity to harvest non-Indian allocation of coho destined for the Nooksack-Samish region of origin and to prevent wastage. Openings in Area 9A provide opportunity to harvest non-Indian allocation of Hood Canal Hatchery origin coho stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks. There is inadequate time to follow the permanent rule adoption process.

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 October 6, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-47-921 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Friday October 7th until further notice, it is unlawful to take, fish for, or possess salmon for

commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Area 6D – Notwithstanding the provisions of Chapter 220-20-010(14), Purse seines using the 5-inch strip and gill nets using 5-inch minimum mesh and fishing with no more than 900 feet of net may fish until 9:00 AM Sunday October 9.
- * Areas 7 and 7A – Reef nets may fish from 5:00 AM to 9:00 PM Friday October 7 and 5:00 AM to 9:00 PM Saturday October 8 and 5:00 AM to 9:00 PM Sunday October 9 and 5:00 AM to 9:00 PM Monday October 10.
- * Area 7B – Gillnets using 5-inch minimum mesh may fish continuously through 11:59 PM Saturday October 29, and purse seines may fish continuously through 11:59 PM Saturday October 29.
- * Area 9A – Gillnets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish until 4:00 PM Friday October 7.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 7C, 7D, 7E, 8, 8A, 8D, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Friday October 7:

WAC 220-47-920 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-136)

WSR 88-21-011

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 16-88—Filed October 7, 1988]

Be it resolved by the State Board of Education, acting at the Great Northern Room, Ellensburg Inn, Ellensburg, Washington, that it does adopt the annexed rules relating to Academic requirements for certification—Teachers, WAC 180-79-115.

This action is taken pursuant to Notice No. WSR 88-17-039 filed with the code reviser on August 15, 1988. 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 28A.70-.005 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 September 30, 1988.

By Monica Schmidt

Secretary

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-115 ACADEMIC REQUIREMENTS FOR CERTIFICATION—TEACHERS. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 180-75-080 and 180-75-085.

(1) Initial.

(a) Candidates for the initial certificate who apply for such certificate on or before August 31, 1992, shall hold a baccalaureate degree from a regionally accredited college or university and shall have completed the degree major in an academic field or in the teaching specialization of early childhood, elementary, reading, or special education.

(b) Candidates for the initial certificate who apply for such certificate after August 31, 1992, shall hold an approved baccalaureate degree from a regionally accredited college or university: PROVIDED, That if the approved baccalaureate degree is in early childhood education, elementary education, or special education, the candidate also must have at least thirty quarter hours (twenty semester hours) in one of the academic fields listed in WAC 180-79-080 (3)(a) through (e) and (4).

(2) Continuing.

(a) Candidates who apply for a continuing certificate on or before August 31, 1992, shall have completed at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work subsequent to the baccalaureate degree of which twenty-one quarter hours (fourteen semester hours) must be taken after the first year of teaching unless such candidate holds a master's or higher degree: PROVIDED, That at least fifteen quarter hours (ten semester hours) must be completed at a single college or university that has a state approved teacher preparation program: PROVIDED FURTHER, That if the individual is pursuing study in a new subject matter area or specialization, lower division courses in that subject area or specialization shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

(b) Candidates who apply for a continuing certificate after August 31, 1992, shall have completed an approved masters degree.

(c) Effective August 31, 1988, candidates who apply after such date shall have been granted or have completed the requirements for at least two subject area endorsements.

WSR 88-21-012
ADOPTED RULES
STATE BOARD OF EDUCATION
 [Order 17-88—Filed October 7, 1988]

Be it resolved by the State Board of Education, acting at the Ellensburg Inn, Ellensburg, Washington, that it does adopt the annexed rules relating to Role and minimum generic standards—Educational staff associates—Counselor, WAC 180-79-180.

This action is taken pursuant to Notice No. WSR 88-17-037 filed with the code reviser on August 15, 1988. 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 28A.70-.005 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 September 30, 1988.
 By Monica Schmidt
 Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-79-180 ROLE AND MINIMUM GENERIC STANDARDS—EDUCATIONAL STAFF ASSOCIATES—COUNSELOR.

WSR 88-21-013
ADOPTED RULES
STATE BOARD OF EDUCATION
 [Order 18-88—Filed October 7, 1988]

Be it resolved by the State Board of Education, acting at the Ellensburg Inn, Ellensburg, Washington, that it does adopt the annexed rules relating to evidence of compliance with candidate admission and retention policies program standard, WAC 180-78-160.

This action is taken pursuant to Notice No. WSR 88-17-038 filed with the code reviser on August 15, 1988. 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 28A.04-.120 and 28A.04.122 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 September 30, 1988.
 By Monica Schmidt
 Secretary

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-160 EVIDENCE OF COMPLIANCE WITH CANDIDATE ADMISSION AND RETENTION POLICIES PROGRAM STANDARD. The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the candidate admission and retention policies program standard of WAC 180-78-140(4):

(1) Incentives and affirmative action procedures have been established to recruit quality candidates from underrepresented groups including those from diverse economic, racial, and cultural backgrounds. Support programs are provided to assist such candidates in successfully completing the professional preparation program.

(2) Admission requirements to the professional preparation programs include:

(a) A minimum 2.5 college or university grade point average.

(b) Evidence that the candidate is competent in the basic skills required for oral and written communication and computation.

(c) A combined score of not less than the state-wide median score for the prior school year scored by all persons taking the Washington Pre-College Test (WPCT) or an equivalent standard score on the comparable portions of the Scholastic Aptitude Test (SAT) American College Test (ACT), or the Graduate Record Examination (GRE). Equivalent standard scores shall be determined by the superintendent of public instruction and affected agencies shall be notified in official bulletins of the superintendent of public instruction.

(d) PROVIDED, That until June 30, 1989, college and universities with approved preparation programs may permit candidates to enter the professional preparation program with a minimum composite score of eighty or more on the verbal and quantitative subtests of the WPCT or an equivalent score on the comparable portion of the SAT, ACT, or GRE.

(e) PROVIDED FURTHER, That persons who have completed a baccalaureate or higher degree or who are twenty-one years of age or older, who have completed two or more years of college level work, and who have demonstrated in such course work, including a written essay, the competencies set forth in (b), (c), and (d) of this subsection, shall be exempted from meeting such requirements.

(f) PROVIDED FURTHER, That a candidate who does not meet one of the criteria within this subsection may be admitted on probationary status if the college or university provides individual tutorial assistance to such candidate and the candidate is required to meet the above stated criteria prior to participation in a field experience and exiting from the approved preparation program.

(3) Criteria for the selection and retention of candidates are relevant to the attainment of program outcomes and available for review by applicants, students,

and faculty. These written criteria may include, but not be limited to, faculty recommendations, evidence of demonstrated competency in academic and professional work, and written recommendations from appropriate professionals in the schools.

(4) A written process exists describing the procedures for:

(a) Counseling and advising students about progress and retention in the professional preparation program.

(b) Supervision and evaluation relative to the completion of the professional preparation program.

(c) The appeal process for decisions relative to admission or retention in the professional preparation program.

(d) Providing information to candidates regarding supply and demand conditions in the candidate's field.

(e) Admission and retention of nontraditional candidates, such as midcareer candidates who wish to enter professional preparation programs, if established.

WSR 88-21-014

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order 88-7—Filed October 7, 1988]

I, Greg Pierce, deputy director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 458-20-136 Manufacturing, processing for hire, fabricating.

Amd WAC 458-20-169 Religious, charitable, benevolent, non-profit service organizations, and sheltered workshops.

This action is taken pursuant to Notice No. WSR 88-17-114 filed with the code reviser on August 24, 1988. 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 October 7, 1988.

By Greg Pierce
Deputy Director

AMENDATORY SECTION (Amending Order 86-17, filed 9/23/86)

WAC 458-20-136 MANUFACTURING, PROCESSING FOR HIRE, FABRICATING. (1) Definitions. "The term 'to manufacture' embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall

include the production or fabrication of special made or custom made articles." (RCW 82.04.120.) It means the business of producing articles for sale, or for commercial or industrial use from raw materials or prepared materials by giving these matters new forms, qualities, properties, or combinations. It includes such activities as making, fabricating, processing, refining, mixing, slaughtering, packing, curing, aging, canning, etc. It includes also the preparing, packaging and freezing of fresh fruits, vegetables, fish, meats and other food products, the making of custom made suits, dresses, coats, awnings, blinds, boats, curtains, draperies, rugs, and tanks, and other articles constructed or made to order, and the curing of animal hides and food products.

(2) The word "manufacturer" means every person who, from the person's own materials or ingredients manufactures for sale, or for commercial or industrial use any articles, substance or commodity either directly, or by contracting with others for the necessary labor or mechanical services.

(3) However, a nonresident of the state of Washington who owns materials ((process)) processed for hire in this state is not deemed to be a manufacturer because of such processing. Further, any owner of materials from which a nuclear fuel assembly is fabricated in this state by a processor for hire is also not deemed to be a manufacturer because of such processing.

(4) The term "to manufacture" does not include conditioning of seed for use in planting or activities which consist of cutting, grading, or ice glazing of seafood which has been cooked, frozen, or canned outside this state; the mere cleaning and freezing of whole fish; or the repairing and reconditioning of tangible personal property for others.

(5) The term "processing for hire" means the performance of labor and mechanical services upon materials belonging to others so that as a result a new, different or useful article of tangible personal property is produced for sale or commercial or industrial use. Thus, a processor for hire is any person who would be a manufacturer if that person were performing the labor and mechanical services upon that person's own materials.

(6) ~~((Business and occupation tax. Persons who manufacture 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 manufacturing with respect to the manufacturing of products so sold within this state.))~~ Persons who both manufacture and sell those products in this state must report their gross receipts under both the manufacturing and retailing or wholesaling classifications. A credit may then be taken against the selling tax in the amount of the manufacturing tax reported. (See also WAC 458-20-19301.)

(7) Manufacturing—interstate or foreign sales. Persons who manufacture products in this state and sell the same in interstate or foreign commerce are taxable under the classification manufacturing 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))~~ 458-20-193A.) A credit may be applicable if a gross receipts tax is paid on the selling activity to another state. (See also WAC 458-20-19301.)

(8) Business and occupation tax—hops. The business and occupation tax shall not apply to amounts received by hop growers or dealers for hops which are shipped outside the state of Washington for first use, if those hops have been processed into extract, pellets, or powder in this state. Amounts charged by a processor or warehouse for processing or warehousing, however, are not exempt.

(9) Manufacturing—special classifications. The law provides several special classifications and rates for activities which constitute "manufacturing" as defined in this rule. These include manufacturing wheat into flour, barley into pearl barley, soybeans into soybean oil, or sunflower seeds into sunflower oil (RCW 82.04.260(2)); splitting or processing dried peas (RCW 82.04.260(3)); manufacturing seafood products which remain in a raw, raw frozen, or raw salted state (RCW 82.04.260(4)); manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables (RCW 82.04.260(5))(~~(; manufacturing aluminum pig, ingot, billet, plate, sheet (flat or coiled), rod, bar, wire, cable or extrusions (RCW 82.04.260(6))~~); and manufacturing nuclear fuel assemblies (RCW 82.04.260(~~((10))~~)(9)). In all such cases the principles set forth in (~~the preceding paragraphs headed manufacturing—local sales and manufacturing—interstate or foreign sales will be~~) subsections (6) and (7) of this section concerning multiple tax classifications and credit provisions are also applicable. (~~Local sales will be subject to the business and occupation tax only under the classifications retailing or wholesaling—all others at the applicable rates for those classifications, while interstate or foreign sales will be taxable only under the classifications manufacturing wheat into flour, splitting or processing dried peas, manufacturing raw seafood products, manufacturing fresh fruits and vegetables, manufacturing aluminum, and manufacturing nuclear fuel assemblies, as the case may be. Local sales (at either retail or wholesale) of nuclear fuel assemblies by the manufacturer thereof are subject to business and occupation tax.~~

(~~9~~) (10) The special classification and rate for slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale (RCW 82.04.260(~~((8))~~)(7)) combines manufacturing and nonmanufacturing activities into a single taxable business activity. (~~As to those activities which constitute "manufacturing" as defined in this rule~~) For persons who break, slaughter, and/or process meat products for others, the statutory classification and rate are applicable to ((both local and interstate or foreign sales. As to those activities which involve)) the value of products so processed and delivered to customers within this state and to interstate or foreign customers. The mere wholesale selling of perishable meat products not manufactured by the vendor(~~(;))~~ is subject to the statutory classification and rate ((are applicable to local sales only,

and)) only upon gross receipts from sales within this state. Interstate or foreign sales are deductible from gross proceeds of sales. (See WAC 458-20-193A.)

(~~((10))~~) (11) Manufacturing for commercial use. Persons who manufacture products in this state for their own commercial or industrial use are taxable under the classification manufacturing on the value of the products so manufactured and used. (See WAC 458-20-134 for definition of commercial or industrial use.)

(~~((11))~~) (12) Processing for hire. Persons processing for hire for consumers or for persons other than consumers are taxable under the processing for hire classification upon the total charge made therefor.

(~~((12))~~) (13) Materials furnished in part by customer. In some instances, the persons furnishing the labor and mechanical services undertakes to produce a new article, substance, or commodity from materials or ingredients furnished in part by them and in part by the customer. In such instances, tax liability is as follows:

(a) The persons furnishing the labor and mechanical services will be presumed to be the manufacturer if the value of the materials or ingredients furnished by them is equal to or exceeds 20% of the total value of all materials or ingredients which become a part of the finished product.

(b) If the person furnishing the labor and mechanical services furnishes materials constituting less than 20% of the value of all of the materials which become a part of the finished product, such person will be presumed to be processing for hire. The person for whom the work is performed is the manufacturer in that situation, and will be taxable as such.

(c) In cases where the person furnishing the labor and mechanical services supplies, sells, or furnishes to the customer, before processing, 20% or more in value of the materials from which the finished product is made, the person furnishing the labor and mechanical services will be deemed to be the owner of the materials and taxable as a manufacturer.

(~~((13))~~) (14) Retail sales tax. Persons taxable as engaging in the business of manufacturing and selling at retail any of the products manufactured and persons manufacturing, fabricating, or processing for hire tangible personal property for consumers shall collect the retail sales tax upon the total charge made to their customers.

(~~((14))~~) (15) Sales to processors for hire and to manufacturers of articles of tangible personal property which do not become an ingredient or component part of a new article produced, or are not chemicals used in processing the same, are retail sales, and the retail sales tax must be collected thereon. (However, see WAC 458-20-113 and 458-20-134 for certain express exemptions.)

(~~((15))~~) (16) Use tax. Manufacturers are taxable under the use tax upon the use of articles manufactured by them for their own use in this state. (See WAC 458-20-113 and 458-20-134 for certain express exemptions.)

(~~((16))~~) (17) See WAC 458-20-244 for sales and use tax on food products.

AMENDATORY SECTION (Amending Order ET 85-8, filed 12/31/85)

WAC 458-20-169 RELIGIOUS, CHARITABLE, BENEVOLENT, NONPROFIT SERVICE ORGANIZATIONS, AND SHELTERED WORKSHOPS. ((Religious, charitable, benevolent, and nonprofit service organizations are subject to the excise taxes imposed by the Revenue Act of 1935 with the following exceptions only:

Religious, charitable, benevolent, and nonprofit service organizations serving meals for fund raising purposes are not engaged in the business of making sales at retail and are not required to collect the retail sales tax upon such sales, nor pay the business and occupation tax, unless such meals are served more frequently than once every two weeks. Religious, charitable, benevolent, and nonprofit service organizations conducting bazaars or rummage sales who are not generally engaged in the business of making sales at retail are not required to collect the retail sales tax nor pay the business and occupation tax where such bazaars or rummage sales are conducted no more than twice per year and do not extend over a period of more than two days each, if the gross receipts from each such bazaar or rummage sale is \$1,000 or less. Similarly, when such organizations make retail sales in the course of annual fund raising drives, or make such sales through concessions operated intermittently and for short periods of time for the support of various benevolent, athletic, recreational, or cultural programs, the retail sales tax and business and occupation tax need not be accounted for.

Neither the retail sales tax nor the use tax applies to prepared meals provided to senior citizens, disabled persons, or low-income persons by not-for-profit organizations organized under chapter 24.03 or 24.12 RCW.

However, in every case where such organizations conduct business activities other than as outlined above, the retail sales tax and business and occupation tax are fully applicable to the gross sales made and merchandise may be purchased for resale without paying the retail sales tax by furnishing vendors with resale certificates as prescribed in published WAC 458-20-102.

SHELTERED WORKSHOPS. The gross income received by nonprofit organizations from the operation of "sheltered workshops" is exempt from the business and occupation tax. "Sheltered workshops" is defined by the law to mean "rehabilitation facilities, or that part of rehabilitation facilities, where any manufacture or handiwork is carried on and which is operated for the primary purpose of (1) providing gainful employment or rehabilitation services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or (2) providing evaluation and work adjustment services for handicapped individuals."

HEALTH OR SOCIAL WELFARE SERVICES. In computing business tax there may be deducted amounts received from the United States or any instrumentally thereof or

from the state of Washington or any municipal corporation or political subdivision thereof as compensation for, or to support, health or social welfare services rendered by a health or social welfare organization or by a municipal corporation or political subdivision.

The term "health or social welfare organization" means an organization which renders health or social welfare services as defined below, which is a not-for-profit corporation under chapter 24.03 RCW and which is managed by a governing board of not less than eight individuals none of whom is a paid employee or the organization or which is a corporation sole under chapter 24.12 RCW. In addition a corporation in order to be exempt under RCW 82.04.4297 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 public service of 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 nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(e) The amounts received qualifying 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 entitled to this exemption.

The term "health or social welfare services" includes and is limited to:

(a) Mental health, drug, or alcoholism counseling or treatment;

(b) Family counseling;

(c) Health care services;

(d) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically, developmentally, or emotionally disabled individuals;

(e) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(f) Care of orphans or foster children;

(g) Day care of children;

(h) Employment development, training, and placement; and

(i) Legal services to the indigent.)) (1) Introduction. Religious, charitable, benevolent, and nonprofit service organizations are subject to business and occupation tax, retail sales tax, and use tax, unless otherwise provided by this section.

(2) Definitions.

(a) "Sheltered workshops" is defined by the law to mean the performance of business activities of any kind on or off the premises of such nonprofit organizations which are performed for the primary purpose of:

(i) Providing gainful employment or rehabilitation services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist; or

(ii) Providing evaluation and work adjustment services for handicapped individuals.

(b) "Health or social welfare organization" means an organization which renders health or social welfare services as defined below, which is a not-for-profit corporation under chapter 24.03 RCW and which is managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or which is a corporation solely under chapter 24.12 RCW. In addition, in order to be exempt of business and occupation tax under RCW 82.04.4297, a corporation shall satisfy the following conditions:

(i) 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;

(ii) 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 public service of the state;

(iii) 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 nonprofit organization, association, or corporation which also would be entitled to the exemption;

(iv) The corporation must be duly licensed or certified where licensing or certification is required by law or regulation;

(v) The amounts received qualifying for exemption must be used for the activities for which the exemption is granted;

(vi) Services must be available regardless of race, color, national origin, or ancestry; and

(vii) The director of revenue shall have access to its books in order to determine whether the corporation is entitled to this exemption.

(c) "Health or social welfare services" include and are limited to:

(i) Mental health, drug, or alcoholism counseling or treatment;

(ii) Family counseling;

(iii) Health care services;

(iv) Therapeutic, diagnostic, rehabilitative, or restorative services for the care of the sick, aged, or physically-disabled, developmentally-disabled, or emotionally-disabled individuals;

(v) Activities which are for the purpose of preventing or ameliorating juvenile delinquency or child abuse, including recreational activities for those purposes;

(vi) Care of orphans or foster children;

(vii) Day care of children;

(viii) Employment development, training, and placement; and

(ix) Legal services to the indigent.

(3) Fundraising. The following applies to the fundraising activities of religious, charitable, benevolent, and nonprofit service organizations:

(a) Meals. Organizations serving meals for fundraising purposes are not engaged in the business of making sales at retail and are not required to collect the retail sales tax upon such sales, nor pay the business and occupation tax, if such meals are served no more frequently than once every two weeks and the gross receipts are one thousand dollars or less.

(b) Bazaars/rummage sales. Organizations conducting bazaars or rummage sales who are not generally engaged in the business of making sales at retail are not required to collect the retail sales tax nor pay the business and occupation tax if such bazaars or rummage sales are conducted no more than twice per year and do not extend over a period of more than two days each, and if the gross receipts from each such bazaar or rummage sale are one thousand dollars or less.

(c) Fundraising drives/concessions. When organizations make retail sales in the course of annual fundraising drives, or make such sales through concessions operated no more than twice a year which do not extend over a period of more than two days each, for the support of various benevolent, athletic, recreational, or cultural programs, the retail sales tax and business and occupation tax need not be accounted for if the gross receipts from each such annual fundraising drive or concession are one thousand dollars or less.

Persons who serve fundraising meals, conduct bazaars/rummage sales, or fundraising drives/concessions more frequently than provided in (a), (b), or (c) of this subsection, or receive more than the amounts allowed therein, are required to report and pay tax upon their gross receipts from all such activities.

(4) Prepared meals for certain persons. Neither the retail sales tax nor the use tax applies to prepared meals provided to senior citizens, disabled persons, or low-income persons by not-for-profit organizations organized under chapter 24.03 or 24.12 RCW.

(5) Sheltered workshops. The gross income received by nonprofit organizations from the business activities of "sheltered workshops" is exempt from the business and occupation tax.

(6) Health or social welfare services. In computing business tax there may be deducted amounts received from the United States or any instrumentality thereof or from the state of Washington or any municipal corporation or political subdivision thereof as compensation for, or to support, health or social welfare services rendered by a health or social welfare organization or by a municipal corporation or political subdivision, except deductions are not allowed for amounts that are received under an employee benefit plan.

(7) Other activities. In every case where such organizations conduct business activities other than as outlined above, the retail sales tax and business and occupation

tax are fully applicable to the gross sales made and merchandise may be purchased for resale without paying the retail sales tax by furnishing vendors with resale certificates as prescribed in WAC 458-20-102.

WSR 88-21-015

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY**
[Memorandum—October 4, 1988]

Shown below is the schedule of meetings for the associated students of Washington State University:

DATE	DAY	ROOM
August 24, 1988	Wednesday	232
August 31, 1988	Wednesday	232
September 7, 1988	Wednesday	232
September 14, 1988	Wednesday	232
September 21, 1988	Wednesday	232
September 28, 1988	Wednesday	232
October 5, 1988	Wednesday	232
October 12, 1988	Wednesday	232
October 19, 1988	Wednesday	232
October 26, 1988	Wednesday	232
November 2, 1988	Wednesday	232
November 9, 1988	Wednesday	232
November 16, 1988	Wednesday	232
November 30, 1988	Wednesday	232
January 11, 1989	Wednesday	232
January 18, 1989	Wednesday	232
January 25, 1989	Wednesday	232
February 1, 1989	Wednesday	232
February 8, 1989	Wednesday	232
February 15, 1989	Wednesday	232
February 22, 1989	Wednesday	232
March 1, 1989	Wednesday	232
March 8, 1989	Wednesday	232
March 22, 1989	Wednesday	232
March 29, 1989	Wednesday	B17
April 5, 1989	Wednesday	232
April 12, 1989	Wednesday	232
April 19, 1989	Wednesday	232

Cancellation (no-show) of an event or meeting without prior notification to the Compton Union Scheduling Office will result in suspension of scheduling privileges in this building.

WSR 88-21-016

**NOTICE OF PUBLIC MEETINGS
PIERCE COLLEGE**
[Memorandum—October 4, 1988]

The board of trustees of Community College District Number Eleven (Pierce College) adopted the meeting schedule shown below for 1989 at their July 13, 1988, regular meeting.

1989 REGULAR MEETING SCHEDULE

The board of trustees of Community College District Number Eleven will hold their regular meetings on the second Wednesday of each month. These meetings will be open to the public and advertised accordingly (RCW 42.30.075).

DATE	TIME	LOCATION
January 11	12:30 p.m.	Pierce College Board Room (325-H)
February 8	12:30 p.m.	Pierce College Board Room (325-H)
March 8	12:30 p.m.	Pierce College Board Room (325-H)
April 12	12:30 p.m.	Pierce College Board Room (325-H)
May 10	12:30 p.m.	Pierce College Board Room (325-H)
June 14	12:30 p.m.	Pierce College Board Room (325-H)
July 12	12:30 p.m.	Pierce College Board Room (325-H)
(No meeting is scheduled for August.)		
September 13	12:30 p.m.	Pierce College Board Room (325-H)
October 11	12:30 p.m.	Pierce College Board Room (325-H)
November 8	12:30 p.m.	Pierce College Board Room (325-H)
December 13	12:30 p.m.	Pierce College Board Room (325-H)

Please note: Special meetings may be called for at any time by the chairman or a majority vote of the board. All special meetings will be publicly advertised at least 24 hours prior to being convened, and are open to the public.

WSR 88-21-017

**ADOPTED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION**
[Order 88-22—Filed October 7, 1988]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 392-165-340, 392-165-342 and 392-165-345.

This action is taken pursuant to Notice No. WSR 88-17-120 filed with the code reviser on August 24, 1988. 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 28A.02-.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 October 7, 1988.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

WAC 392-165-340 **APPROVED BUDGET ((REVISION)) VARIANCE—TWENTY PERCENT ALLOWED. ((Using the subtotal from Form SPI F-1000B—CH. 2 as a base.))** School districts may make annual expenditure adjustments on Form SPI F-1000B by increasing some approved activity-object cell amounts of up to twenty percent of ((that total in any of

~~the previously budgeted subchapter activities within the approved annual application)) and decreasing others without filing a request for a budget revision with the superintendent of public instruction provided the increases, in total, do not exceed twenty percent of the grand subtotal, (i.e., the sum of all objects of expenditure shown on the subtotal line of the approved Federal Project Budget, Form SPI F-1000B) and do not increase the amount of the grand subtotal.~~

NEW SECTION

WAC 392-165-342 APPROVED PROGRAM VARIANCE—TWENTY PERCENT ALLOWED. School districts may make annual program expenditure adjustments on Form SPI F-907B by increasing some approved program amounts and decreasing others without filing a request for a program revision with the superintendent of public instruction provided the increases, in total, do not exceed twenty percent of the Subchapters A, B, and C totals and do not increase the subchapters' totals.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

WAC 392-165-345 BUDGET REVISIONS—UPDATING PLANNED EXPENDITURES. Except as provided in WAC 392-165-340, each school district shall expend Chapter 2 moneys in accordance with planned expenditures and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a budget revision whenever necessary with the superintendent of public instruction in order to:

- (1) Increase the total expenditure of Chapter 2 moneys; or
- (2) Change approved activity-object cell amounts, in total, by more than twenty percent of the grand subtotal identified in WAC 392-165-340 (~~the expenditures among activity or object totals~~); or
- (3) Expend money in any object or activity where no moneys were budgeted in the original application.

WSR 88-21-018

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 88-23—Filed October 7, 1988]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Program requirement—Allowable expenditures, WAC 392-166-210.

This action is taken pursuant to Notice No. WSR 88-17-119 filed with the code reviser on August 24, 1988. 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 28A.120-.068 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 October 7, 1988.

By Frank B. Brouillet

Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 87-12, filed 11/9/87)

WAC 392-166-210 PROGRAM REQUIREMENT—ALLOWABLE EXPENDITURES. Funds granted to school districts pursuant to this chapter shall be used only for expenditures approved on the program budget document included in the approved application. If a district incurs an expenditure with state moneys for a student retention and retrieval program in a nonallowable object(s) or activity(ies), the amount of such nonallowable expenditure shall be recovered by the superintendent of public instruction after the end of the school fiscal year. Allowable expenditures shall include direct and indirect expenditures included on the approved program budget: PROVIDED, That beginning September 1, 1988, the allowed indirect expenditure rate for each school district shall not exceed the rate calculated for Program 54 "Student Retention and Retrieval" for the fiscal year using the federal restrictive rate methodology.

WSR 88-21-019

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-142—Filed October 7, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, 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 adopted pursuant to the decision of the October 7, 1988, Columbia River Compact. Run size estimates for Columbia River chinook and coho salmon stocks indicate that harvestable numbers of these species are available in the area below Bonneville Dam, but these numbers are less than previously estimated. It is in the public interest to reduce the harvest rate on these fish in order to ensure hatchery escapements. Action to adjust the commercial fishery has to be taken immediately, and there is inadequate time to follow the permanent rule adoption procedures.

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 October 6, 1988.

By J. McKillip
for Joseph R. Blum
Director

NEW SECTION

WAC 220-33-01000A COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. Notwithstanding the provisions of WAC 220-33-010:

(1) It is unlawful for a person to take or possess salmon taken for commercial purposes from Columbia River SMCRA 1A, 1B, 1C, 1D and 1E, except from:

6:00 p.m. October 9 to 6:00 p.m. October 14, 1988;
6:00 p.m. October 17 to 6:00 p.m. October 20, 1988;
6:00 p.m. October 24 to 6:00 p.m. October 27, 1988;
6:00 p.m. October 31 to 6:00 p.m. November 3, 1988;

and

6:00 p.m. November 7 to 6:00 p.m. November 10, 1988.

(2) It is unlawful to fish for salmon with monofilament gill-net webbing or to have on the boat monofilament gill-net webbing while fishing for salmon in Columbia River SMCRA 1A, 1B, 1C, 1D and 1E.

(3) The closed areas within Columbia River SMCRA 1A, 1B, 1C, 1D and 1E are:

(a) All tributaries flowing into the Columbia River.

(b) Grays Bay sanctuary – those waters of the Columbia River and Grays Bay northerly of a line projected from Rocky Point Light (flashing green 4-second) easterly to Harrington Point.

(c) Elokomin-B sanctuary – those waters of Elokomin Slough, Steamboat Slough and the Columbia River lying inside, northerly and easterly of a straight line from light "35" (group flashing green) located on Price Island to light "39" (flashing green) on Hunting Island and northerly and easterly of a line between flashing light "33" on Price Island and quick flashing green light "31" on the Washington shore.

(d) Abernathy sanctuary – those waters of the Columbia River near the mouth of Abernathy Creek from a point 1,300 yards downstream from Abernathy Creek at light "81" (flashing green 4-second) to a point one-half mile upstream and extending to mid shipping channel of the Columbia River.

(e) Cowlitz sanctuary – those waters of the Columbia River and Carrolls Channel lying inside the center of the shipping channel between a fishing boundary marker at the junction of the Port of Longview docks and international paper docks on the Washington shore approximately one mile downstream from the Cowlitz River mouth and flashing green light "29A" on Cottonwood

Island and also those waters of Carrolls Channel downstream of a line between a fishing boundary marker approximately 3000 feet upstream of the Cowlitz River mouth and a fishing boundary marker on Cottonwood Island.

(f) Kalama-B sanctuary – those waters of the Columbia River between a fishing boundary marker on the Washington shore approximately one mile downstream and a point one-half mile upstream of the mouth of the Kalama River and extending completely across the Columbia River, excepting those waters west of a line projected from Coffin Rock Light "42" in Oregon to the Kalama Range Light "47A" on the Washington shore.

(g) Lewis-B sanctuary – those waters of the Columbia River near the mouth of the Lewis River lying easterly of lines projected from light "79" (flashing green) to the red Buoy No. 4 thence to a fishing boundary marker on Bachelor Island.

(h) Washougal sanctuary – those waters of Camas Slough lying upstream from a line projected true north from the most western tip of Lady Island to the Washington shore and inside of the State Highway 14 Bridge.

(i) Big Creek sanctuary – those waters of the Columbia River at the mouth of Big Creek, from the Oregon shore across Knappa Slough to Karlson Island about one-quarter mile upstream of the east bank of Big Creek, at the Gnat Creek deadline downstream to the east end of Minaker Island which is about three-quarters mile downstream from the west bank at the mouth of Big Creek.

(j) Gnat Creek sanctuary – those waters of the Columbia River between a point one mile downstream and a point at the upper easterly bank at the mouth of Gnat Creek and lying within one-quarter mile of the Oregon shore.

(k) Sandy River sanctuary – those waters of the Columbia River between a point one mile downstream and a point at the upper easterly bank at the mouth of the Sandy River and lying within one-quarter mile of the Oregon shore.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-03000V COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. (88-110)

WSR 88-21-020

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-141—Filed October 7, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, 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 openings in Area 6D provide opportunity to harvest non-Indian allocation of Strait of Juan de Fuca origin coho, to facilitate an in-season run size update, and to prevent wastage; net length restriction in Area 6D is necessary to maintain an orderly fishery. Openings in Areas 7 and 7A provide opportunity for reef net gear to harvest the non-Indian coho allocation by pre-season agreement. Openings in Area 7B provide opportunity to harvest non-Indian allocation of coho destined for the Nooksack-Samish region of origin and to prevent wastage. Openings in Area 8A provide opportunity to harvest non-Indian allocation of Stillaguamish-Snohomish origin coho. Openings in Area 8D provide opportunity to harvest non-Indian share of the Area 8D portion of Stillaguamish-Snohomish origin coho. Openings in Area 9A provide opportunity to harvest non-Indian allocation of Hood Canal Hatchery origin coho stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks. There is inadequate time to follow the permanent rule adoption process.

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 October 7, 1988.

By J. McKillip
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-922 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday October 9 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Area 6D – Notwithstanding the provisions of Chapter 220-20-010(4), Purse seines using the 5-inch strip and gill nets using 5-inch minimum mesh and fishing with no more than 900 feet of net may fish continuously until 9:00 AM Monday October 17.
- * Areas 7 and 7A – Reef nets may fish from 5:00 AM to 9:00 PM Sunday October 9 and from 5:00 AM to 9:00 PM Monday October 10.

- * Area 7B – Gillnets using 5-inch minimum mesh may fish continuously through 11:59 PM Saturday October 29, and purse seines may fish continuously through 11:59 PM Saturday October 29.
- * Areas 8A and 8D – Gill nets using 5-inch minimum mesh may fish from 6:00 PM to 11:59 PM Monday October 10 and purse seines using the 5-inch strip may fish from 6:00 AM to 12 noon Tuesday October 11.
- * Area 8D – Gillnets using 5-inch minimum mesh may fish from 5:00 PM Tuesday October 11 to 9:00 AM Wednesday October 12, and from 5:00 PM Wednesday October 12 to 9:00 AM Thursday October 13, and from 5:00 PM Thursday October 13 to 9:00 AM Friday October 14 and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Wednesday October 12, and from 5:00 AM to 9:00 PM Thursday October 13, and from 5:00 AM to 4:00 PM Friday October 14.
- * Area 9A – Gillnets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish from 5:00 AM Monday October 10 to 4:00 PM Friday October 14.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 7C, 7D, 7E, 8, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday October 9:

WAC 220-47-921 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-140)

WSR 88-21-021

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed October 10, 1988]

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 prevailing wages, chapter 296-127 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 24, 1988.

The authority under which these rules are proposed is chapters 39.04 and 39.12 RCW and RCW 43.22.270.

The specific statute these rules are intended to implement is chapters 39.04 and 39.12 RCW.

This notice is connected to and continues the matter in Notice No. WSR 88-16-090 filed with the code reviser's office on August 3, 1988.

Dated: October 10, 1988
By: Joseph A. Dear
Director

WSR 88-21-022

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 88-24—Filed October 10, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 296-18A-440, 296-18A-460, 296-18A-465 and 296-18A-480, to change language for purpose of reflecting shift in responsibility and reorganization within vocational rehabilitation services; and WAC 296-16-010, to specify the period of time an injured worker can be certified as a preferred worker and to clarify the employer's time frame for submission of the intent to hire form.

This action is taken pursuant to Notice No. WSR 88-16-091 filed with the code reviser on August 3, 1988. 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 51.16.120(3) and 51.32.095 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 October 10, 1988.

By Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 85-12, filed 6/11/85)

WAC 296-16-010 PREMIUM WAIVED FOR EMPLOYMENT OF PREFERRED WORKER. In order to implement the provisions of RCW 51.16.120(3) by way of encouraging employment of injured workers who are not reemployed by the employer at the time of injury, the following provisions are adopted:

Any employer who employs a "preferred worker" as defined in these rules shall be excused from the payment of industrial insurance premiums and/or accident costs under the circumstances and conditions herein provided:

(1) A "preferred worker" may be classified as such by the department when the supervisor or his or her designee shall determine, in his or her discretion, that such person has sustained an industrial injury or occupational disease under our state Industrial Insurance Act which prevents the worker from returning to work with the former employer and that such injury or occupational disease is substantially impairing the likelihood of such

worker's reemployment with other employers. A worker may be certified as a preferred worker for a period not to exceed thirty-six calendar months.

(2) Any state fund employer, other than the employer at the time of injury or exposure, who employs a "preferred worker" shall be excused, during the period of employment of such worker but not to exceed thirty-six calendar months, from the payment of any accident fund premiums and medical aid premiums which would otherwise be due based upon such employment.

(3) In the event that a further injury or occupational disease is sustained by a reemployed "preferred worker" during the first thirty-six months subsequent to the hiring of such "preferred worker," while in the employ of the accepting employer, such employer, whether insured by the state fund or self-insured, shall not be charged with the costs of any such claim which would otherwise be charged to or paid by such employer. Such costs shall be charged against the second injury fund.

The provisions of subsections (2) and (3) of this section shall apply only if the ~~((department acknowledges the application of such rules in writing))~~ intent to hire form is completed and received by the department within sixty days from the first day of employment. Receipt of the intent to hire form authorizes the department to assign the appropriate risk classification to the employers' account.

AMENDATORY SECTION (Amending Order 85-20, filed 8/13/85)

WAC 296-18A-440 REPORTS. The following reports are required from the vocational rehabilitation provider for state fund referrals.

(1) Contact report. Contact with the injured worker shall be reported to the department within twenty-one calendar days of the date the referral was sent to the provider. Notification of contact shall be on a department provided form.

(2) Progress reports. A progress report ~~((will be made upon request from the referral source on))~~ shall be submitted each sixty days unless otherwise authorized by the claim manager. Progress reports will follow a department approved format. The referral source is to be notified immediately of factors affecting plan completion or changes of status or changes in plan costs.

(3) Closing report. Upon completion of the formal program, a closing report to the referral source shall be submitted by the vocational rehabilitation provider. That report shall contain at least the following:

(a) Assessment of the injured worker's employability status at the time of completion of vocational services;

(b) Whether or not the injured worker has returned to work;

(c) Any remaining barriers to the injured worker becoming employable at gainful employment.

AMENDATORY SECTION (Amending Order 87-13, filed 5/6/87)

WAC 296-18A-460 PERFORMANCE CRITERIA. (1) Vocational rehabilitation providers offering services under RCW 51.32.095 for state fund referrals

shall be selected by the department, at the department's sole discretion, based upon providers' performance according to the following criteria.

(2) There shall be objective evaluation by the department's (~~office of rehabilitation services~~) vocational rehabilitation services section, which shall address:

(a) Cost to medical aid fund including fees paid to vocational providers or other providers at the request of the vocational rehabilitation counselor;

(b) Cost to accident fund including time loss compensation, loss of earning power payments, and "training" costs pursuant to RCW 51.32.095(3), paid during the time vocational rehabilitation services are provided;

(c) Cost to second injury fund due to approved job site modifications;

(d) Length of services provided, from time of referral to date of issuance of closing report;

(e) Ratio of referrals to completed plans;

(f) The outcome of the claim at the time of closure of vocational rehabilitation services which identifies the injured worker as (i) employable; (ii) returned to work; or (iii) other.

(3) The (~~office of rehabilitation services~~) vocational rehabilitation services section shall also weigh the various objective criteria listed above by addressing the following subjective criteria:

(a) The ability of the vocational rehabilitation provider and counselor to comply with the rules contained in chapter 296-18A WAC and the law as contained in RCW 51.32.095;

(b) The adequacy of the vocational rehabilitation provider's facilities shall also be considered.

(4) The (~~office of rehabilitation services~~) vocational rehabilitation services section shall solicit proposals, on forms provided by the (~~office of rehabilitation services~~) vocational rehabilitation services section, from all providers on the department's provider list and shall utilize these in contracting with providers for referrals.

(5) Audits. In order to ensure compliance with the above listed criteria, every vocational rehabilitation provider used by the department shall be subject to an audit of their facilities and files. Audits may be conducted upon petition or upon the department's own initiative. Audits may be for cause or at random and may consist of, but not be limited to, an on-site evaluation of each provider's facilities, files and records, including the accuracy of the records and the accuracy of billing for services. The vocational rehabilitation provider shall receive written notice at least forty-eight hours in advance of such audit.

The audit of vocational rehabilitation providers at locations outside the state of Washington shall be at the expense of the provider and the expense incurred in making such audit shall be paid by the provider.

Such expenses shall be calculated at the usual and normal per diem and travel expense rates established by law and in effect at the time the expenses are incurred.

AMENDATORY SECTION (Amending Order 87-14, filed 5/6/87)

WAC 296-18A-465 REQUEST FOR PROPOSAL. In order to select providers for referrals and adequately evaluate performance, the (~~office of rehabilitation services~~) vocational rehabilitation services section shall solicit proposals from providers on the department's provider list through a request for proposal process. Contracts will be awarded after evaluation of proposals.

AMENDATORY SECTION (Amending Order 87-09, filed 3/20/87)

WAC 296-18A-480 RESPONSIBILITIES. All parties will have the following responsibilities in assisting the injured worker to become employable at gainful employment:

(1) The attending physician shall maintain open communication with the injured worker's assigned vocational rehabilitation counselor and the referral source. The attending physician shall respond to any requests for information in a timely fashion and will do all that is possible to expedite the vocational rehabilitation process, including making an estimate of physical capacities or restrictions. The attending physician may review the vocational plan, and if the attending physician feels that the injured worker is not physically capable of carrying out the plan, or the plan is unnecessary, based on current medical findings, shall notify the referral source immediately of this opinion with the reasons for such opinion.

(2) The claims unit within the department shall:

(a) Notify the employer of the referral to a vocational rehabilitation provider;

(b) Send the employer a copy of the closing report; and

(c) Give written notice to an injured worker if a complaint of noncooperation has been made.

(3) The employer shall assist the vocational rehabilitation counselor in any way necessary to collect data regarding the former gainful employment of the injured worker. Further, the employer will assist the vocational rehabilitation counselor and attending physician to determine whether or not a modified job could be made available for employment of the injured worker.

(4) The injured worker shall cooperate with all reasonable requests from all responsible individuals in determining disability, developing and implementing the rehabilitation process. Should the injured worker fail to be cooperative, the sanctions as set out in RCW 51.32-.110 shall be applied.

(5) In assisting the injured worker to become employable at gainful employment, the provider is to follow the priorities as set out in RCW 51.32.095. Vocational rehabilitation providers actually assisting the injured worker shall have the burden of showing that they meet the qualifications to be a vocational rehabilitation counselor as set out in these rules. The vocational rehabilitation provider shall comply with all the rules in chapter 296-18A WAC and Title 51 RCW, whether the injured worker is referred by the department or a self-insurer under the following criteria:

(a) Develop a formal program to assist the eligible injured worker to become employable at gainful employment;

(b) Maintain accurate records that will be periodically reviewed by ~~((the office of rehabilitation services))~~ department staff;

(c) Notify the referral source of noncooperative behavior on the part of the injured worker; and

(d) Keep all parties informed of the progress and development of the formal program.

WSR 88-21-023
EMERGENCY RULES
DEPARTMENT OF LICENSING
(Examining Board of Psychology)
[Order PM 779—Filed October 10, 1988]

Be it resolved by the Examining Board of Psychology, acting at Kirkland, Washington, that it does adopt the annexed rules relating to:

New	WAC 308-122-005	Definitions.
New	WAC 308-122-006	Applications for licensure.
New	WAC 308-122-280	AIDS education and training.
Amd	WAC 308-122-350	Psychologists—Renewal of licenses.

We, the Examining Board of Psychology, 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 need to deal knowledgeably with the AIDS epidemic, which is recognized by the legislature in enacting section 601, chapter 206, Laws of 1988, is forecasted to grow to 5,000 cases in the state by 1991.

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

This rule is promulgated pursuant to section 604, chapter 206, Laws of 1988 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 October 7, 1988.

By Kathleen Worsley, Ph.D.
Chairperson

NEW SECTION

WAC 308-122-005 DEFINITIONS. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

NEW SECTION

WAC 308-122-006 APPLICATIONS FOR LICENSURE. Effective January 1, 1989, persons applying for licensure or certification shall submit, in addition to the other requirements, evidence to show compliance with the educational requirements of WAC 308-122-210.

NEW SECTION

WAC 308-122-280 AIDS EDUCATION AND TRAINING. (1) Acceptable education and training. Such education and training shall be consistent with the model curriculum available from the office on AIDS and with the standards set forth in WAC 308-122-520(1), shall be a minimum of seven clock hours, and shall include, but not be limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure or certification application, renewal, or reinstatement of any license or certification on lapsed, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

AMENDATORY SECTION (Amending Order PL 227, filed 11/5/75)

WAC 308-122-350 PSYCHOLOGISTS—RENEWAL OF LICENSES. (1) The annual license renewal date for psychologists is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) On a one time basis beginning January 1, 1989, all persons making application for licensure or certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-122-210. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

WSR 88-21-024
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Practical Nursing)
 [Filed October 10, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Practical Nursing intends to adopt, amend, or repeal rules concerning:

Amd	WAC 308-117-010	Definitions.
Amd	WAC 308-117-030	Licensure qualifications.
Amd	WAC 308-117-060	Filing of application for licensing examination.
Amd	WAC 308-117-090	Licensure by interstate endorsement.
Amd	WAC 308-117-100	Renewal of licenses.
New	WAC 308-117-360	AIDS education and training;

that the agency will at 9:00 a.m., Wednesday, November 30, 1988, in the Fife Executive Inn, Commodore Room, 5700 Pacific Highway East, Fife, WA 98424, 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 18.78.050, [18.78].054, [18.78].060, [18.78].072, [18.78].090, [18.78].225, 18.130.050 and 70.24.270.

The specific statute these rules are intended to implement is RCW 18.78.050, [18.78].054, [18.78].060, [18.78].072, [18.78].090, [18.78].225, 18.130.050 and 70.24.270.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 25, 1988.

Dated: October 6, 1988

By: Susan L. Boots
 Executive Secretary

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: WAC 308-117-010 Definitions; 308-117-030 Licensure qualifications; 308-117-060 Filing of application for licensing examination; 308-117-090 Licensure by interstate endorsement; 308-117-100 Renewal of licenses; and 308-117-360 AIDS education and training.

Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270.

Specific Statute that Rules are Intended to Implement: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.130.225 [18.78.225], 18.78.050 [18.130.050] and 70.24.270.

Summary of Rules and Reasons Supporting Proposed Actions: WAC 308-117-010, to state new definitions used for implementation of SSB 6221, chapter 206, Laws of 1988, the AIDS Omnibus Bill (chapter 70.24 RCW); WAC 308-117-030, to provide for cross reference to WACs which contain application requirements; WAC 308-117-060, to provide for license application requirements for AIDS education and training, as authorized by chapter 70.24 RCW; WAC 308-117-090, to provide for interstate endorsement licensure requirements for AIDS education and training, as authorized by chapter 70.24 RCW; WAC 308-117-100, to provide

for license renewal for AIDS education and training, as authorized by chapter 70.24 RCW; and WAC 308-117-360, to state the requirements for AIDS education and training, as authorized by chapter 70.24 RCW.

Responsible Departmental Personnel: In addition to the members of the Washington State Board of Practical Nursing, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Susan L. Boots, Board of Practical Nursing, Division of Professional Programs Management, P.O. Box 9012, Olympia, Washington 98504, phone (206) 753-2807 comm, (206) 234-2807 scan.

Proponents: The Washington State Board of Practical Nursing.

Agency Comments or Recommendations: None.

Federal or State Court Action: Not necessary to comply with a federal law or a federal or state court action.

Any Other Information That may be of Assistance in Identifying the Rules or Their Purpose: None.

Small Business Economic Impact Statement: Not required since this rule does not impact small business as that term is defined in RCW 19.85.020.

AMENDATORY SECTION (Amending Order PL 452, filed 12/19/83)

WAC 308-117-010 DEFINITIONS. (1) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

(2) "Philosophy" means the beliefs and principles upon which the curriculum is based.

(3) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

(4) "Behavioral objectives" means the measurable outcomes of specific content.

(5) "Minimum standards of competency" means the functions that are expected of the beginning level licensed practical nurse.

(6) "Conceptual framework" means the theoretical base around which the curriculum is developed.

(7) "Beginning practitioner" means a newly licensed practical nurse beginning to function in the practical nurse role.

(8) "Client" means the person who receives the services of the practical nurse.

(9) "Standards" means the overall behavior which is the desired outcome.

(10) "Competencies" means the tasks necessary to perform the standards.

(11) "Client advocate" means a supporter of client rights and choices.

(12) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(13) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

AMENDATORY SECTION (Amending Order PL 452, filed 12/19/83)

WAC 308-117-060 FILING OF APPLICATION FOR LICENSING EXAMINATION. (1) All applicants shall file with the Washington state board of practical nursing a completed notarized application, with the required fee prior to February 15, for the April examination and August 15, for the October examination. The fee is not refundable.

(2) Applicants shall submit with the application one recent U.S. passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(3) Applicants shall request the school of nursing to send an official transcript directly to the board of practical nursing. The transcript shall contain adequate documentation to verify that statutory requirements are met and shall include course names and credits accepted from other programs.

(4) Applicants shall also file an examination application, along with the required fee, directly with the testing service.

(5) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

(6) Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-117-360.

NEW SECTION

WAC 308-117-360 AIDS EDUCATION AND TRAINING. (1) Acceptable education and training. Effective January 1, 1989, the board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that education and training has taken place.

AMENDATORY SECTION (Amending Order PM 768, filed 8/25/88)

WAC 308-117-030 LICENSURE QUALIFICATIONS. (1) In order to be eligible for licensure by examination the applicant shall have satisfactorily completed an approved practical nursing program, fulfilling all the basic course content as stated in WAC 308-117-300, or its equivalent as determined by the board. Effective May 1, 1988, every applicant must have satisfactorily completed an approved practical nursing program within two years of the date of the first examination taken or the applicant must meet other requirements of the board to determine current theoretical and clinical knowledge of practical nursing practice.

(2) An applicant who has not completed an approved practical nurse program must establish evidence of successful completion of nursing and related courses at an approved school preparing persons for licensure as registered nurses, which courses include personal and vocational relationships of the practical nurse, basic science and psychosocial concepts, theory and clinical practice in medications and the nursing process, and theory and clinical practice in medical, surgical, geriatric, pediatric, obstetric and mental health nursing. These courses must be equivalent to those same courses in a practical nursing program approved by the board.

(3) An interim permit (WAC 308-117-095) and a notice of eligibility for admission to the licensing examination may be issued to all new graduates from board approved practical nursing programs after the filing of a completed application, payment of the application fee, and official notification from the program certifying that the individual has satisfactorily completed all requirements for the diploma/certification. The interim permit is only issued for the first examination period for which the applicant is eligible after graduation.

(4) All other requirements of the statute and regulations shall be met.

AMENDATORY SECTION (Amending Order PM 768, filed 8/25/88)

WAC 308-117-090 LICENSURE BY INTERSTATE ENDORSEMENT. A license to practice as a licensed practical nurse in Washington may be issued without examination provided the applicant meets all the following requirements:

(1) The applicant has graduated and holds a credential from a state board approved program preparing candidates for licensure as a practical nurse or its equivalent as determined by the board.

(a) The applicant has fulfilled the minimum requirements prevailing for state board approved practical nursing programs in Washington at the time of the applicant's graduation.

(b) Applicants who take the NCLEX after October 1, 1988, shall present a score of pass. All other applicants shall present a minimum score of 350 on the state board test pool examination or NCLEX, except those applicants who were licensed after October 1, 1973, but before October 1, 1982, shall present a minimum score of 400 on the state board test pool examination.

(2) The applicant holds a valid current license to practice as a practical nurse in another state or territory.

(3) The applicant shall:

(a) Submit a completed application with the required fee. The fee is not refundable.

(b) Request the nursing education program to send directly to the board of practical nursing an official transcript verifying graduation from an approved practical nursing program. The transcript shall provide sufficient documentation to verify that statutory requirements are met.

(c) Submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-117-360.

AMENDATORY SECTION (Amending Order PM 768, filed 8/25/88)

WAC 308-117-100 RENEWAL OF LICENSES. (1) Individuals making applications for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(2) Individuals making application for initial license with the state of Washington under the interstate endorsement regulations, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(3) Issuance of license - Licensed practical nurses who complete the renewal application accurately, are practicing practical nursing in compliance with the law, and pay the renewal fee, shall be issued a license to practice. Should the licensee fail to renew his or her license prior to the expiration date, the individual is subject to the penalty fee as stated in RCW 18.78.090. If the licensee fails to renew the license within one year from date of expiration, application for renewal of license shall be made under statutory conditions then in force.

(4) A license, active or inactive, that is not renewed is considered lapsed. If the licensee fails to renew the license within three years from the expiration date, the individual must also meet the requirements of WAC 308-117-105.

(5) Illegal practice - Any person practicing as a licensed practical nurse during the time that such individual's license is inactive or has lapsed shall be considered an illegal practitioner and shall be subjected to the penalties provided for violators under the provisions of RCW 18.130.190.

(6) Effective January 1, 1989, all persons making application for their 1989 license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-117-360. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

WSR 88-21-025

ADOPTED RULES

BOARD OF PHARMACY

[Order 220—Filed October 10, 1988]

Be it resolved by the Washington State Board of Pharmacy, acting at Pasco, Washington, that it does adopt the annexed rules relating to WAC 360-46-010, 360-46-020, 360-46-030, 360-46-040, 360-46-050, 360-46-060, 360-46-070, 360-46-090, 360-46-100, 360-46-120, 360-46-130 and 360-46-160.

This action is taken pursuant to Notice No. WSR 88-16-070 filed with the code reviser on August 2, 1988. 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 Board of Pharmacy as authorized in RCW 18.64.005.

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 September 22, 1988.

By Joseph M. Honda
Chair

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-010 DEFINITIONS. (1) As used in these regulations, "act" means the Uniform Food, Drug and Cosmetic Act, chapter 69.04 RCW.

(2) The definitions and interpretations contained in the act shall be applicable to such terms used in these regulations.

(3) As used in these regulations:

(a) The term "component" means any ingredient intended for use in the manufacture of ~~((drugs in dosage form))~~ a drug product, including those that may not appear in the finished product.

~~(b) ((The term "batch" means a specific quantity of a drug that has uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.~~

~~(c) The term "lot" means a batch or any portion of a batch of a drug or, in the case of a drug produced by a continuous process, an amount of drug produced in a unit of time or quantity in a manner that assures its uniformity, and in either case which is identified by a distinctive lot number and has uniform character and quality within specified limits.~~

~~(d) The terms "lot number" or "control number" mean any distinctive combination of letters, numbers, or both, from which the complete history of the manufacture, control, packaging, and distribution of a batch or lot of drug can be determined.~~

~~(e))~~ The term "drug product" means a finished dosage form (e.g., tablet, capsule, solution) that contains an active drug ingredient generally, but not necessarily, in

association with inactive ingredients. The term also includes a finished dosage form that does not contain an active ingredient but is intended to be used as a placebo.

~~(c)~~ The term "active ingredient" means any component ((which)) that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of ((man)) humans or other animals. The term ((shall)) includes those components ((which)) that may undergo chemical change in the manufacture of the drug product and be present in ((the finished)) that drug product in a modified form intended to furnish the specified activity or effect.

~~((f))~~ (d) The term "inactive ingredient" means any component other than an "active ingredient" ((means any component other than an "active ingredient")) present in a drug product.

~~(e)~~ The term "batch" means a specific quantity of a drug or other material that has uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

~~(f)~~ The term "lot" means a batch or a specific identified portion of a batch having uniform character and quality within specified limits; or, in the case of a drug product produced by continuous process, it is a specific identified amount produced in a unit of time or quantity in a manner that assures its having uniform character and quality within specified limits.

~~(g)~~ The terms "lot number," "control number," or "batch number" mean any distinctive combination of letters, numbers, or symbols, or any combination of them, from which the complete history of the manufacture, processing, packing, holding, and distribution of a batch or lot of drug product or other material can be determined.

~~((g))~~ (h) The term "((materials approval)) quality control unit" means any person or organizational element having the authority and responsibility to approve or reject components, in-process materials, packaging components, and final products.

~~((h))~~ (i) The term "strength" means:

(i) The concentration of the drug ((substance)) product (for example, w/w, w/v, or unit dose/volume basis); and/or

(ii) The potency, that is, the therapeutic activity of the drug ((substance)) product as indicated by appropriate laboratory tests or by adequately developed and controlled clinical data (expressed, for example, in terms of units by reference to a standard).

(j) The term "fiber" means any particulate contaminant with a length at least three times greater than its width.

(k) The term "nonfiber-releasing filter" means any filter, which after any appropriate pretreatment such as washing or flushing, will not release fibers into the component or drug product that is being filtered. All filters composed of asbestos are deemed to be fiber-releasing filters.

(l) The term "manufacture" means the production, preparation, propagation, compounding, or processing of

a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages or labels such substance or device.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-020 FINISHED PHARMACEUTICALS—MANUFACTURING PRACTICE. (1) The criteria in WAC 360-46-040 through 360-46-150, inclusive, shall apply in determining whether the methods used in, or the facilities or controls used for, the manufacture, processing, packing, or holding of a drug conform to or are operated or administered in conformity with current good manufacturing practice to assure that a drug meets the requirements of the act as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess as required by the act.

(2) The regulations in this ~~((part))~~ chapter permit the use of precision automatic, mechanical, or electronic equipment in the production and control of drugs when ~~((adequate))~~ written inspection and checking policies and procedures are used to assure proper performance.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-030 PERSONNEL. (1) The personnel responsible for directing the manufacture and control of the drug shall be adequate in number and background of education, training, and experience, or combination thereof, to assure that the drug has the safety, identity, strength, quality, and purity that it purports to possess. All personnel shall have capabilities commensurate with their assigned functions, a thorough understanding of the manufacturing or control operations they perform, the necessary training or experience, and adequate information concerning the reason for application of pertinent provisions of this part to their respective functions.

(2) Any person shown at any time (either by medical examination or supervisory observation) to have an apparent illness or open lesions that may adversely affect the safety or quality of drugs shall be excluded from direct contact with components, drug product containers, closures, in-process materials, and drug products until the condition is corrected or determined by competent medical personnel not to jeopardize the safety or quality of drug products. All employees shall be instructed to report to supervisory personnel any conditions that may have such an adverse effect on drug products.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-040 BUILDINGS OR FACILITIES. Buildings shall be maintained in a clean and orderly manner and shall be of suitable size, construction,

and location to facilitate adequate cleaning, maintenance, and proper operations in the manufacturing, processing, packing, repacking, labeling, or holding of a drug. The buildings shall:

(1) Provide adequate space for:

(a) Orderly placement of equipment and materials to minimize any risk of mixups between different drugs, drug components, drug products, in-process materials, packaging materials, or labeling, and to minimize the possibility of contamination.

(b) The receipt, storage, and withholding from use of components pending sampling, identification, and testing prior to release by the ~~((materials approval))~~ quality control unit for manufacturing or packaging.

(c) The holding of rejected components prior to disposition to preclude the possibility of their use in manufacturing or packaging procedures for which they are unsuitable.

(d) The storage of components, containers, packaging materials, and labeling.

(e) Any manufacturing and processing operations performed.

(f) Any packaging or labeling operations.

(g) Storage of finished products.

(h) Control and production-laboratory operations.

(2) Provide adequate lighting, ventilation, and screening and, when necessary for the intended production or control purposes, provide facilities for adequate air-pressure, microbiological, dust humidity, and temperature controls to:

(a) Minimize contamination of products by extraneous adulterants, including cross-contamination of one product by dust or particles of ingredients arising from the manufacture, storage, or handling of another product.

(b) Minimize dissemination of micro-organisms from one area to another.

(c) Provide suitable storage conditions for drug components, in-process materials, and finished drugs in conformance with stability information as derived under WAC 360-46-100.

(3) Provide adequate locker facilities and hot and cold water washing facilities, including soap or detergent, air drier or single service towels, and clean toilet facilities near working areas.

(4) Provide an adequate supply of potable water under continuous positive pressure in a plumbing system free of defects that could cause or contribute to contamination of any drug. Drains shall be of adequate size and, where connected directly to a sewer, shall be equipped with traps to prevent back-siphonage.

(5) Provide suitable housing and space for the care of all laboratory animals.

(6) Provide for safe and sanitary disposal of sewage, trash, and other refuse within and from the buildings and immediate premises.

(7) Be maintained in a clean, orderly, and sanitary condition. There shall be written procedures assigning responsibility for sanitation and describing the cleaning schedule and methods.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-050 EQUIPMENT. Equipment used for the manufacture, processing, packing, labeling, holding, testing, or control of drugs shall be maintained in a clean and orderly manner and shall be of suitable design, size, construction, and location to facilitate cleaning, maintenance, and operation for its intended purpose. The equipment shall:

(1) Be so constructed that all surfaces that come into contact with a drug component, in-process material, or drug product shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug ~~((or its components))~~ product beyond the official or other established requirements.

(2) Be so constructed that any substances required for operation of the equipment, such as lubricants or coolants, do not contact drug products so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements.

(3) Be constructed and installed to facilitate adjustment, disassembly cleaning and maintenance to assure the reliability of control procedures, uniformity of production and exclusion from the drugs of contaminants from previous and current operations that might affect the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements.

(4) Be of suitable type, size and accuracy for any testing, measuring, mixing, weighing, or other processing or storage operations.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-060 PRODUCTION AND CONTROL PROCEDURES. Production and control procedures shall include all reasonable precautions, including the following, to assure that the drugs produced have the safety, identity, strength, quality, and purity they purport to possess:

(1) Each significant step in the process, such as the selection, weighing, and measuring of components, the addition of ingredients during the process, weighing and measuring during various stages of the processing, and the determination of the finished yield, shall be performed by a competent and responsible individual and checked by a second competent and responsible individual; or if such steps in the processing are controlled by precision automatic, mechanical, or electronic equipment, their proper performance is adequately checked by one or more competent individuals. The written record of the significant steps in the process shall be identified by the individual performing these tests and by the individual charged with checking these steps. Such identifications shall be recorded immediately following the completion of such steps.

(2) All containers, lines, and equipment used during the production of a batch of a drug shall be properly

identified at all times to accurately and completely indicate their contents, including batch number, and, when necessary, the stage of processing of the batch.

(3) To minimize contamination and prevent mixups, equipment, utensils, and containers shall be thoroughly and appropriately cleaned and properly stored and have previous batch identification removed or obliterated between batches or at suitable intervals in continuous production operations.

(4) Appropriate ~~((precautions shall be taken to minimize microbiological and other contamination in the production of drugs purporting to be sterile or which by virtue of their intended use should be free from objectionable microorganisms.~~

~~((5)))~~ written procedures, designed to prevent objectionable microorganisms in drug products not requiring to be sterile, shall be established and followed.

(5) Appropriate written procedures, designed to prevent microbiological contamination of drug products purporting to be sterile, shall be established and followed. Such procedures shall include validation of any sterilization process.

(6) Appropriate procedures shall be established to minimize the hazard of cross-contamination of any drugs while being manufactured or stored.

~~((6)))~~ (7) To assure the uniformity and integrity of products, there shall be adequate in-process controls, such as checking the weights and disintegration times of tablets, the adequacy of mixing, the ~~((homogeneity))~~ homogeneity of suspensions, and the clarity of solutions. In-process sampling shall be done at appropriate intervals using suitable equipment.

~~((7)))~~ (8) Representative samples of all dosage form drugs shall be tested to determine their conformance with the specifications for the product before distribution.

~~((8)))~~ (9) Procedures shall be instituted whereby review and approval of all production and control records, including packaging and labeling, shall be made prior to the release or distribution of a batch. A thorough investigation of any unexplained discrepancy or the failure of a batch to meet any of its specifications shall be undertaken whether or not the batch has already been distributed. This investigation shall be undertaken by a competent and responsible individual and shall extend to other batches of the same drug and other drugs that may have been associated with the specific failure. A written record of the investigation shall be made and shall include the conclusions and followup.

~~((9)))~~ (10) Returned goods shall be identified as such and held. If the conditions under which returned goods have been held, stored, or shipped prior to or during their return, or the condition of the product, its container, carton, or labeling as a result of storage or shipping, cast doubt on the safety, identity, strength, quality, or purity of the drug product, the returned goods shall be destroyed or subjected to adequate examination or testing to assure that the material meets all appropriate standards or specifications before being returned to stock for warehouse distribution or repacking. If the product is

neither destroyed nor returned to stock, it may be re-processed provided the final product meets all its standards and specifications. Records of returned goods shall be maintained and shall indicate the quantity returned, date, and actual disposition of the product. If the reason for returned goods implicates associated batches, an appropriate investigation shall be made in accordance with the requirements of ~~((paragraph (8)))~~ subsection (9) of this section.

~~((10))~~ (11) Filters used in the manufacture, processing, or packaging of components of drug products for parenteral injection in humans shall not release fibers into such products. No asbestos-containing or other fiber-releasing filter may be used in the manufacture, processing, or packaging of such products. Filtration, as needed, shall be through a non-fiber-releasing filter. ~~((For the purpose of this regulation a non-fiber-releasing filter is defined as a non-asbestos filter that, after any appropriate pretreatment, such as washing or flushing, will not continue to release fibers into the drug product or component that is being filtered. A fiber is defined as any particle with length at least three times greater than its width.))~~

(12) Appropriate procedures shall be established to destroy beyond recognition and retrievability any and all components or drug products that are to be discarded or destroyed for any reason.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-070 COMPONENTS. All components and other materials used in the manufacture, processing, and packaging of drug products, and materials necessary for building and equipment maintenance, upon receipt shall be stored and handled in a safe, sanitary, and orderly manner. Adequate measures shall be taken to prevent mixups and cross-contamination affecting drugs and drug products. Components shall be withheld from use until they have been identified, sampled, and tested for conformance with established specifications and are released by a ~~((materials approval))~~ quality control unit. Control of components shall include the following:

(1) Each container of component shall be examined visually for damage or contamination prior to use, including examination for breakage of seals when indicated.

(2) An adequate number of samples shall be taken from a representative number of component containers from each lot and shall be subjected to one or more tests to establish the specific identity.

(3) Sample containers shall be identified so that the following information can be determined: Name of the material sampled, the lot number, the container from which the sample was taken, and the name of the person who collected the sample.

(4) Containers from which samples have been taken shall be marked to show that samples have been removed from them.

(5) Representative samples of components liable to contamination with filth, insect infestation, or other extraneous contaminants shall be appropriately examined.

~~((4))~~ (6) Representative samples of all components intended for use as active ingredients shall be tested to determine their strength in order to assure conformance with appropriate specifications.

~~((5))~~ (7) Representative samples of components liable to micro-biological contamination shall be subjected to microbiological tests prior to use. Such components shall not contain ~~((microorganisms))~~ microorganisms that are objectionable in view of their intended use.

~~((6))~~ (8) Approved components shall be appropriately identified and retested as necessary to assure that they conform to appropriate specifications of identity, strength, quality, and purity at time of use. This requires the following:

(a) Approved components shall be handled and stored to guard against contaminating or being contaminated by other drugs or components.

(b) Approved components shall be rotated in such a manner that the oldest stock is used first.

(c) Rejected components shall be identified and held to preclude their use in manufacturing or processing procedures for which they are unsuitable.

~~((7))~~ (9) Appropriate records shall be maintained, including the following:

(a) The identity and quantity of the component, the name of the supplier, the supplier's lot number, and the date of receipt.

(b) Examinations and tests performed and rejected components and their disposition.

(c) An individual inventory and record for each component used in each batch of drug manufactured or processed.

~~((8))~~ (10) An appropriately identified reserve sample of all active ingredients consisting of at least twice the quantity necessary for all required tests, except those for sterility and determination of the presence of pyrogens, shall be retained for at least two years after distribution of the last drug lot incorporating the component has been completed or one year after the expiration date of this last drug lot, whichever is longer.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-090 LABORATORY CONTROLS. Laboratory controls shall include the establishment of scientifically sound and appropriate written specifications, standards, and test procedures to assure that components, in-processed drugs, and finished products conform to appropriate standards of identity, strength, quality and purity. Laboratory controls shall include:

(1) The establishment of master records containing appropriate specifications for the acceptance of each lot of drug components, product containers, and their components used in drug production and packaging and a description of the sampling and testing procedures used for them. Said samples shall be representative and adequately identified. Such records shall also provide for appropriate retesting of drug components, product containers, and their components subject to deterioration.

(2) A reserve sample of all active ingredients as required by WAC 360-46-070(2).

(3) The establishment of master records, when needed, containing specifications and a description of sampling and testing procedures for in-process drug preparations. Such samples shall be adequately representative and properly identified.

(4) The establishment of master records containing a description of sampling procedures and appropriate specifications for finished drug products. Such samples shall be adequately representative and properly identified.

(5) Adequate provisions for checking the identity and strength of drug products for all active ingredients and for assuring:

(a) Sterility of drugs purported to be sterile and freedom from objectionable micro-organisms for those drugs which should be so by virtue of their intended use.

(b) The absence of pyrogens for those drugs purporting to be pyrogen-free.

(c) Minimal contamination of ((ophthalmic)) ophthalmic ointments by foreign particles and harsh or abrasive substances.

(d) That the drug release pattern of sustained release products is tested by laboratory methods to assure conformance to the release specifications.

(6) Adequate provision for auditing the reliability, accuracy, precision, and performance of laboratory test procedures and laboratory instruments used.

(7) A properly identified reserve sample of the finished product (stored in the same immediate container-closure system in which the drug is marketed) consisting of at least twice the quantity necessary to perform all the required tests, except those for sterility and determination of the absence of pyrogens, and stored under conditions consistent with product labeling shall be retained for at least two years after the drug distribution has been completed or one year after the drug's expiration date, whichever is longer.

(8) Provision for retaining complete records of all laboratory data relating to each batch or lot of drug to which they apply. Such records shall be retained for at least two years after distribution has been completed or one year after the drug's expiration date, whichever is longer.

(9) Provision that animals shall be maintained and controlled in a manner that assures suitability for their intended use. They shall be identified and appropriate records maintained to determine the history of use.

(10) Provision that firms which manufacture nonpenicillin products (including certifiable antibiotic products) on the same premises or use the same equipment as that used for manufacturing penicillin products, or that operate under any circumstances that may reasonably be regarded as conducive to contamination of other drugs by penicillin, shall test such nonpenicillin products to determine whether any have become cross-contaminated by penicillin. Such products shall not be marketed if intended for use in ((man)) humans and the product is contaminated with an amount of penicillin equivalent to 0.5 unit or more of penicillin G per maximum single dose recommended in the labeling of a drug intended for parenteral administration, or an amount of

penicillin equivalent to 0.5 unit or more of penicillin G per maximum single dose recommended in the labeling of a drug intended for oral use.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-100 STABILITY. There shall be written procedures for assurance of the stability of finished drug products. This stability shall be:

(1) Determined by reliable, meaningful, and specific test methods.

(2) Determined on products in the same container-closure system in which they are marketed.

(3) Determined on any dry drug product that is to be reconstituted at the time of dispensing (as directed in its labeling), as well as on the reconstituted product.

(4) Recorded and maintained in such manner that the stability data may be utilized in establishing product expiration dates.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-120 PACKAGING AND LABELING. Packaging and labeling operations shall be adequately controlled: To assure that only those drug products that have met the standards and specifications established in their master production and control records shall be distributed; to prevent mixups between drugs during filling, packaging, and labeling operations; to assure that correct labels and labeling are employed for the drug; and to identify the finished product with a lot or control number that permits determination of the history of the manufacture and control of the batch. An hour, day, or shift code is appropriate as a lot or control number for drug products manufactured or processed in continuous production equipment. Packaging and labeling operations shall:

(1) Be separated (physically or spatially) from operations on other drugs in a manner adequate to avoid mixups and minimize cross-contamination. Two or more packaging or labeling operations having drugs, containers, or labeling similar in appearance shall not be in process simultaneously on adjacent or nearby lines unless these operations are separated either physically or spatially.

(2) Provide for an inspection of the facilities prior to use to assure that all drugs and previously used packaging and labeling materials have been removed.

(3) Include the following labeling controls:

(a) The holding of labels and package labeling upon receipt pending review and proofing against an approved final copy by a competent and responsible individual to assure that they are accurate regarding identity, content, and conformity with the approved copy before release to inventory.

(b) The maintenance and storage of each type of label and package labeling representing different products, strength, dosage forms, or quantity of contents in such a manner as to prevent mixups and provide proper identification.

(c) A suitable system for assuring that only current labels and package labeling are retained and that stocks of obsolete labels and package labeling are destroyed.

(d) Restriction of access to labels and package labeling to authorized personnel.

(e) Avoidance of gang printing of cut labels, cartons, or inserts when the labels, cartons, or inserts are for different products or different strengths of the same products or are of the same size and have identical or similar format and/or color schemes. If gang printing is employed, packaging and labeling operations shall provide for added control procedures. These added controls should consider sheet layout, stacking, cutting, and handling during and after printing.

(4) Provide strict control of the package labeling issued for use with the drug. Such issue shall be carefully checked by a competent and responsible person for identity and conformity to the labeling specified in the batch production record. Said record shall identify the labeling and the quantities issued and used and shall reasonably reconcile any discrepancy between the quantity of drug finished and the quantities of labeling issued. All excess package labeling bearing lot or control numbers shall be destroyed. In event of any significant unexplained discrepancy, an investigation should be carried out according to WAC 360-46-060(~~((8))~~) (9).

(5) Provide for adequate examination or laboratory testing of representative samples of finished products after packaging and labeling to safeguard against any errors in the finishing operations and to prevent distribution of any batch until all specified tests have been met.

(6) Provide for compliance with the Poison Prevention Packaging Act, (16 CFR Part 1700).

(7) Provide for compliance with WAC 360-46-080(2).

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-130 MASTER PRODUCTION AND CONTROL RECORDS—BATCH PRODUCTION AND CONTROL RECORDS. (1) To assure uniformity from batch to batch, a master production and control record for each drug product and each batch size of drug product shall be prepared, dated, and signed or initialed by a competent and responsible individual and shall be independently checked, reconciled, dated, and signed or initialed by a second competent and responsible individual. The master production and control record shall include:

(a) The name of the product, description of the dosage form, and a specimen or copy of each label and all other labeling associated with the retail or bulk unit, including copies of such labeling signed or initialed and dated by the person or persons responsible for approval of such labeling.

(b) The name and weight or measure of each active ingredient per dosage unit or per unit of weight or measure of the finished drug and a statement of the total weight or measure of any dosage unit.

(c) A complete list of ingredients designated by names or codes sufficiently specific to indicate any special quality characteristic; and accurate statement of the weight

or measure of each ingredient regardless of whether it appears in the finished product, except that reasonable variations may be permitted in the amount of components necessary in the preparation in dosage form provided that provisions for such variations are included in the master production and control record; an appropriate statement concerning any calculated excess of an ingredient; an appropriate statement of theoretical weight or measure at various stages of processing; and a statement of the theoretical yield.

(d) A description of the containers, closures, and packaging and finishing materials.

(e) Manufacturing and control instructions, procedures, specifications special notations, and precautions to be followed.

(2) The batch production and control record shall be prepared for each batch of drug produced and shall include complete information relating to the production and control of each batch. These records shall be retained for at least two years after the batch distribution is complete or at least one year after the batch expiration date, whichever is longer. These records shall identify the specific labeling and lot or control numbers used on the batch and shall be readily available during such retention period. The batch record shall include:

(a) An accurate reproduction of the appropriate master formula record checked, dated, and signed or initialed by a competent and responsible individual.

(b) A record of each significant step in the manufacturing, processing, packaging, labeling testing, and controlling of the batch, including: Dates; individual major equipment and lines employed; specific identification of each batch of components used; weights and measures of components and products used in the course of processing; in-process and laboratory control results; and identifications of the individual(s) actively performing and the individual(s) directly supervising or checking each significant step in the operation.

(c) A batch number that identifies all the production and control documents relating to the history of the batch and all lot or control numbers associated with the batch.

(d) A record of any investigation made according to WAC 360-46-060(~~((8))~~) (9).

NEW SECTION

WAC 360-46-160 VARIANCE AND PROCEDURE. Licensees may request that the board issue a variance from specific requirements of WAC 360-46-040 through 360-46-150. The request must be in writing and must explain why the criteria should not apply and how the public's safety would be protected. Issuance of a variance shall be based on the information supplied by the manufacturer requesting the variance, as well as any other information available as a result of any investigation by the board and/or any other relevant information available. After due consideration of all the information, the board may issue or deny the requested variance. Any variance granted shall be limited to the particular case described in the request and shall be posted at the manufacturing location during the time it is in effect. Variances will be reviewed at least every

three years. Variances shall be subject to withdrawal or modification at any time if the board finds the variance has resulted in actual or potential harm to the public.

WSR 88-21-026
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
 [Memorandum—October 7, 1988]

The following committee meetings of the board of directors of the Washington State Convention and Trade Center are announced:

Marketing Committee, Thursday, October 13, 1988, 11 a.m., Seattle-King County Convention and Visitors Bureau, 1815 Seventh Avenue, Seattle.

Design Committee, Tuesday, October 18, 1988, 9 a.m., TRA, 215 Columbia, Third Floor Conference Room, Seattle.

WSR 88-21-027
ADOPTED RULES
BIG BEND COMMUNITY COLLEGE
 [Resolution No. 88-4—Filed October 10, 1988]

Be it resolved by the board of trustees of Washington Community College District 18 of Big Bend Community College, acting at the Board Room, Student Center and Administration Building, Big Bend Community College, Moses Lake, Washington, that it does repeal the annexed rules relating to Classified personnel rules—European project, chapter 132R-210 WAC.

This action is taken pursuant to Notice No. WSR 88-15-001 filed with the code reviser on July 7, 1988. 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.16-.010 and is intended to administratively implement that statute.

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 September 26, 1988.
 By Gregory G. Fitch
 President

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132R-210-015 PURPOSE.
- WAC 132R-210-020 DEFINITIONS.
- WAC 132R-210-030 SCOPE.
- WAC 132R-210-040 EXEMPTIONS.
- WAC 132R-210-060 PERSONNEL DIRECTOR.
- WAC 132R-210-070 PERSONNEL OFFICERS.

- WAC 132R-210-110 PREPARATION.
- WAC 132R-210-120 ADOPTION.
- WAC 132R-210-130 INTERPRETATION OF SPECIFICATIONS.
- WAC 132R-210-140 USE IN EXAMINATION.
- WAC 132R-210-150 POSITION ALLOCATION—REALLOCATION.
- WAC 132R-210-160 POSITION REVIEW.
- WAC 132R-210-170 ALLOCATION REVIEW COMMITTEE.
- WAC 132R-210-175 ALLOCATION APPEAL—ALLOCATION REVIEW COMMITTEE.
- WAC 132R-210-180 POSITION REALLOCATION—EFFECT ON INCUMBENT.
- WAC 132R-210-210 COMPENSATION PLANS.
- WAC 132R-210-220 COMPENSATION PLANS—ADOPTION.
- WAC 132R-210-230 SALARY—LIMITS.
- WAC 132R-210-240 SALARY—ENTRANCE.
- WAC 132R-210-250 SALARY—PERIODIC INCREMENT.
- WAC 132R-210-260 SALARY—PERIODIC INCREMENT DATE.
- WAC 132R-210-265 SALARY—PROMOTION.
- WAC 132R-210-270 SALARY—SURVEY.
- WAC 132R-210-275 SALARY—PART-TIME EMPLOYMENT COMPUTATION.
- WAC 132R-210-280 SALARY—OVERTIME RECORDS.
- WAC 132R-210-310 SEPARATION.
- WAC 132R-210-320 RESIGNATION.
- WAC 132R-210-330 LAYOFF.
- WAC 132R-210-335 LAYOFF—SPECIAL EMPLOYMENT PROGRAMS.
- WAC 132R-210-340 LAYOFF LISTS.
- WAC 132R-210-350 VETERANS RETENTION PREFERENCE.
- WAC 132R-210-360 EUROPE-WIDE LAYOFF LIST.
- WAC 132R-210-405 DEMOTION—SUSPENSION—REDUCTION—DISMISSAL—CAUSES.
- WAC 132R-210-410 REDUCTION—DEMOTION—PROCEDURE.
- WAC 132R-210-415 SUSPENSION—GROUNDS FOR—DURATION—NOTICE.
- WAC 132R-210-420 DISMISSAL—GROUNDS FOR—NOTICE.
- WAC 132R-210-425 PROBATIONARY PERIOD—REJECTION.
- WAC 132R-210-430 DISMISSAL, SUSPENSION—CONCURRENTLY—NOTICE.
- WAC 132R-210-435 UNAUTHORIZED ABSENCE—PRESUMPTION OF RESIGNATION—NOTICE.
- WAC 132R-210-440 DEMOTION, SUSPENSION—REDUCTION—DISMISSAL—WITHDRAWAL OF CHARGES BY APPOINTING AUTHORITY—TIME LIMITATION.
- WAC 132R-210-445 APPEALS FROM DEMOTION, SUSPENSION, REDUCTION, DISMISSAL.
- WAC 132R-210-450 APPEALS—RECEIPT—PROCEDURE.

- WAC 132R-210-455 APPEALS—HEARINGS.
WAC 132R-210-460 WRITTEN NOTICE OF FINDINGS.
WAC 132R-210-465 REQUEST FOR REVIEW.
WAC 132R-210-470 RULING ON REVIEW.
WAC 132R-210-505 PURPOSE.
WAC 132R-210-510 RIGHTS OF EMPLOYEES.
WAC 132R-210-520 EMPLOYEE ORGANIZATION FILING REQUIREMENTS.
WAC 132R-210-570 UNFAIR LABOR PRACTICES FOR MANAGEMENT—EMPLOYEE.
WAC 132R-210-620 RIGHT TO APPEAL.
WAC 132R-210-630 REMEDIAL ACTION.
WAC 132R-210-701 RECRUITMENT—EXAMINATION—GENERAL RULES.
WAC 132R-210-702 EXAMINATION NOTICE.
WAC 132R-210-704 RECRUITMENT NOTICE—CONTENT.
WAC 132R-210-706 RECRUITMENT NOTICE—DURATION.
WAC 132R-210-708 ELIGIBLE LIST MODIFICATION—TRAINING.
WAC 132R-210-710 EXAMINATION ADMINISTRATION.
WAC 132R-210-712 EXAMINATION—ELIGIBILITY.
WAC 132R-210-714 APPLICATION FORMS.
WAC 132R-210-716 APPLICATION—ACCEPTANCE.
WAC 132R-210-718 APPLICATION—FREEDOM FROM BIAS.
WAC 132R-210-720 APPLICATION—ADMISSION TO EXAMINATION.
WAC 132R-210-722 APPLICATION—DISQUALIFICATION—REJECTION.
WAC 132R-210-724 ANONYMITY OF APPLICANTS.
WAC 132R-210-726 EXAMINATION—VETERANS PREFERENCE—ELIGIBILITY PERIODS—PERCENTAGE ALLOWANCE.
WAC 132R-210-728 NOTIFICATION OF EXAMINATION RESULTS.
WAC 132R-210-730 REEXAMINATION—PROCEDURE.
WAC 132R-210-732 EXAMINATION RECORDS REQUIREMENT.
WAC 132R-210-734 ELIGIBLE LISTS—ESTABLISHMENT.
WAC 132R-210-736 ELIGIBLE LISTS—DEFINITION—COMPOSITION.
WAC 132R-210-738 PROCEDURE IN CASE OF TIES.
WAC 132R-210-740 DURATION OF ELIGIBLE LISTS.
WAC 132R-210-742 REMOVAL OF NAMES FROM ELIGIBLE LISTS.
WAC 132R-210-744 NOTIFICATION OF REMOVAL OF NAME.
WAC 132R-210-746 RELATED ELIGIBLE LISTS.
WAC 132R-210-748 REQUEST FOR CERTIFICATION.
- WAC 132R-210-750 METHOD OF CERTIFICATION.
WAC 132R-210-752 SELECTIVE CERTIFICATION.
WAC 132R-210-754 INCOMPLETE CERTIFICATION.
WAC 132R-210-756 NOTICE OF CERTIFICATION.
WAC 132R-210-758 SELECTION FROM CERTIFICATION.
WAC 132R-210-760 RETURNING EMPLOYEE PROVISIONS—LAYOFF—REEMPLOYMENT.
WAC 132R-210-762 PROVISIONAL APPOINTMENT.
WAC 132R-210-764 EMERGENCY APPOINTMENT.
WAC 132R-210-766 PROBATIONARY APPOINTMENT.
WAC 132R-210-768 TRIAL SERVICE APPOINTMENT.
WAC 132R-210-770 PERMANENT STATUS APPOINTMENT.
WAC 132R-210-772 EMPLOYEE REASSIGNMENT—TRANSFER.
WAC 132R-210-774 TEMPORARY APPOINTMENT.
WAC 132R-210-776 MODIFICATION OF MINIMUM QUALIFICATIONS.
WAC 132R-210-778 CONCURRENT CERTIFICATION.
WAC 132R-210-780 INSTRUCTIONAL YEAR APPOINTMENT.
WAC 132R-210-782 CORRECTIVE EMPLOYMENT PROGRAMS.
WAC 132R-210-784 SPECIAL EMPLOYMENT PROGRAMS.
WAC 132R-210-802 HOURS OF WORK—GENERAL.
WAC 132R-210-805 WORK SCHEDULES.
WAC 132R-210-808 REST PERIOD.
WAC 132R-210-811 HOLIDAYS.
WAC 132R-210-814 PERSONAL HOLIDAY—REGULATIONS GOVERNING.
WAC 132R-210-817 LEAVE AUTHORIZATION.
WAC 132R-210-820 ANNUAL VACATION LEAVE.
WAC 132R-210-823 ANNUAL VACATION LEAVE—USE.
WAC 132R-210-826 ANNUAL VACATION LEAVE—ACCUMULATION.
WAC 132R-210-829 ANNUAL VACATION LEAVE—CASH PAYMENT.
WAC 132R-210-832 SICK LEAVE ACCRUAL.
WAC 132R-210-835 LEAVE ACCRUAL DATE.
WAC 132R-210-838 SICK LEAVE—USE.
WAC 132R-210-841 MATERNITY LEAVE.
WAC 132R-210-843 SICK LEAVE—REPORTING.
WAC 132R-210-847 SICK LEAVE—PHYSICIAN'S CERTIFICATE.

- WAC 132R-210-850 SICK LEAVE—WORK-MAN'S COMPENSATION.
- WAC 132R-210-853 SICK LEAVE—CHANGE OF EMPLOYMENT.
- WAC 132R-210-856 SICK LEAVE—SEPARATION—REINSTATEMENT.
- WAC 132R-210-859 MILITARY TRAINING LEAVE.
- WAC 132R-210-862 MILITARY LEAVE WITHOUT PAY.
- WAC 132R-210-865 LEAVE OF ABSENCE WITHOUT PAY.
- WAC 132R-210-868 LEAVE DURATION—EXCEPTION.
- WAC 132R-210-871 LEAVE OF ABSENCE—EMPLOYEE RIGHTS.
- WAC 132R-210-874 LEAVE—PROCEDURES.
- WAC 132R-210-877 SUSPENDED OPERATION.
- WAC 132R-210-880 EMPLOYEE ABSENCE—INCLEMENT WEATHER.
- WAC 132R-210-910 EMPLOYEE DEVELOPMENT—AUTHORITY, PURPOSE AND OBJECTIVE.
- WAC 132R-210-920 DEFINITIONS.
- WAC 132R-210-930 TRAINING AND DEVELOPMENT PROGRAMS.
- WAC 132R-210-950 TRAINING—GENERAL PROVISIONS.

APPROVED AND ADOPTED October 11, 1988.
By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-05-145 EMERGENCY APPOINTMENT. An appointment, for emergency reasons, not to exceed ((60)) thirty calendar days.

AMENDATORY SECTION (Amending Order 267, filed 1/2/87)

WAC 356-30-050 APPOINTMENTS—EMERGENCY—HOW MADE—STATUS. (1) When an emergency occurs requiring the immediate services of a person or persons, the appointing authority may appoint a person without following the normal procedures governing appointment. The appointment shall be based on the availability and fitness of the applicant, as well as consideration of the agency's affirmative action program.

(2) An emergency appointment of an individual shall not exceed ((60)) thirty calendar days.

(3) Service in an emergency appointment shall not constitute a part of the employee's probationary service.

(4) The director of personnel shall monitor emergency appointments made pursuant to this section and may revoke delegated authority where abuse is found.

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

REPEALER

The following Washington Administrative Code is repealed:

Repeal: WAC 356-18-190 Interim Employee Rights

NEW SECTION

WAC 356-30-025 NONPERMANENT APPOINTMENTS—DURATION. No consecutive nonpermanent appointment of an employee who has worked for the agency for nine months or 1560 nonovertime hours within the last twelve months may be made without a three-month break in service except as provided by WAC 356-30-065(4).

WSR 88-21-028
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 309—Filed October 11, 1988]

Be it resolved by the State Personnel Board acting at 521 South Capitol Way, Department of Personnel, Olympia, WA, that it does adopt the annexed rules relating to:

- Rep WAC 356-18-190 Interim employee rights.
- Amd WAC 356-05-145 Emergency appointment.
- Amd WAC 356-30-050 Appointments—Emergency—How made—Status.
- New WAC 356-30-025 Nonpermanent appointments—Duration.

This action is taken pursuant to Notice No. WSR 88-18-094 filed with the code reviser on September 7, 1988. 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 41.06.150 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.

WSR 88-21-029
ADOPTED RULES
DEPARTMENT OF INFORMATION SERVICES
[Order 88-1—Filed October 11, 1988]

I, Nancy Abraham, director of the Department of Information Services, do promulgate and adopt at 1110 South Jefferson, Olympia, WA, the annexed rules relating to:

- Amd ch. 143-06 WAC Access to public records.
- Amd ch. 143-10 WAC SEPA exemption.

This action is taken pursuant to Notice No. WSR 88-18-089 filed with the code reviser on September 7, 1988. 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 42.17 RCW and Title 197 WAC 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 October 11, 1988.

By Nancy Abraham
Director

AMENDATORY SECTION (Amending Order 004, filed 3/6/81)

WAC 143-06-010 PURPOSE. The purpose of this chapter shall be to adopt rules descriptive of the Washington state ~~((data processing authority's operations and methods))~~ department of information services and the information services board and to ensure compliance with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with ~~((sections 25-32 of that act))~~ RCW 42.17.250 through 42.17.320, dealing with public records.

AMENDATORY SECTION (Amending Order 004, filed 3/6/81)

WAC 143-06-020 DEFINITIONS. (1) Public record includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, 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.

(3) The Washington state department of information services is the agency created by chapter 504, Laws of 1987, hereinafter referred to as the department.

(4) The Washington state ~~((data processing authority))~~ information services board is ~~((the agency))~~ appointed by the governor pursuant to ~~((chapter 219, Laws of 1973 1st ex. sess))~~ chapter 504, Laws of 1987. The Washington state ~~((data processing authority))~~ information services board shall hereinafter be referred to as the ~~((authority))~~ board. ~~((Where appropriate, the term authority also refers to the staff and employees of the Washington state data processing authority.))~~

AMENDATORY SECTION (Amending Order 004, filed 3/6/81)

WAC 143-06-030 DESCRIPTION OF ~~((CENTRAL AND FIELD))~~ ORGANIZATION. (1) The

board shall conduct its business through the administrative office of the department. The administrative office ~~((of the authority and its staff))~~ is located in the ~~((9th and Columbia Building))~~ Jefferson Building, Olympia, Wash., 98504.

(2) The ~~((authority))~~ board is composed of ~~((eleven))~~ seven persons appointed by the governor, and one person selected by the chief justice of the supreme court, and one member selected by the president of the senate and the speaker of the house of representatives to carry out the duties ~~((and tasks))~~ contained in chapter 43.105 RCW as amended. The administrative head of the ~~((authority))~~ board is ~~((its executive director))~~ the director of the department of information services, hereinafter referred to as the director. All communications, requests and business shall be forwarded to the ~~((executive))~~ director at the aforespecified administrative office of the ~~((authority))~~ board.

(3) The department is composed of a services component and a planning component.

(4) The ~~((authority is))~~ board and department are chartered by the legislature to provide for ~~((the efficient and))~~ coordinated ((utilization)) planning and management of ~~((data processing equipment, techniques and personnel to achieve optimum effectiveness and economy in collection, storage, interchange, retrieval, processing and transmission of information; to authorize development, implementation and maintenance of a coordinated state-wide plan for data processing and data communications systems; to achieve consolidation of automated data processing resources and centralization of control over automated data processing and to ensure that automated data processing systems shall serve the management and other needs of the legislative, executive and judicial branches of state and local government))~~ state information services.

AMENDATORY SECTION (Amending Order 004, filed 3/6/81)

WAC 143-06-050 PUBLIC RECORDS AVAILABLE. All public records of the ~~((authority))~~ board and of the department, as defined in WAC 143-06-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by ~~((section 31, chapter 42.17))~~ RCW 42.17.310 and WAC 143-06-100.

AMENDATORY SECTION (Amending Order 004, filed 3/6/81)

WAC 143-06-060 PUBLIC RECORDS OFFICER. The ~~((authority's))~~ board and the department's public records shall be in the charge of the public records officer designated by the ~~((executive))~~ director ~~((of the authority))~~. The person so designated shall be located in the administrative office of the ~~((authority))~~ board and the department. The public records officer shall be responsible for the following: The implementation of the ~~((authority's))~~ board and the department's rules and regulations regarding release of public records, ~~((coordinating the staff of the authority in this regard;))~~ and generally insuring compliance ~~((by the staff))~~ with the

public records disclosure requirements of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 004, filed 3/6/81)

WAC 143-06-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the ((authority)) administrative office. For the purposes of this chapter, the customary office hours shall be from ~~((9))~~ 8:30 a.m. to noon and from 1 p.m. to ~~((4))~~ 4:30 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 004, filed 3/6/81)

WAC 143-06-080 REQUESTS FOR PUBLIC RECORDS. ~~((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 obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the ~~((authority (Appendix A: WAC 143-06-990)))~~ department which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the ~~((authority's staff))~~ department's administrative office, if the public records officer is not available, at the administrative office of the ~~((authority))~~ department during customary office hours. The request shall include the following information:

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

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or 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 004, filed 3/6/81)

WAC 143-06-090 COPYING. No fee shall be charged for the inspection of public records. The ~~((authority))~~ department shall charge a fee of ~~((ten))~~ twenty-five cents per page of copy for providing copies of public records and for use of the ~~((authority's))~~ department's copy equipment. This charge is the amount necessary to reimburse the ~~((authority))~~ department for its actual costs incident to such copying.

AMENDATORY SECTION (Amending Order 004, filed 3/6/81)

WAC 143-06-100 EXEMPTIONS. (1) The ~~((authority))~~ department reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 143-06-080 is exempt under the provisions of ~~((section 31, chapter 42.17))~~ RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the ~~((authority))~~ department reserves the right to delete identifying details when it makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

AMENDATORY SECTION (Amending Order 004, filed 3/6/81)

WAC 143-06-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of a request for a public record may petition for review of such decision by tendering a written request to the ~~((executive))~~ director 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) The ~~((executive))~~ director shall consider the matter and either affirm or reverse such denial ~~((or call a special meeting of the authority 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 ~~((authority))~~ director 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 004, filed 3/6/81)

WAC 143-06-120 PROTECTION OF PUBLIC RECORDS. (1) No person shall knowingly alter, deface or destroy public records of the ~~((authority))~~ board and department.

(2) Original copies of public records of the ~~((authority))~~ board and department shall not be removed from the administrative offices of the ~~((authority))~~ board and department.

(3) Care and safekeeping of public records of the ~~((authority))~~ board and department, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the ((authority)) board and department shall not be permitted.

AMENDATORY SECTION (Amending Order 004, filed 3/6/81)

WAC 143-06-130 RECORDS INDEX. ~~((+))~~ The ((authority)) department has available to all persons a current index which provides identifying information as to the ~~((following)) records ((issued, adopted or promulgated since its inception:~~

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

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

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

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

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

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

~~(2) The current index promulgated by the authority shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection)) of the board and department.~~

AMENDATORY SECTION (Amending Order 004, filed 3/6/81)

WAC 143-06-140 COMMUNICATIONS WITH THE ~~((AUTHORITY)) BOARD AND DEPARTMENT~~. All communications with the ((authority)) board and department including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42-17 RCW and these rules; requests for copies of the ~~((authority's)) board and department's decisions and other matters, shall be addressed as follows: Washington State ((Data Processing Authority)) Department of Information Services, c/o Public Records Officer, ((9th and Columbia Building)) Jefferson Building, Olympia, Wash. 98504.~~

AMENDATORY SECTION (Amending Order 004, filed 3/6/81)

WAC 143-06-150 ADOPTION OF FORM. The ((authority)) department hereby adopts State form 276

for use by all persons requesting inspection and/or copying or copies of ~~((its)) records((, the form attached hereto as Appendix A, entitled "Request for public records.")~~ of the department or the board.

Chapter 143-10 WAC
STATE ENVIRONMENTAL POLICY ACT GUIDELINES

WAC

143-10-010 ((Authority)) Board and department activities exempt.

AMENDATORY SECTION (Amending Order 76-01, filed 10/19/76)

WAC 143-10-010 ~~((AUTHORITY)) BOARD AND DEPARTMENT ACTIVITIES EXEMPT.~~ ~~((+))~~ The Washington state ~~((data processing authority is a coordinating and planning body created by chapter 43.105 RCW. It is authorized to acquire automatic data processing equipment and approve acquisition by other state agencies. The authority has reviewed its functions with regard to the application of SEPA and finds that all its authorized activities have been exempted by WAC 197-10-040(2) and 197-10-150 through 197-10-190. More specifically, but not limited to the following, its activities are exempt under WAC 197-10-170 (7), (8), (11), (16), (17) and (21).~~

~~(2) In accordance with WAC 197-10-800(4), the authority adopts this statement in compliance with the requirements of RCW 43.21C.120)) department of information services and the information services board have reviewed their authorized activities and found them to be exempt from the provisions of Title 197 WAC. This statement is provided as compliance with the requirements that the board and department adopt guidelines consistent with Title 197 WAC.~~

WSR 88-21-030
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1988—Filed October 11, 1988]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the restriction of aerial application of pesticides in Benton, Franklin and Walla Walla counties in chapter 16-232 WAC.

I, C. Alan Pettibone, 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 in response to repeated herbicide drift problems in the lower Yakima Valley and the triticities area, it is determined that emergency measures are necessary to more severely restrict the application of all pesticides by aircraft in Benton, Franklin and Walla

Walla counties for the remainder of the fall application season until the department can gather more information for a public hearing to be held later this year.

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

This rule is promulgated pursuant to chapters 17.21 and 15.58 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 October 11, 1988.

By C. Alan Pettibone
Director

NEW SECTION

WAC 16-232-440 AREA UNDER ORDER. *The area under order shall include:*

(1) *All lands lying within the boundaries of Benton County.*

(2) *Portions of Franklin and Walla Walla Counties as follows:*

Beginning at the Benton-Franklin County line in the vicinity of the northwest corner of Section 1, T10N, R28E; thence east approximately thirteen miles along section lines and a portion of Sagemore Road to the northeast corner of Section 1, T10N, R30E; thence south seven miles to the southeast corner of Section 1, T9N, R30E; thence east four miles along section lines and a portion of the Pasco-Kahlotus Road to the northeast corner of Section 10, T9N, R31E; thence approximately fourteen miles south across the Franklin-Walla Walla County line to the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

NEW SECTION

WAC 16-232-450 RESTRICTED USE PESTICIDES. *For purposes of WAC 16-232-440 through WAC 16-232-470, all pesticides are declared to be restricted use pesticides.*

NEW SECTION

WAC 16-232-460 PERMITS. *Aircraft application of restricted use pesticides as defined in WAC 16-232-450 is prohibited in areas designated in WAC 16-232-440: PROVIDED, That the Washington State Department of Agriculture may issue written permits for designated applications.*

NEW SECTION

WAC 16-232-470 OTHER RULES. *Provisions of WAC 16-232-440 through WAC 16-232-470 shall take precedence over all existing, less restrictive rules of the department affecting the aerial application of pesticides in Benton, Franklin or Walla Walla Counties. No provision of WAC 16-232-440 through WAC 16-232-*

470 shall be construed as relieving any requirement of existing rules except those in direct conflict.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) *WAC 16-232-400 Benton county—aerial application of herbicides—Area under order.*
- (2) *WAC 16-232-410 Benton county—Restricted use herbicides.*
- (3) *WAC 16-232-420 Benton county—Aerial application prohibited.*
- (4) *WAC 16-232-430 Benton county—Other restrictions.*

WSR 88-21-031

ADOPTED RULES

DEPARTMENT OF GENERAL ADMINISTRATION (Division of Banking)

[Order 75—Filed October 11, 1988]

I, Thomas H. Oldfield, director of the Division of Banking, Department of General Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amending of WAC 50-20-040, Contents of statement to borrower; and 50-20-050, Restrictions as to charges.

This action is taken pursuant to Notice No. WSR 88-18-076 filed with the code reviser on September 6, 1988. 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 31.04 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 October 11, 1988.

By Thomas H. Oldfield
Supervisor of Banking

AMENDATORY SECTION (Amending Order 5, filed 12/4/69)

WAC 50-20-040 CONTENTS OF STATEMENT TO BORROWER. (1) The company shall deliver to the borrower at the time any loan is made, a statement which shall disclose in clear and distinct terms the following information:

- (a) The name and address of the industrial loan company.
- (b) The name and address of the borrower.
- (c) The number and date of the loan.
- (d) The total amount of the loan.
- (e) List of ~~((statutory deductions from the face amount of the note))~~ charges, including:

(i) Interest(=~~discount~~,) rate and amount. This shall be disclosed both as (A) the Annual Percentage Rate (APR) as defined in Regulation Z, 12 CFR 226, and (B) the simple interest rate, which is the single nominal annual interest rate (stated as a percentage), which if applied to the unpaid amounts of principal outstanding from time to time would produce the same total of interest paid at maturity as originally contracted for, based upon the assumption that all payments were made on the loan according to the schedule of payments agreed to by the borrower and calculations were made according to the actuarial method. For purposes of this calculation only, the original principal amount of a discount interest loan shall be deemed to be the amount of the total note less the interest deducted in advance.

(ii) Investigation fee.

(iii) Filing and releasing fee.

(iv) Title insurance premium.

(v) Appraisal fee.

(f) Date of maturity of the loan.

(g) Rate of interest after original maturity date.

(h) Description of the security, if any, including adequate description of the investment certificate.

(i) Agreement to permit payment in full before maturity. Refund of unearned interest shall be made in accordance with WAC 50-20-050(5).

(j) Amount and date of installment investment certificate.

(k) The terms of payment of the investment certificate, showing due dates and amount of installments.

(l) Penalty for payments which are delinquent one week or more.

(m) Service fees, if any.

(n) Any other requirements imposed by Regulation Z. (Titles I and V of Consumer Credit Protection Act, P.L. 90-321, 82 Stat. 146 1/5 U.S.C. 1601-1665.)

(2) Sufficient information must be maintained in the companies' files to show compliance with state and federal law.

AMENDATORY SECTION (Amending Order 63, filed 9/13/85)

WAC 50-20-050 RESTRICTIONS AS TO CHARGES. (1) No company shall charge the borrower for notarial fees.

(2) No industrial loan company shall require the purchasing of property insurance from the company or any employee, affiliate or associate of the company or from any agent, broker, or insurance company designated by the company as a condition precedent to the making of a loan nor shall any company decline existing insurance which meets or exceeds the standards set forth in this section.

A company may provide insurance on the life and disability of one borrower and on the life of the spouse of the borrower if both are obligors, provided that such insurance coverage shall not exceed the approximate unpaid balance of the total amount repayable under contract of indebtedness scheduled to be outstanding. The premium or cost for all such insurance when written pursuant to the Washington insurance code and regulations issued thereunder, shall not be deemed interest,

charges or consideration in connection with the loan transaction and any gain or advantage to the lender arising out of the premium or cost of the insurance or from its sale shall not be a violation of any provision of chapter 31.04 RCW. The amount of the premium or cost of such insurance may be included in the original loan amount and may be paid from the proceeds of the loan.

If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing, or otherwise, the credit life and/or accident and health insurance coverage shall be cancelled and a portion of the charge made for such insurance shall be rebated as provided by the Washington insurance code and regulations issued thereunder.

(3) No company shall (~~make any~~) charge to or collect from the customer any funds for the cost of filing, recording (~~or~~), releasing, or reconveyance of mortgages, deeds of trust, security agreements, or other (~~instruments~~) documents, or for transferring title certificates to (~~automobiles unless such charges are or are in fact to be paid out by the company to the proper officials for such filing, recording, transferring or releasing thereof~~) vehicles, or for any other fees paid or to be paid to public officials, unless such charges are paid or are to be paid within sixty days by the company to public officials or other third parties for such filing, recording, transferring, releasing, or reconveyance thereof. Fees for releasing or reconveying security for the obligation owed to the company may be charged and collected at the time of final payment of the loan.

(4) In the event a company makes a new loan where any part of the proceeds is used to pay the amount due it on an existing loan within four months from date of (~~the~~) origination or of the most recent advance upon an existing loan, (~~no charge for~~) an investigation fee shall be permitted only to the extent that new money is advanced or the existing credit line increased, unless the investigation fee on the existing loan is refunded.

(5) No industrial loan company may charge and collect an annual fee in excess of eighteen dollars payable each year in advance for the privilege of opening and maintaining an open-end loan account.

(6) No industrial loan company may charge (~~and~~) or collect an appraisal fee incurred or to be incurred in appraising security offered by the borrower in excess of the actual costs paid or to be paid to an independent third party professional appraiser. (~~No~~) Such charge may be made or collected from the borrower for costs of an appraisal at the time of application for the loan or at any time thereafter except as prohibited herein. If the appraisal fee is not collected at the time of application, the customer shall be advised of the company's good faith estimate of the amount of that fee at the time of application. If the loan application is rejected by the company, or if the appraisal is inadequate to meet reasonable appraisal requirements for comparable loans from other lending institutions, the company must refund to the borrower any appraisal fee already collected.

(7) Any note which is prepaid in full by cash, a new loan, refinancing, or otherwise before the final due date, the unearned portion of the interest shall be refunded

using the sum of the digits method commonly known as the "Rule of 78's."

PROVIDED, HOWEVER, That in the case of any loan originally scheduled to be repaid in ~~((sixty-one))~~ thirty-seven months or more which is secured by an investment certificate, the refund of the unearned portion of the interest shall be computed as follows: Interest shall be considered earned at the single nominal annual ~~((percentage))~~ interest rate (stated as a percentage), which if applied to the unpaid amounts of principal outstanding from time to time would produce the same total of interest paid at maturity as originally contracted for, based upon the assumption that all payments were made on the loan according to the schedule of payments due on the certificate and calculations were made according to the actuarial method. Interest earned so calculated up to the scheduled due date nearest the date of prepayment shall be subtracted from the original amount of interest included in the note and the balance of such interest shall be refunded.

For purposes of this calculation only, the original principal amount of the loan shall be deemed to be the amount of the total note less the interest deducted in advance. Actuarial method means the method of allocating payments made between principal and interest whereby a payment is applied first to the interest accumulated to date and the remainder then applied to the unpaid principal amount. In computing an actuarial refund, the lender may round the single annual ~~((percentage))~~ interest rate used to the nearest quarter of one percent.

In computing any required refund, any prepayment made on or before the fifteenth day following the scheduled payment date on the investment certificate shall be deemed to have been made on the payment date preceding such prepayment. In the case of prepayment prior to the first installment date, the company may retain an amount not to exceed 1/30 of the first month's interest charge for each date between the origination date of the loan and the actual date of prepayment.

(8) The maximum amount which may be charged as an investigation fee is two percent of the loan proceeds advanced to or for the direct benefit of the borrower. For a closed-end loan, this means two percent of the "amount financed" disclosed to the borrower pursuant to the federal Truth-in-Lending Act. For an open-end loan, this means two percent of the line of credit established for the borrower under the open-end loan account, not including any "prepaid finance charge".

(9) A company may agree with the borrower for the payment by the borrower of the fees charged by a title company in connection with title insurance required by the company in connection with a loan. The borrower has the right to select the person or company by or through whom such title insurance will be offered, subject to the company's reasonable conditions, such as the type of coverage or endorsements, or financial soundness and proper licensing of the company to do business in the state of Washington. The company may select the person or company by or through whom such title insurance will be offered if the borrower does not do so within

a reasonable time before the loan transaction is consummated.

WSR 88-21-032
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 366—Filed October 11, 1988]

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

New	WAC 232-28-61712	Amendment to 1988-90 Washington game fish regulations—Snake River.
Rep	WAC 232-28-61711	Amendment to 1988-90 Washington game fish regulations—Snake River.

We, the State Wildlife 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 anglers are snagging steelhead on the south bank of the Snake River at Little Goose Dam. This regulation is necessary to allow legitimate anglers to fish for steelhead in nearby waters.

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 October 10, 1988.

By Curt Smith
Director

NEW SECTION

WAC 232-28-61712 AMENDMENT TO 1988-90 WASHINGTON GAME FISH REGULATIONS—SNAKE RIVER. *Notwithstanding the provisions of WAC 232-28-617, effective 12:01 a.m. October 12, 1988 and until 11:59 p.m. January 9, 1989 the following waters are closed to fishing for game fish:*

Within an area 1200' downstream from the base of the West Lock gate at Little Goose Dam on the South (Columbia County) bank of the Snake River and 100' out into the river from said river bank.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-61711 AMENDMENT TO 1988-90 WASHINGTON GAME FISHING REGULATIONS—SNAKE RIVER.

WSR 88-21-033
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
 [Order 88-47—Filed October 12, 1988]

I, Fred Olson, deputy director of the Department of Ecology, do promulgate and adopt at the Washington Department of Ecology, Lacey, Washington, the annexed rules relating to floodplain management, local compliance schedule, amending WAC 173-158-100, to allow extensions of time to comply with the requirements of WAC 173-158-060(1).

I, Fred Olson, 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 current rule requires that communities adopt their local ordinance to meet all the requirements of chapter 173-158 WAC by December 3, 1988. A re-valuation is being made of the requirements in WAC 173-158-060(1) which will not be completed by December 3, 1988.

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

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 86.16 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 October 11, 1988.

By Fred Olson
 Deputy Director

AMENDATORY SECTION (Amending Order 88-6, filed 5/4/88)

WAC 173-158-100 (1) LOCAL COMPLIANCE SCHEDULE. *Communities will have six months from the effective date of this chapter to adopt or amend their local flood damage reduction ordinances to incorporate the requirements of chapter 86.16 RCW and this chapter.*

The department of ecology may grant an extension of time for inclusion of the requirements of WAC 173-158-060(1) into local ordinances upon written request from the community.

(2) ((Such)) Ordinances or amendments under subsection (1) of this section shall take effect thirty days from filing with the department unless the department disapproves such ordinance or amendment, in writing within that time period. The department may disapprove any ordinance or amendment which does not comply with the requirements of the NFIP, WAC 173-158-070. [Statutory Authority: Chapter 86.16 RCW. 88-10-058 (Order 88-6), § 173-158-100, filed 5/4/88.]

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

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: 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.

WSR 88-21-034
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed October 12, 1988]

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 good cause not to cooperate with support enforcement, amending WAC 388-24-111;

that the agency will at 10:00 a.m., Tuesday, November 29, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1988.

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 November 29, 1988.

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

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 15, 1988. The meeting site is in a location which is barrier free.

Dated: October 11, 1988

By: Rosemary Carr
 for Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Good cause not to cooperate with support enforcement.

Purpose of this Rule Change: To modify good cause procedures; currently there is one level of protecting a

client from harm due to the collection of support. This change creates two levels of protection. The lower level of protection allows support collection, without the clients need to cooperate, if such action is in the best interest of the child. This allows greater revenue collection and retains a degree of client protection.

Reason(s) These Rules are Necessary: To allow greater benefits to a child where collection is in the best interest of that child, yet some protection is still required.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Department IV-A staff shall determine if department IV-D staff can pursue collection without the clients participation if that is the best interest to the child.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule or Rule Change: Rita Jefferson, Program Manager, Division of Income Assistance, mailstop OB-31C, phone 753-0471.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1390, filed 4/26/79)

WAC 388-24-111 GOOD CAUSE (~~FOR FAILURE~~) NOT TO COOPERATE WITH SUPPORT ENFORCEMENT. (1) The (~~requirement for cooperation of the applicant/recipient in WAC 388-24-109~~) department shall (~~be waived~~) waive the requirement for client cooperation in WAC 388-24-109 if (~~the department~~) it determines (~~that such~~) cooperation would not be in the best interest of the (~~child(ren) for whom assignment has been made according to WAC 388-24-108~~) eligible child.

(2) The (~~applicant/recipient must be informed~~) department shall inform a client of:

(a) (~~The~~) How establishing paternity may benefit(s) the child (~~may receive from establishing paternity~~); and

(b) Their right to claim good cause (~~for refusing~~) not to cooperate (~~as specified in WAC 388-14-200 (2)(a), (b) and (c) and 388-24-109~~).

(3) The (~~applicant/recipient~~) department shall require the client who claims (~~to have~~) good cause (~~for refusing to cooperate must~~) to:

(a) Provide evidence (~~at least one of~~) supporting the good cause circumstances; or

(b) Provide (~~sufficient~~) enough information (~~to~~), such as the (~~putative father or~~) absent parent's name and address(~~s~~), to permit (~~an investigation to determine~~) the department to investigate the existence of (~~any of~~) the claimed circumstances specified in subsection (6) of this section.

(4) When (~~an applicant/recipient~~) a client claims to have good cause (~~for refusing to cooperate~~), the (~~CSO social service~~) department IV-A staff will determine (~~that good cause exists only~~) if (~~it finds that~~):

(a) The evidence supplied by the (~~applicant/recipient~~) client establishes that cooperation would be against the best interest of the child; or

(b) Investigation of the claimed circumstances (~~of the case confirms the applicant's/recipient's claim~~) confirms that cooperation would be against the best interest of the (~~child(ren)~~) child.

(5) The (~~final determination by the CSO social service staff that good cause does or does not exist~~) department shall:

(a) (~~Shall be made~~) Determine good cause, as quickly as possible (~~within thirty days from claim~~), (~~unless exceptional circumstances such as those described~~) according to time limits in WAC 388-38-110 (~~occur and longer period of time is required~~);

(b) (~~Shall be~~) Notify the client in writing (~~and contain~~) of the (~~CSO~~) department findings and basis for determination(~~s~~); and

(c) (~~Shall also be entered into~~) Document the determination and basis in the financial and service records.

(6) (~~The CSO social service~~) Department IV-A staff (~~with~~) shall determine that cooperation (~~in establishing paternity and/or securing support~~) is against the best interest of the child (~~only~~) if:

(a) The (~~applicant's/recipient's~~) client's cooperation (~~is~~) can reasonably be anticipated to result in physical (~~harm~~) or emotional harm which (~~clearly demonstrates observable consequences substantially impairing~~) impairs the functioning of (~~either~~):

(i) The child (~~for whom support is to be sought~~); or

(ii) The (~~parent or~~) caretaker relative (~~with whom~~) to the (~~child is living which~~) extent the impairment reduces (~~the parent or caretaker relative's~~) their capacity to care for the child adequately; or

(b) (~~At least one of the following circumstances exists, and the CSO social service staff believes that because of the existence of that circumstance, in the particular case, proceeding~~) To establish paternity or secure support, it would be detrimental to the child (~~for whom support would be sought~~) and:

(i) The child (~~for whom support is sought~~) was conceived as a result of incest or (~~forcible~~) rape;

(ii) Legal adoption proceedings (~~for the adoption~~) of the child are pending before a superior court; or

(iii) The (~~applicant/recipient~~) parent is (~~currently being assisted by~~) working with a public or licensed (~~child-placing~~) child-placement agency, for up to three months, to (~~resolve the issue of~~) decide whether to keep (~~the child~~) or relinquish (~~it~~) the child for adoption (~~and the discussions have not gone on for more than three months~~).

(7) (~~Acceptable~~) The department shall limit evidence (~~upon which the CSO social service staff will base a determination of~~) used to determine good cause(~~s~~) without further investigation (~~is limited~~) to the following (~~documents~~):

(a) Birth (~~certificates or~~), medical, or law enforcement records which (~~indicated that~~) show the child was conceived as the result of incest or (~~forcible~~) rape;

(b) Court (~~documents~~) or other records which (~~indicate that legal~~) show proceedings for adoption are pending before a superior court;

(c) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which (~~indicate that~~) show the (~~putative father or~~) absent parent might (~~inflict physical or emotional~~) harm (~~on~~) the child or (~~parent or~~) caretaker relative;

(d) Medical records (~~which indicate emotional health history and present emotional health status~~) or written statements from a mental health professional (~~indicating~~) with a diagnosis or prognosis (~~concerning the emotional health of the parent or caretaker relative or the child(ren) for whom support would be sought. The recommendation of the mental health professional or the indication of the medical records must be that~~) which show cooperation by the (~~parent or~~) caretaker relative would not be in the best interest of the (~~child(ren)~~) child; or

(e) (~~A written statement which includes the dates of counseling from a public or licensed child-placing~~) Child-placement agency (~~that the applicant/recipient is being assisted by the agency to resolve~~) verification, including the dates of counseling, regarding the issue of whether to keep (~~the child~~) or relinquish (~~it~~) the child for adoption.

(8) Upon request, the (~~CSO with~~) department shall assist the (~~applicant/recipient~~) client in obtaining the required evidence.

(9) If the (~~applicant/recipient~~) client cannot (~~present~~) obtain required evidence (~~as outlined in subsection (7) of this section and still wishes~~) yet continues to claim good cause, the (~~applicant/recipient must~~) client shall provide information (~~which will enable~~) to allow the (~~CSO~~) department to (~~conduct an investigation regarding~~) investigate the circumstances of the claim. (~~A determination that~~) The department may base good cause (~~exists may be based~~) on any verifying information acceptable to the (~~CSO social service staff~~) department; however, during the investigation the (~~CSO~~) department:

(a) Shall not contact the absent parent (~~or alleged father from whom support would be sought~~) unless (~~such contact is determined to be~~) necessary to establish the good cause claim; and

(b) Prior to (~~making~~) such (~~necessary~~) contact, shall notify and allow the (~~applicant/recipient and give them~~) client the opportunity to:

(i) Present additional evidence or information (~~so~~) that makes contact (~~with the absent parent or putative father becomes~~) unnecessary; or

(ii) Withdraw the application for assistance; or

(iii) Request a fair hearing.

(10) (~~For every~~) Where the department bases good cause (~~determination which is based in whole or in part upon the anticipation of~~)

on emotional harm ~~((to the child, the custodial parent or the caretaker relative)), the ((CSO social service staff)) department shall consider and document ((its findings regarding)) the following factors:~~

(a) ~~The past and present emotional state of the individual subject to emotional harm;~~

(b) ~~((The emotional health history of the individual subject to emotional harm;~~

~~(c)) The ((intensity)) degree and probable duration of the emotional upset;~~

~~((d)) (c) The degree of cooperation to be required; and~~

~~((e)) (d) The ((extent of involvement of the)) child's involvement in the paternity establishment or support enforcement activity ~~((to be undertaken)).~~~~

~~(11) ~~((In the process of making)) Department IV-A staff shall determine if support enforcement could proceed without risk of harm to the child or caretaker relative and the collection activities would not involve their participation. If there is no risk, IV-A staff shall:~~~~

~~(a) Document this decision in the case file; and~~

~~(b) Notify the client of this decision so he or she may withdraw the application; and~~

~~(c) Provide available information about the absent parent to IV-D staff if the application is not withdrawn.~~

~~(12) Prior to a final determination of good cause ~~((for refusal to cooperate)), ((the CSO social service)) IV-A staff shall:~~~~

~~(a) ~~((Afford the office of support enforcement)) Give IV-D staff the opportunity to review and comment on the finding(s) and basis for the proposed determination;~~~~

~~(b) Consider ~~((any recommendation from the office of support enforcement)) IV-D comments or recommendations; and~~~~

~~(c) Provide ~~((the office of support enforcement)) IV-D staff the opportunity to participate in any fair hearing ~~((that results from an applicant's/recipient's appeal of any determination)) based on a good cause claim.~~~~~~

~~((13)) (13) ~~((Assistance)) The department shall not ~~((be denied, delayed)) deny or ~~((discontinued)) delay assistance for a pending ~~((a determination of)) good cause ~~((for refusal to cooperate)) determination if the ~~((applicant/recipient has complied)) client is cooperating with the requirements to furnish evidence or information~~((if the applicant/recipient is otherwise eligible)).~~~~~~~~~~~~~~~~

~~((14)) (14) If ~~((the CSO social service)) IV-A staff ~~((makes a determination of good cause on the basis of circumstances specified in subsection (6) of this section)) determine any collection activity may place the child or caretaker relative at risk, ~~((no attempt)) the department shall ~~((be made)) not attempt to establish paternity or secure support. ~~((This determination shall be in writing, contain the CSO's findings and basis for determination, and be entered into the financial and service records.))~~~~~~~~~~~~

~~((15)) (15) ~~((The CSO social service)) IV-A staff shall ~~((periodically)) review, ~~((not less frequently than)) at least at each eligibility review, all active good cause cases ~~((in which a finding of good cause for refusal to cooperate has been made)). If ~~((it determines that)) good cause no longer exists, ~~((it will rescind its decision and)) the department shall require ~~((cooperation by the applicant/recipient)) the client to cooperate.~~~~~~~~~~~~~~~~

~~((16)) (16) ~~((If the CSO social service staff determines that)) When good cause does not exist:~~~~

~~(a) The ~~((applicant/recipient)) department shall ~~((be so notified)) notify the client and ~~((afforded)) afford the opportunity to cooperate, withdraw ~~((their)) the application ~~((for assistance)), ~~((have the case closed;)) or request a fair hearing; and~~~~~~~~~~~~~~

~~(b) Continued refusal to cooperate shall result in the loss of AFDC eligibility for the caretaker relative as specified in WAC 388-24-108(2).~~

~~((17)) (17) The ~~((CSO)) department shall maintain records ~~((concerning its activities under this section)) of good cause claims.~~~~~~

~~((18)) (18) ~~((The CSO with)) IV-A staff shall promptly report to ~~((the office of support enforcement)) IV-D staff those cases in which:~~~~~~

~~(a) ~~((All cases in which)) Good cause has been claimed and a determination is pending;~~~~

~~(b) ~~((All cases in which it has been determined that there is)) A determination of good cause ~~((for refusal to cooperate)) exists;~~~~~~

~~(c) ~~((All cases in which it has been determined)) A determination that ~~((there is not)) good cause ~~((for refusal to cooperate)) does not exist; and~~~~~~~~

~~(d) ~~((All cases in which)) A fair hearing has been requested~~((, and~~~~~~

~~(e) ~~Results of subsequent eligibility reviews in cases previously determined to have good cause)).~~~~

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

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 88-21-035
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed October 12, 1988]

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 allocating income, amending WAC 388-28-500;

that the agency will at 10:00 a.m., Tuesday, November 29, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1988.

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 November 29, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 15, 1988. The meeting site is in a location which is barrier free.

Dated: October 11, 1988

By: Rosemary Carr
for Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

Re: WAC 388-28-500.

Purpose of the Rule Changes: To standardize at \$75.00 per month the earned income disregard used in counting earned income of the parent of a minor parent.

Reason These Rules are Necessary: Federal Transmittal FSA-AT-88-8, the Tax Reform Act of 1986

(P.L. 99-514) eliminates the state's option to allow a lesser amount for this disregard.

Statutory Authority: Chapter 74.12 RCW.

Summary of the Rule Change: The Tax Reform Act of 1986 standardizes at \$75.00 per month the earned income disregard. The act eliminates the state's option to use a lesser disregard amount.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Dana Beck, Program Manager, Division of Income Assistance, mailstop OB-31C, phone 753-3177.

AMENDATORY SECTION (Amending Order 2538, filed 9/17/87)

WAC 388-28-500 (~~USE OF INCOME AND INCOME POTENTIALS COMPUTING AND~~) ALLOCATING INCOME. (1) (~~Living arrangements, family relationships, and categories of assistance also affect the use of income in computing financial need as provided by the rules in this section:~~)

(2) ~~Except as provided in this subsection:~~ The department shall attribute nonexempt net income (~~of a person in his or her own home shall be attributed~~) to the assistance unit of which (~~he or she~~) the person is a member(~~;~~), except:

(a) Families with two or more assistance units. The department shall equally divide the total nonexempt net community income (~~of a family having two or more eligible assistance units shall be divided equally~~), including income in-kind, between the assistance units unless:

(i) The family prefers some other division (~~is preferred. An unequal~~); and

(ii) The preferred division (~~of the family income is not permitted if it increases~~) does not increase the total amount of assistance (~~(f)~~), excluding medical care(~~to which the family would be entitled~~).

(b) Applicant with a nonapplying (~~independent~~) spouse. The department shall consider:

(i) (~~If all~~) At least half of the total community income (~~is from community property or from community earnings other than wages, not less than one-half the total income shall be considered~~), including income in-kind, available to an AFDC applicant living with a nonapplying spouse(~~;~~);

(ii) Net income from wages, retirement benefits, or (~~from the~~) separate property of the nonapplying spouse (~~shall be considered~~) available to the applicant (~~only~~) to the extent the net income exceeds (~~the amount of the nonapplying spouse's appropriate~~) a one-person payment level(~~;~~);

(iii) Wages or income from separate property of the applicant (~~shall be considered~~) as provided in WAC 388-28-365 and 388-28-370(~~;~~);

(iv) When income includes both community income and income from the separate property or from wages of the nonapplying spouse, at least half of the community income shall be considered available to the applicant, plus any residue of the separate income or wages exceeding the amount of the appropriate one-person payment level of the nonapplying spouse.

(v) Retirement benefits shall be treated like wages.

(vi) Income in-kind shall be treated as community income).

(c) (~~Exempted~~) Nonexempt income. The department shall not use exempt income (~~shall not be used~~) in computing the need of any assistance unit(~~;~~);

(d) (~~For~~) Nonrelated adults in household. The department shall follow rules (~~on~~) in WAC 388-28-355 for nonrelated adults in the household (~~;~~ see WAC 388-28-355).

(~~(3)~~) (2) The department shall apply the rules in subsection (~~(2)~~) (1) of this section (~~shall also apply~~) to a person (~~boarding and/or rooming~~) in an adult family home or other nonmedical institution.

(~~(4)~~) (3) The (~~income of a~~) department shall consider as available to the minor parent(~~s~~), income from nonapplying parent (~~or parents~~) or legal (~~guardian or~~) guardians (~~legally responsible for the support of such minor parent as specified in WAC 388-24-550(8)~~), if residing in the same household, shall be considered as available to the assistance unit of such minor parent and such minor's child or children to the extent such income exceeds applicable disregards) with court order support responsibility. (~~This subsection applies to~~)

(a) "Minor (~~parents~~) parent" means a person who:

(i) ~~Is~~ seventeen years of age (~~and under whether or not such parents are married~~) or (~~otherwise meet the criteria in WAC 388-24-550(4). In counting such income;~~) younger; and

(ii) Resides in the same household with an adult responsible for the minor parent's support.

(b) To determine the amount available to the minor parent, the (~~following~~) department shall (~~be disregarded~~) disregard:

(~~(a)~~) (i) Seventy-five dollars per month for each employed parent or legal guardian (~~;~~ the following amounts for work expenses depending upon the number of hours worked per month:

Hours worked per month	Work expense disregard
0 - 40	\$ 20.00
41 - 80	\$ 40.00
81 - 120	\$ 60.00
121 or more	\$ 75.00);

(~~(b)~~) (ii) An amount equal to the need standard (~~as specified~~) in WAC 388-29-100 for (~~a group with~~) the following (~~members~~):

(~~(i)~~) (A) The (~~parent or~~) parents or legal (~~guardian or~~) guardians (~~living~~) residing in the home; and

(~~(ii)~~) (B) (~~Any other individuals~~) Others living in the home but not in the assistance unit (~~;~~ and are or) who could be claimed (~~by the parent or parents or legal guardian or guardians~~) as dependents (~~for purposes of determining his or her~~) on the parents' or legal guardians' federal income tax (~~ability~~) return.

(~~(c)~~) (iii) (~~The amount paid~~) Payments by the (~~parent or~~) parents or legal (~~guardian or~~) guardians to (~~support individuals~~) persons outside the home who could be claimed (~~by him or her~~) as dependents (~~for the purpose of determining his or her~~) on the parents' or legal guardians' federal income tax (~~ability~~) return; and

(~~(d)~~) (iv) Child support or alimony payments by the (~~parent or~~) parents or legal (~~guardian or~~) guardians (~~of child support or alimony~~) to (~~individuals~~) persons outside the home.

(~~(5)~~) (4) When a (~~person~~) recipient in a medical institution (~~is to receive~~), alcohol/drug treatment center, or congregate care facility receives an AFDC or a continuing general assistance grant, (~~family income~~) the department shall (~~be allocated~~) allocate income as follows:

(a) First to the appropriate payment level of legal dependents (~~computed according to standards~~) in chapter 388-29 WAC; and

(b) Then to the (~~maintenance~~) needs of the (~~individual computed~~) recipient according to WAC 388-34-045, 388-34-085, 388-34-110, 388-34-120, or 388-34-378.

(~~(6)~~) The income of a person with other living arrangements is first applied to the grant requirements of the applicant and his or her dependents. Any remaining income shall be allocated for medical needs:))

WSR 88-21-036
 PROPOSED RULES
 DEPARTMENT OF
 SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed October 12, 1988]

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 disposal actions, amending WAC 388-38-120;

that the agency will at 10:00 a.m., Tuesday, November 29, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1988.

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 November 29, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 15, 1988. The meeting site is in a location which is barrier free.

Dated: October 11, 1988

By: Rosemary Carr
for Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Public assistance applications—Disposal actions.

Purpose of this Change: To combine two existing procedures to reconsider a denied application. Currently the local office must reconsider a denied application if: It was denied because information provided was not sufficient to establish eligibility; the client then supplied the information within 30 days; and there were no significant changes. In addition to this process, the client could request a fair hearing to review the denial action. This change combines these two procedures to eliminate administrative duplication and delay.

Reason(s) These Rules are Necessary: Eliminate administrative burden of reviewing all incoming verification against prior applications; and expedites review and hearing process for the client.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Application denial review will be handled as a de novo issue if the applicant requests a fair hearing of the denial.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule or Rule Change: Rita Jefferson, Program Manager, Division of Income Assistance, mailstop OB-31C, phone 753-0471.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 2380, filed 5/21/86)

WAC 388-38-120 DISPOSAL ACTIONS. The department shall dispose of an application for financial assistance ((shall be disposed of)) by((:)) approval, denial, or withdrawal.

(1) Approval((,-that is,)) means a determination that the applicant is eligible for assistance((:)).

(2) Denial((,-that is,)) means a determination that the applicant is ineligible for assistance, or that ((verifying)) information ((sufficient)) is insufficient to establish eligibility ((is lacking-PROVIDED, That:)).

(a) ((*) The department shall not base a denial on an unavoidable delay in obtaining medical information ((which is beyond the control of both the applicant and the department)) when ((said)) the information is ((essential)) needed to ((a-determination-of)) determine eligibility((,-shall not be the basis for denial of financial assistance)).

(b) The department shall deny an application when the applicant fails to report for a scheduled interview and has not contacted the department to reschedule an interview within thirty days from the date of application.

(c) When an applicant fails to provide ((requested statements in support of application)) verification within ((an initially specified or extended period)) the agreed time, as provided in WAC 388-38-045, ((an)) the department shall determine eligibility ((determination shall be made)) as ((specified)) provided in WAC 388-38-200, and ((according to the following rules)) as follows:

(i) ((Denial is appropriate only because eligibility has not been established, and)) The department shall not ((be supported)) deny solely on the grounds that the applicant has failed to provide ((requested statements in support of application, or to have done so within the reasonable period allowed-Every such)) verification;

(ii) The denial ((must)) notice shall include the information specified in WAC 388-38-172((,-and in the event));

(iii) If the applicant requests a fair hearing to contest ((the)) a denial, the department shall consider the issue ((in such)) de novo ((hearing shall be)) and determine whether the applicant can in fact establish ((his or her)) their eligibility((:-

(ii) When financial assistance is denied according to subsection (2)(b)(i) of this section, the applicant shall be allowed thirty days from the date of the denial notice to provide all specified information that was not provided. If the applicant, within such thirty-day period, provides the specified information)) and ((the applicant's)) their circumstances have not changed to the extent additional ((information)) verification is needed to determine eligibility((,-the department shall determine eligibility based upon the specified information)). If eligibility is established, the department shall rescind the denial and approve assistance based upon ((the denied application:)) WAC 388-38-110;

((iii)) (iv) ((For AFDC, subject to the rules in subsection (2)(b)(i) of this section, financial assistance shall not be denied to the entire assistance unit unless information required to establish eligibility of the entire assistance unit is lacking:)) When information not provided affects only the eligibility of ((an individual member)) one or more members of the assistance unit, the department shall deny financial assistance ((shall be denied)) only to such members.

(3) Withdrawal((,-that is,)) means:

(a) The applicant voluntarily requests ((orally or in writing)) that no further consideration be given to ((the applicant's)) their application. ((For)) The department shall document all withdrawal requests((;- a notation shall be made)) in the case record ((that the application has been withdrawn at applicant's request;)) and ((that)) send a notice ((has been sent)) as specified in WAC 388-38-172((:));

(b) The applicant for medical assistance fails to file a written application on forms prescribed by the department((:-

(c) Applicant fails to report for a scheduled interview and has not contacted the department to reschedule an interview within thirty days from the date of application)); or

((fd)) (c) Death occurred before determination of eligibility was completed.

(4) The ((date an application)) department shall ((be considered)) consider an application disposed of ((is):

(a) For approvals, when the date a document authorizing assistance payment is correctly processed; and

(b) For denials and withdrawals, on the date written notice ((of the decision as provided in WAC 388-38-172)) is given or mailed to the applicant.

WSR 88-21-037
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed October 12, 1988]

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 ADATSA assessment centers—Role and ADATSA shelter services, amending WAC 388-40-080 and 388-40-100;

that the agency will at 10:00 a.m., Tuesday, November 29, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1988.

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 November 29, 1988.

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

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 15, 1988. The meeting site is in a location which is barrier free.

Dated: October 10, 1988

By: Rosemary Carr
 for Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Following Sections are Affected by this Revision:
 WAC 388-40-080 and 388-40-100.

Purpose of this Rule Change: To revise the way in which the department administers the Alcoholism and Drug Addiction Treatment and Support Act (ADATSA).

Reason These Rules are Necessary: To provide adequate notification to clients of their program rights; and bring WAC into compliance with a recent court injunction.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: WAC 388-40-080 is amended to require ADATSA assessment centers to provide applicants with written notice of their rights

pertaining to ADATSA services and benefits; and WAC 388-40-100 is amended to allow ADATSA recipients to receive shelter assistance in the housing of their choice. This is due to a court injunction dated June 30, 1988, which ruled that shelter services as defined by law (chapter 163, Laws of 1988) are unconstitutional.

Person Responsible for Drafting, Implementation and Enforcement of These Rules: Cecile Anderson, Community Services Program Manager, Bureau of Alcohol and Substance Abuse, phone 753-5866, 234-5866 scan, mailstop OB-44W.

These rules are necessary as a result of a state superior court decision, Superior Court of the State of Washington, Thurston County, Class Action No. 87-2-01760-2, June 30, 1988.

AMENDATORY SECTION (Amending Order 2635, filed 6/21/88)

WAC 388-40-080 ADATSA ASSESSMENT CENTERS—ROLE. (1) ADATSA assessment centers shall:

(a) Be responsible for diagnostic evaluation and placement; ~~((they shall))~~ and

(b) ~~Not~~ be responsible for providing direct treatment.

(2) The assessment center shall, in accordance with standards set forth ~~((in))~~ under chapter 275-19 WAC ~~((275-19-185))~~, conduct a face-to-face diagnostic assessment of the applicant to:

(a) Determine incapacity based on alcoholism or drug addiction; and
 (b) Determine whether the incapacitated applicant is willing and able to undergo a course of treatment or desires shelter or medical assistance only.

(3) Once the applicant's financial and medical eligibility is established, the assessment center shall:

(a) Arrange all placements into treatment and/or shelter facilities;

(b) Provide the applicant with written notification of the applicant's right to return to the CSO at any time while receiving ADATSA treatment or shelter assistance. This includes, but is not limited to, those situations where the ADATSA recipient is discharged from any inpatient, recovery house, outpatient, or shelter facility providing services under contract to the department;

(c) Provide the applicant with written notification of the applicant's right to request a fair hearing to challenge any action which affects eligibility for ADATSA treatment or shelter assistance;

(d) Provide ongoing case monitoring of treatment and/or shelter services; and

~~((e))~~ (e) Notify the community services office promptly of all placement or eligibility status changes.

AMENDATORY SECTION (Amending Order 2635, filed 6/21/88)

WAC 388-40-100 ADATSA SHELTER SERVICES. (1) The department shall provide shelter services to eligible ADATSA applicants/recipients:

(a) Who refuse treatment; or

(b) Who have exhausted their six months of treatment in a twenty-four month period; or

(c) Who are in temporary need of shelter pending placement into a treatment facility.

(2) ~~((“Shelter services” or “shelter assistance” means shelter for ADATSA recipients in a facility under contract with the department to provide room and board in a supervised living arrangement, normally in a group or dormitory setting. The department shall limit ADATSA shelter services to shelter assistance in these contracted facilities unless the recipient meets the criteria described in subsections (3) and (4) of this section))~~ Eligible applicants/recipients wishing shelter services shall have their choice of:

(a) Placement by the assessment center into a department-contracted shelter facility which provides room and board; or

(b) A shelter assistance payment, through a protective payee, for independent housing and basic needs.

(3) ~~((The department shall provide shelter assistance for independent housing and basic needs through a protective payee or vendor payment for any ADATSA recipient who is in one or more of the following circumstances:~~

~~(a) Recipients wishing treatment, but who are on waiting lists for placement, may receive temporary shelter assistance in independent housing until the scheduled date of admittance into treatment. The department shall compute the amount of this temporary assistance by prorating the monthly payment standard by the actual number of days of assistance needed prior to placement. Recipients failing to appear for the scheduled treatment shall not be eligible for further "waiting list" assistance for a period of one year.~~

~~(b) Recipients living in counties where no contracted shelter beds are available may receive shelter assistance in their own housing arrangement until shelter beds become available.~~

~~(c) Recipients who have been continuously eligible for and have been receiving assistance under the general assistance-unemployable program since July 25, 1987, who transfer to ADATSA after March 21, 1988, may receive shelter assistance to continue in their present living situation.~~

~~(4)) The department shall provide assistance for independent housing only to recipients who will be residing in a permanent residential structure. These recipients must also have a deed of purchase, rental agreement, or other verifiable written agreement between themselves and the person or entity to whom they are obligated for shelter costs or from whom they are receiving supplied shelter.~~

~~((5)) (4) The department shall base the amount of assistance for independent housing and basic needs on the appropriate payment standard in WAC 388-29-100 (3)(a) or (b). For recipients in a contracted shelter facility, the department shall provide an allowance for clothing and personal incidentals based on the standard in WAC 388-29-130.~~

~~((6)) (5) Recipients receiving contracted shelter services who subsequently leave shelter without notice for more than seventy-two hours, or are ((disciplinarily)) discharged from the facility for disciplinary reasons, shall be subject to termination. ((*)) Upon reapplication and/or re-referral, the assessment center shall again offer treatment and/or shelter as appropriate. ((If the applicant/recipient is ineligible for or refuses treatment, the assessment center shall offer another shelter placement if available. "Available" shelter for purposes of this section shall mean the existence of vacant shelter beds within the county; it shall not refer to whether or not a particular person is accepted or rejected from a facility based on a prior disciplinary record.~~

~~(i) As long as there are vacant shelter beds in the county, even though the shelter or shelters may refuse to accept the applicant/recipient, the applicant/recipient shall be ineligible for any financial assistance.~~

~~(ii) If there are no vacant shelter beds within the county, the applicant/recipient shall be eligible for shelter assistance in independent housing through a protective payee.~~

~~(b) Applicants/recipients who are denied shelter assistance under the provisions of this subsection shall be ineligible for ADATSA financial assistance until they accept treatment or can be placed into a vacant shelter bed. These applicants/recipients may receive ADATSA medical assistance as long as all other eligibility factors are met.))~~

**WSR 88-21-038
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed October 12, 1988]**

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 Dispute conference—Contractor/provider, amending WAC 388-81-043;

that the agency will at 10:00 a.m., Tuesday, November 29, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1988.

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 November 29, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 15, 1988. The meeting site is in a location which is barrier free.

Dated: October 11, 1988

By: Rosemary Carr
for Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-81-043.

Purpose: To incorporate an appeal process for rates and contract issues.

Reason: The current WAC only addresses provider rights for a dispute conference when overpayments are in question.

Statutory Authority: RCW 74.08.090.

Summary: Procedures are established for the appeal process for rates and contract issues in provider dispute conferences.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bobbe Andersen, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-0529.

Rules are proposed by DSHS.

These rules are necessary to satisfy a legal requirement.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2061, filed 1/4/84)

WAC 388-81-043 DISPUTE CONFERENCE—CONTRACTOR/PROVIDER. (1) Right to an administrative appeal. Any ((certified)) enrolled contractor/provider of medical ((care)) services, except for nursing homes which are governed by WAC 388-96-904, ((who is found liable for receipt of excess payments pursuant to RCW 74.09.220 or otherwise served with notice that repayment of excess benefits is due pursuant to RCW 74.09.220, has a right to a dispute conference)) shall have a right to an administrative appeal in the following situations:

(a) When the department finds a contractor/provider liable for receipt of excess payments pursuant to RCW 74.09.220 or otherwise served with notice that repayment of excess benefits is due under the statute;

(b) When the department changes the contractor/provider reimbursement rate and the contractor/provider disagrees with the change; and

(c) When the department initiates contract action, such as termination, with which the contractor/provider disagrees.

(2) ((A dispute conference is defined as an informal administrative review for the purpose of resolving provider disagreement(s) with a finding of liability for receipt of excess payments)) First level of appeal. A contractor/provider wishing to contest an action described in subsection (1) of this section files an appeal with the appropriate program or audit manager.

(a) Audit disputes. When the department finds a hospital contractor/provider liable for receipt of excess payments, the contractor/provider shall appeal such findings to the office of nursing home audit, administrative services. All other medical service contractors/providers shall appeal to the office of operations review, administrative services.

(i) Unless otherwise specified, the audited contractor/provider shall submit such an appeal within forty-five days after receipt of the draft audit report. If the audited contractor/provider does not submit the appeal timely, the department shall not consider it and the contractor/provider forfeits any rights to a dispute conference.

(ii) The audited contractor/provider's appeal shall include a statement specifying which portion or portions of the audit findings are being disputed, with supporting justification. Administrative services may request additional documentation to complete their review.

(iii) Administrative services shall issue a decision or request additional information within ninety days of receipt of the appeal. When additional information is necessary, administrative services shall issue a decision within sixty days of receipt of complete information. Publication of the final audit report and identification of a sum certain due the department shall constitute the department's final audit position.

(iv) Administrative services may grant discretionary extensions of time to the audited contractor/providers. The audited contractor/providers shall request an extension within the forty-five-day period referenced under subsection (2)(a)(i) of this section.

(b) Rate disputes. A contractor/provider may appeal its rates by submitting a written notice of appeal to the rate analysis section, division of medical assistance (DMA).

(i) Unless the notification of action specifies otherwise, the contractor/provider shall file an appeal within thirty days after being notified of an action or determination it wishes to challenge. If the contractor/provider does not appeal timely, the department shall not consider the appeal and the contractor/provider forfeits the right to a dispute conference.

(ii) The appeal shall include a statement of the issue being appealed, supporting documentation, and a request for recalculation of the rate. DMA may request additional documentation to complete the review. DMA may conduct an audit of the documentation provided in order to complete the review.

(iii) When any portion of a rate is appealed, DMA may review all aspects of the reimbursement rate.

(iv) DMA shall issue a decision or request additional information within sixty days of the receipt of the rate appeal request. When additional information is necessary, DMA shall issue a decision within thirty days of receipt of complete information.

(v) Unless the notification of action specifies otherwise, appeals resulting in rate increases shall be effective on the date DMA received the appeal. Appeals resulting in rate decreases shall be effective on the notification date to the contractor/provider. Rate changes subject to the provisions of fraudulent practices under RCW 74.09.210 are exempt from these provisions.

(vi) DMA may grant extensions of time at their discretion if requested within the thirty-day period referenced under subsection (2)(b)(i) of this section.

(c) Contract disputes. The contractor/provider may appeal contract action with which they disagree, such as termination or nonrenewal, to the medical director, DMA.

(i) Unless otherwise specified, the contractor/provider shall submit such an appeal within thirty days of notification of contract action by the department. If the contractor/provider does not appeal timely, the department shall not consider the appeal and the contractor/provider forfeits the right to a dispute conference.

(ii) The appeal shall include a statement of the action or actions being appealed and supporting justification.

(iii) DMA shall issue a decision or request additional information within sixty days of receipt of the appeal. When additional information is necessary, DMA shall issue a decision within thirty days of receipt of complete information.

(iv) DMA may grant extensions of time at their discretion if requested within the thirty-day period referenced under subsection (2)(c)(i) of this section.

(3) ((Provider requests for a dispute conference must be made within twenty working days of receipt of final notice that repayment is due; the conference will be conducted within thirty working days of receipt of request and decisions rendered within fifteen working days of the conference. Extensions of timeliness may be granted by the department in extraordinary circumstances)) Second level of appeal. If the contractor/provider disagrees with an adverse audit, rate, or contract review decision, it may file a request for a dispute conference with the director, DMA. A dispute conference is defined as an informal administrative hearing for the purpose of resolving contractor/provider disagreements with any of the department actions described under subsection (1)(a), (b), and (c) of this section which could not be resolved at the first level of appeal.

(a) A contractor/provider shall file a request for a dispute conference within thirty days following receipt of the adverse review decision. The department shall not consider dispute conference requests submitted after thirty days.

(b) DMA shall conduct the dispute conference within ninety days of the receipt of request.

(c) The director, DMA, or the director's designee shall chair the conference when issues regarding medical policy, program policy, or program regulation are in dispute. A contracts officer, office of contracts management, shall chair the conference if contract compliance issues are disputed. The director, DMA, shall determine who chairs the dispute conference.

(d) DMA shall issue the final decision within thirty days of the conference.

(e) The director, DMA, may grant extensions of time for extenuating circumstances.

(f) The effective date of dispute conference decisions regarding rate changes shall be the same as specified under subsection (2)(b)(v) of this section.

(g) The dispute conference shall be the final level of administrative appeal within the department.

(4) ((The conference will be chaired by the director, or assistant director, division of medical assistance, if program policy is in dispute; otherwise the conference will be chaired by a contracts officer, office of contracts management. The decision as to who will chair the dispute conference shall be the responsibility of the director, division of medical assistance or his designee.

(5) The dispute conference shall be the final level of appeal within the department)) DMA shall construe failure on the part of the contractor/provider to attempt to resolve disputed issues as provided in this section as an abandonment of the dispute.

WSR 88-21-039
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed October 12, 1988]

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 nursing home accounting and reimbursement system, amending chapter 388-96 WAC;

that the agency will at 10:00 a.m., Tuesday, December 6, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 7, 1988.

The authority under which these rules are proposed is RCW 74.09.180 and 74.46.800.

The specific statute these rules are intended to implement is chapters 74.09 and 74.46 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 6, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 22, 1988. The meeting site is in a location which is barrier free.

Dated: October 11, 1988

By: Rosemary Carr
for Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 388-96 WAC, Nursing home accounting and reimbursement system.

Purposes of These Rule Changes: To clarify various provisions, to increase cost effectiveness and to comply with SHB 1783.

Statutory Authority: RCW 74.09.120 and 74.46.800.

Proposed Changes are Summarized as Follows: WAC 388-96-026 requires that a projected budget submitted by a new Medicaid contractor be certified by the contractor; WAC 388-96-107 requires that all requests for extensions of time to file cost reports be submitted to the manager, residential rates program; WAC 388-96-533 limits reimbursement for payroll taxes associated with administrative personnel compensation to taxes associated with allowable compensation only; WAC 388-96-565 clarifies that an arm's-length acquisition sufficient to establish a new depreciable life must be an acquisition by purchase. Further clarifies that depreciable lives of assets shall be extended to reflect periods such assets were not used in the medical care program; WAC 388-96-585 establishes that departmental compensation for the bad debts of Title XIX recipients shall occur at final settlement only. Up to the present, compensation for such bad debts has occurred at preliminary settlement; WAC 388-96-722 clarifies reasonableness tests for the nursing services cost center; WAC 388-96-754 clarifies that in order to qualify for alternate financing allowance treatment in computing the return on investment (ROI) rate, a lease renewed or extended after January 1, 1980, must be renewed or extended pursuant to a lease agreement provision existing on January 1, 1980. Further clarifies that in order to qualify for alternate financing allowance treatment for a lease renewed or extended after April 1, 1985, limited to reimbursement for the annualized lease payment for the last year prior to renewal or extension, such renewal or extension must be

done pursuant to a lease agreement provision existing on January 1, 1980; WAC 388-96-763 establishes that, in order to qualify for an exceptional care rate, a contractor must show the hours of nursing services care needed are at least twice the contractor's current per patient average hours of nursing services care. Clarifies that an exceptional care rate, if granted, will be computed to cover the costs necessary to provide nursing care for the exceptional patient in excess of the contractor's regular nursing services rate; WAC 388-96-774 requires a request for adjustment to a prospective rate to be submitted within sixty days following the change justifying a rate revision; WAC 388-96-807 requires a nursing home to notify the CSO within seventy-two hours after a contractor receives increased funds for a recipient. Eliminates power of contractor to apply increased funds for clothing, personal and incidental expense of the recipient; and WAC 388-96-904 specifies that contractors seeking administrative review of Medicaid cost reimbursement matters other than audit actions shall send written requests to the manager, residential rates program.

Person Responsible for Drafting, Implementing and Enforcing These Changes: Denise Gaither, Manager of the Residential Rates Program, Aging and Adult Services Administration, Department of Social and Health Services, Mailstop HB-11, Olympia, Washington 98504, (206) 753-5817, 234-5817 scan.

These Rule Changes are Necessary: To comply with the legislation referenced above, for clarification and to increase cost effectiveness. They are not necessary as a result of federal or state court decisions. Emergency adoption of the changes is not sought by the department.

The above described amendments are expected to have no significant financial impact in cost of compliance to nursing homes whether classified as small businesses or not and, therefore, a small business impact statement is not needed.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-026 PROJECTED BUDGET FOR NEW CONTRACTORS. (1) Each new contractor shall submit a projected budget to the department at least sixty days before its contract (~~will become~~) becomes effective. For purposes of this section, the department shall consider a "new contractor" ((s)) as one which:

- (a) Operates a new facility;
 - (b) Acquires or assumes responsibility for operating an existing facility;
 - (c) Enters the cost-related reimbursement system after providing service at the nursing home in the past, but either not under the program or receiving flat-or class-rate reimbursement; or
 - (d) Obtains a certificate of need approval due to an addition to or renovation of a facility.
- (2) The projected budget shall:
- (a) Cover the twelve months immediately following the date the contractor ((will enter)) enters the program((-it shall));
 - (b) Be certified by the new contractor;
 - (c) Be prepared on forms and in accordance with instructions provided by the department; and ((shall))
 - (d) Include all earnest money, purchase, and lease agreements involved in the transaction.

(3) A new contractor shall submit, at least sixty days before the effective date of the contract, a statement disclosing the identity of individuals or organizations who:

- (a) Have a beneficial ownership interest in the current operating entity or ((m)) the land, building, or equipment of the facility ((and the identity of individuals or organizations who)); or

(b) Have a beneficial ownership interest in the purchasing or leasing entity.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-107 REQUESTS FOR EXTENSIONS. (1) ~~((The department may grant two extensions of up to thirty days each upon receipt of a written request at least ten days prior to the due date of the report))~~ A contractor may request in writing an extension for submitting cost reports. Contractor requests ~~((must))~~ shall:

(a) Be addressed to the ~~((director, bureau of nursing home affairs))~~ manager, ~~((and must))~~ residential rates program;

(b) State the circumstances prohibiting compliance with the report due date; and

(c) Be received by the department at least ten days prior to the due date of the report.

(2) ~~The department may grant two extensions ((will be granted)) of up to thirty days each, only if the circumstances, stated clearly, indicate the due date cannot be met and the following conditions are present:~~

- (a) The circumstances were not foreseeable by the provider; and
- (b) The circumstances were not avoidable by advance planning.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-533 MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL. (1) ~~The department shall allow costs of compensation for administrative personnel ((shall be an allowable cost)), subject to the limits promulgated pursuant to subsection (5) of this section.~~

(2) ~~The department shall allow total compensation of the licensed administrator for services actually rendered to a nursing home on a full-time basis (at least forty hours per week, including reasonable vacation, holiday, and sick time) ((shall be allowable)) at the lower of:~~

- (a) Actual compensation received, or
- (b) The amount in the table promulgated pursuant to subsection (5) of this section corresponding to the number of beds in the nursing home.

Compensation of the licensed administrator shall be allowable only if the department is given written notice of the administrator's employment within ten days after the employment begins.

(3) ~~The department shall allow total compensation of not more than one full-time licensed assistant administrator ((shall be allowable)) if there are at least eighty beds in the nursing home, at the lower of:~~

- (a) Actual compensation received, or
- (b) Seventy-five percent of the appropriate amount in the table promulgated pursuant to subsection (5) of this section.

(4) ~~The department shall allow total compensation of not more than one full-time registered administrator-in-training ((shall be allowable)) at the lower of:~~

- (a) Actual compensation received, or
- (b) Sixty percent of the appropriate amount in the table promulgated pursuant to subsection (5) of this section.

(5)

TABLE

Maximum Allowable Total Compensation for Licensed Administrators—Calendar Year 1987

Bed Size	
1 - 79	\$ 33,672
80 - 159	\$ 37,265
160 and up	\$ 39,615

(6) The department shall determine maximum total compensation for licensed administrators of nursing facilities in the various bed size categories in subsequent years based on tables to be issued annually in writing. For 1987 and subsequent years, tables shall reflect calendar year 1986 maximums increased by any inflation adjustment authorized by the legislature.

(7) If the licensed administrator, licensed assistant administrator, or registered administrator-in-training regularly work fewer than forty hours per week, ~~((allowable))~~ the department shall allow compensation ~~((shall be))~~ at the lower of:

- (a) Actual compensation received, or
- (b) The appropriate amount in the table promulgated ~~((pursuant to))~~ in subsection (5) of this section:

(i) Multiplied by the actual hours worked, plus reasonable vacation, holiday, and sick time normally available to employees working similar hours; and

(ii) Divided by forty hours per week for each week covered by the cost report. Further discounting is required if the person was not licensed or registered and/or worked for less than the entire report period.

(8) The contractor shall maintain time records which are adequate for audit for the licensed administrator, assistant administrator, and/or administrator-in-training. The contractor shall include in such records verification of the actual hours of service performed for the nursing home.

(9) The department shall limit total reimbursement for administrative and management services to allowable compensation for administrative personnel set forth in this section. ~~The department shall apply this policy ((shall apply))~~ regardless of the provisions of any employment, management or consultation agreement, or other arrangement existing between the contractor and persons or organizations providing such services. ~~The department shall further limit reimbursement for payroll taxes for administrative personnel to such taxes associated with allowable compensation only for administrative personnel as set forth in this section.~~

(10) The department shall not consider costs of an administrator-in-training for the purpose of setting the administration and operations prospective rate. ~~The department shall reimburse the costs of an approved administrator-in-training program ((shall be reimbursed))~~ by an adjustment to current rate. To obtain an adjustment, the contractor shall submit a request for an increase in current rate together with necessary documentation which shall include:

- (a) A copy of the department of licensing approval of the administrator-in-training program, and
- (b) A schedule indicating the commencement date, expected termination date, salary or wage, hours, and costs of benefits. The contractor shall notify the department, at least thirty days in advance, of the actual termination date of the administrator-in-training program. Upon termination of the program, the department shall reduce the current rate by an amount corresponding to the cost of the program.

AMENDATORY SECTION (Amending Order 2485, filed 4/20/87)

WAC 388-96-565 LIVES. (1) The contractor shall use lives reflecting the estimated actual useful life of assets, for example, land improvements, buildings, equipment, leasehold improvements, and other assets ~~((and))~~. Lives shall be no shorter than guideline lives contained in the Internal Revenue Service class life ADR system or published by the American Hospital Association in computing allowable depreciation. The shortest building life ~~((which))~~ a contractor may ~~((be used for buildings))~~ use is thirty years, provided that, in cases of newly constructed buildings containing newly licensed nursing home beds, the shortest lives shall be the following for construction class as defined and described in the marshall valuation service published by the marshall swift publication company: A or B class—forty-five years; C class—thirty-five years; and D class—thirty years.

(2) ~~The contractor shall measure lives ((shall be measured))~~ from the date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition by purchase of the asset, whichever is more recent. ~~The contractor shall extend lives ((shall be extended))~~ to reflect periods, if any, during which assets were not used to provide nursing care or were not used in the medical care program.

(3) ~~Contractors shall depreciate building improvements ((shall be depreciated))~~ over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

(4) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

(5) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

AMENDATORY SECTION (Amending Order 2485, filed 4/20/87)

WAC 388-96-585 UNALLOWABLE COSTS. (1) ~~The department shall not allow costs ((will be unallowable))~~ if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) ~~((Unallowable costs))~~ ~~The department shall include, but ((are)) not ((limited))~~ limit unallowable costs to ~~((;))~~ the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services (~~will be unallowable~~) even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution.

(b) Costs of services and items provided to SNF or ICF recipients which are covered by the department's medical care program but not included in SNF or ICF services respectively. Items and services covered by the medical care program are listed in chapters 388-86 and 388-88 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure (~~was not consistent~~) inconsistent with applicable standards, criteria, or plans. If the contractor did not give the department (~~was not given~~) timely notice of a proposed capital expenditure, all associated costs (~~with~~) shall be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care.

(g) Costs in excess of limits or violating principles set forth in this chapter.

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere.

(j) Bad debts. Beginning July 1, 1983, the department shall allow bad debts of Title XIX recipients (~~are allowable~~) only if:

(i) The debt is related to covered services(,);

(ii) It arises from the recipient's required contribution toward the cost of care(,);

(iii) The provider can establish reasonable collection efforts were made(,);

(iv) The debt was actually uncollectible when claimed as worthless(,); and

(v) Sound business judgment established there was no likelihood of recovery at any time in the future.

Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery. The department shall compensate a contractor for bad debts of Title XIX recipients at final settlement through the final settlement process only.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable.

(m) Vending machine expenses.

(n) Expenses for barber or beautician services not included in routine care.

(o) Funeral and burial expenses.

(p) Costs of gift shop operations and inventory.

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care.

(r) Fund-raising expenses, except expenses directly related to the patient activity program.

(s) Penalties and fines.

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations.

(u) Federal, state, and other income taxes.

(v) Costs of special care services except where authorized by the department.

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees on an equal or fair basis in terms of costs to employees and benefits commensurate to such costs.

(x) Expenses of profit-sharing plans.

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care.

(z) Personal expenses and allowances of owners or relatives.

(aa) All expenses of maintaining professional licenses or membership in professional organizations.

(bb) Costs related to agreements not to compete.

(cc) Goodwill and amortization of goodwill.

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care.

(ee) Legal and consultant fees in connection with a fair hearing against the department relating to those issues where:

(i) A final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review; or

(ii) In connection with a fair hearing (~~where~~), a final administrative decision has not been rendered; or

(iii) In connection with a fair hearing (~~where~~), related costs are not reported as unallowable and identified by fair hearing docket number in the period they are incurred if no final administrative decision has been rendered at the end of the report period; or

(iv) In connection with a fair hearing (~~where~~), related costs are not reported as allowable, identified by docket number, and prorated by the number of issues decided favorably to a contractor in the period a final administrative decision is rendered.

(ff) Legal and consultant fees in connection with a lawsuit against the department, including suits which are appeals of administrative decisions.

(gg) Lease acquisition costs and other intangibles not related to patient care.

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds.

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs.

(jj) Beginning January 1, 1985, interest costs.

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington, and the Province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care.

(ll) Board of director fees for services in excess of one hundred dollars per board member, per meeting, not to exceed twelve meetings per year.

(mm) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the Province of British Columbia.

(nn) Depreciation expense in excess of twenty-five hundred dollars per year for passenger cars or other vehicles primarily used for the administrator, facility staff, or central office staff.

(oo) Any costs associated with the use of temporary health care personnel from any nursing pool not registered with the director of the department of licensing at the time of such pool personnel use.

(pp) Costs of payroll taxes associated with compensation in excess of allowable compensation for administrative personnel.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-722 NURSING SERVICES COST AREA RATE. (1) The department shall pay the nursing services cost area reimbursement rate (~~shall reimburse~~) for the necessary and ordinary costs of providing routine nursing and related care to recipients. The cost of one-to-one care shall include care provided by qualified therapists and their employees (~~are included~~) only to the extent the costs are not covered by Medicare, part B, or any other coverage.

(2) The department shall subject nursing service costs (~~shall be subject~~) to two reasonableness tests:

(a) A test for nursing staff hours; and

(b) A test for cost increases between the current and preceding report period.

(3) The test for nursing staff hours referenced in subsection (2)(a) of this section shall use a regression of hours reported by facilities for registered nurses, licensed practical nurses, and nurses' assistants, including:

(a) Purchased and allocated nursing and assistant staff time, and

(b) The average Battelle patient debility score for the corresponding facilities as computed by the department. The department shall take data for the regression from:

(i) Correctly completed cost reports, and

(ii) Patient assessments completed by the department for the corresponding calendar report year and available at the time the regression equation is computed. Effective January 1, 1988, the department shall not include the hours associated with off-site or class room training of nursing assistants and the supervision of such training for nursing assistants in the test for nursing staff hours. The department shall calculate and set for each facility a limit on nursing and nursing assistant staffing hours at predicted staffing hours plus 1.75 standard errors, utilizing the regression equation calculated by the department. The department shall reduce costs for facilities with reported hours exceeding the limit by an amount equivalent to:

(A) The hours exceeding the limit;

(B) Times the average wage rate for nurses and assistants indicated on cost reports for the year in question, including benefits and payroll taxes allocated to such staff. The department shall provide contractors' reporting hours exceeding the limit the higher of their January 1983 patient care rate or the nursing services rate computed for them according to the provisions of this subsection, plus applicable inflation adjustments.

(4) The test for cost increases referenced in subsection (2)(b) of this section shall compare:

(a) The percentage change in allowable nursing services cost for the facility between the most recent cost report period and the next prior cost report period;

(b) Against the percentage change in the medical care component of the consumer price index for all urban consumers between July of the most recent cost report period and July of the next prior cost report period. The department shall limit facilities reporting increases greater than the medical care component of the consumer price index to a rate determined by their adjusted patient care costs for the period immediately preceding the most recent cost report period, inflated by the medical care component of the consumer price index.

AMENDATORY SECTION (Amending Order 2485, filed 4/20/87)

WAC 388-96-754 A CONTRACTOR'S RETURN ON INVESTMENT. (1) The department shall establish for individual Medicaid facilities return on investment allowances composed of a financing allowance and a variable return allowance.

(2)(~~(a)~~) The department shall determine the financing allowance (~~shall be determined~~) by:

(a) Multiplying the net invested funds of each facility by eleven percent and dividing by the contractor's total patient days. Annual patient days taken from the contractor's cost report for the most recent twelve-month cost report period will be used. If the cost report covers less than twelve months, the department will estimate annual patient days and working capital costs for a full year based upon data in the cost report. If a capitalized addition or retirement of an asset (~~with result~~) results in a different licensed bed capacity during the ensuing period, the department shall adjust the prior period total patient days used in computing the financing and variable return allowances (~~shall be adjusted~~) to anticipated patient day level(-); and

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in this chapter, including owned and leased assets, shall be used, except the capitalized cost of land upon which a facility is located and other such contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable or unwilling to provide necessary information to determine net invested funds, the department may determine an amount to be used for net invested funds based upon an appraisal conducted by the department of general administration (~~pursuant to~~) per this chapter.

(3) The department shall determine the variable return allowance (~~shall be determined~~) according to the following procedure:

(a) The department shall rank all facilities in numerical order from highest to lowest based upon average per diem allowable costs for the sum of the administration and operations and property cost centers for the preceding cost report period. In the case of a new contractor, property and administration and operations cost levels actually used to set the initial rate shall be used for the purpose of ranking the new contractor. The department shall adjust the new contractor's costs (~~will be adjusted~~) to the cost year used to establish the most recent variable return ranking for all providers using inflation factors authorized by provisions of this chapter.

(b) The department shall compute the variable return allowance (~~shall be computed~~) by multiplying the total prospective rate for each facility by the appropriate percentage which shall not be less than one percent nor greater than four percent. The department shall divide the facilities ranked according to subsection (3)(a) of this section into four groups, from highest to lowest, with an equal number of facilities in each group or nearly equal as is possible. The department shall assign facilities in the highest quarter (~~will be assigned~~) a percentage of one, in the second highest quarter a percentage of two, in the third highest quarter a percentage of three, and in the lowest quarter a percentage of four. The per patient day variable return allowance in the initial rate of a new contractor shall be the same as that in the rate of the preceding contractor, if any.

(4) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility and shall be added to the prospective rate for each facility.

(5) If a facility is leased by a contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement as defined in this chapter, and for which the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to this chapter, is more than the return on investment allowance determined according to this section, the following shall apply:

(a) The financing allowance shall be recomputed substituting the fair market value of the assets, as of January 1, 1982, determined by department of general administration appraisal less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. Said appraisal shall be final unless shown to be arbitrary and capricious.

(b) The sum of the financing allowance computed under this subsection and the variable return allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to this chapter. The lesser of the two amounts shall be called the alternate return on investment allowances.

(c) The return on investment allowance determined in accordance with subsections (1), (2), (3), and (4) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rate of the facility.

(d) In the case of a facility leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease agreement existing on January 1, 1980, the treatment provided in subsection (5)(a) of this section shall be applied except that in the case of renewals or extensions made on or subsequent to April 1, 1985, per a provision of the lease agreement existing on January 1, 1980, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(6) The information from the two prior reporting periods used to set the two prospective return on investment rates in effect during the settlement year is subject to field audit. If the financing allowances which can be documented and calculated at audit of the prior periods are different than the prospective financing allowances previously determined by desk-reviewed, reported information, and other relevant information, the prospective financing allowances shall be adjusted to the audited level at final settlement of the year the rates were in effect. Any adjustments to the financing allowances pursuant to this subsection shall be for settlement purposes only. However, the variable return allowances shall be the prospective allowances determined by desk-

reviewed, reported information, and other relevant information and shall not be adjusted to reflect prior-period audit findings.

AMENDATORY SECTION (Amending Order 1892, filed 10/13/82)

WAC 388-96-763 RATES FOR RECIPIENTS REQUIRING EXCEPTIONALLY HEAVY CARE. (1) A contractor certified to care for SNF patients may apply for an individual prospective reimbursement rate for a recipient whose special nursing and direct care-related service needs are such that the ~~((cost-of))~~ hours of nursing services care ((will be)) needed are at least twice the contractor's current ((reimbursement rate)) per patient average of hours of nursing services.

(2) ~~((Application))~~ The contractor shall apply for an individual rate for an exceptionally heavy care recipient ((shall be made)) in accordance with instructions furnished by the department.

(3) When the department grants an individual rate for an exceptionally heavy care recipient ((will be granted)), it shall be for a specified period of time, subject to extension, revision, or termination depending on the recipient's care requirements at the end of such period. ((It will be computed)) The department shall compute the rate to cover the projected ((actual)) costs of providing necessary nursing care ((of)) for the recipient in excess of the contractor's regular per patient day nursing services rate.

(4) The department shall notify the contractor ((will be informed)) in writing of the disposition of its application as soon as possible and in no case longer than thirty days following receipt of a properly completed application.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-774 PROSPECTIVE RATE REVISIONS. (1) The department shall determine each contractor's reimbursement rates prospectively at least once each calendar year, to be effective July 1st. The department shall determine all prospective reimbursement rates for 1984 and thereafter using the prior year's desk-reviewed cost reports. Prospective rates shall be maximum payment rates for contractors for the periods to which they apply. The department may grant revisions ((may be granted)) for inflation only as authorized in WAC 388-96-719(3)((:)) and may grant other revisions for cost increases ((may be granted)) only as authorized in this section. The department shall not grant rate adjustments for wage increases except as authorized in WAC 388-96-756 and not for increases in use of temporary employment services providing direct patient care. This section shall apply to rate revision requests and periods subsequent to May 20, 1985.

(2) The department shall adjust rates for any capitalized additions or replacements made as a condition for licensure or certification.

(3) The department may adjust rates for the following:

(a) Variations in the distribution of patient classifications or changes in patient characteristics from:

- (i) The prior reporting year, or
- (ii) Those used to set the rate for a new contractor, or
- (iii) Corresponding to the nursing staff funded for a new contractor.

(b) Program changes required by the department.

(c) Changes in staffing levels at a facility required by the department.

(4) Contractors requesting an adjustment shall submit:

(a) A financial analysis showing:

- (i) The increased cost, and
- (ii) An estimate of the rate increase, computed according to allowable methods, necessary to fund the cost;

(b) A written justification for granting the rate increase; and

(c) A certification and supporting documentation showing the changes in staffing have commenced, or other commenced or completed improvements.

(5) Contractors receiving prospective rate increases ~~((pursuant to))~~ per this section shall submit quarterly reports, beginning the first day of the month following the date the increase is granted, showing how the additional rate funds were spent. If the funds were not spent for changes or improvements approved by the department in granting the adjustment, they shall be subject to immediate recovery by the department.

(6) A contractor requesting an adjustment pursuant to subsection (3)(a) of this section shall submit a written plan specifying:

- (a) Additional staff to be added,
- (b) Changes in Medicaid patient characteristics requiring the additional staff, and

(c) The predicted improvements in patient care services which will result. The department shall respond to such requests within sixty days following the receipt of a properly completed request.

(7) In reviewing a request made under subsection (3) of this section, the department shall consider one or more of the following:

(a) Whether additional staff requested by a contractor is necessary to meet patient care needs;

(b) Comparisons of staffing patterns of facilities having similar size and patient characteristics;

(c) The physical layout of the facility;

(d) Nursing service planning and management for maximum efficiency;

(e) Historic trends in underspending of a facility's nursing services component rate.

(f) Numbers and positions of existing staff;

(g) Increases in acuity (debility) levels of contractors' residents;

(h) Survey, inspection of care, and department consultation results; and

(i) Facility's ability to fund staffing request through existing nursing services and food rates.

(8) If a request made under subsection (3) of this section is approved by the department, the cost of funding the additional staff may be reduced for rate revision purposes by amounts shifted out of nursing services in 1986 or 1987, as reflected in the preliminary or final settlement reports for 1986 and 1987((:)).

(9) The department may also adjust rates ((may also be adjusted)) to cover costs associated with placing a nursing home in receivership for costs not covered by the rate of the former contractor, including:

(a) Compensation of the receiver,

(b) Reasonable expenses of receivership and transition of control, and

(c) Costs incurred by the receiver in carrying out court instructions or rectifying deficiencies found.

(10) Contractors shall submit requests for rate adjustments within sixty days following any changes in staffing levels authorized under subsection (3) of this section or completion of capital improvements authorized under subsection (2) of this section.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-807 CHARGES TO PATIENTS. (1) The department ~~((with))~~ shall notify a contractor of the amount each medical care recipient is required to pay for care provided under the contract and the effective date of such required contribution. It is the contractor's responsibility to collect that portion of the cost of care from the patient, and to account for any authorized reduction from his or her contribution in accordance with procedures established by the department.

(2) If a contractor receives documentation showing a change in the income or resources of a recipient which ~~((with))~~ means a change in his or her contribution toward the cost of care, the contractor shall report this ((shall be reported)) in writing to the CSO within seventy-two hours. If necessary, the department shall make appropriate corrections ((shall be made)) in the next nursing home statement, and attach a copy of documentation supporting the change ((shall be attached)). If a contractor receives increased funds for a recipient ((are received by a contractor)), the ((normal amount shall be allowed for clothing, personal and incidental expense, and the balance applied to the cost of care)) nursing home shall contact the CSO within seventy-two hours.

(3) The contractor shall accept the reimbursement rate established by the department as full compensation for all services it is obligated to provide under the contract, certification as specified by Title XIX, and licensure under chapter 18.51 RCW. The contractor shall not seek or accept additional compensation from or on behalf of a recipient for any or all such services.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-904 ADMINISTRATIVE REVIEW PROCESS.

(1) Within thirty days after a contractor is notified of an action or determination it wishes to challenge, the contractor shall request, in writing, that the appropriate director or his or her designee review such determination. The contractor shall send the request to the office of contracts management if the challenge pertains to audit findings (adjusting journal entries or AJEs) or other audit matters. For other matters (such as rates, desk reviews, and settlements), the contractor shall send the request to the ~~((director))~~ manager, residential rates ~~((and licensure services (director, RRLS)))~~ program. The contractor or the licensed administrator of the facility shall:

- (a) Sign the request,
- (b) Identify the challenged determination and the date thereof, and
- (c) State as specifically as practicable the issues and regulations involved and the grounds for its contention that the determination is erroneous. The contractor shall include with the request copies of any documentation the contractor intends to rely on to support its position.

(2) After receiving a timely request meeting the criteria of this section, the department shall contact the contractor to schedule a conference for the earliest mutually convenient time. The department shall schedule the conference for no earlier than fourteen days after the contractor was notified of the conference and no later than ninety days after a properly completed request is received, unless both parties agree in writing to a specific later date. The department may conduct the conference ((may be conducted)) by telephone unless either the department or the contractor requests, in writing, the conference be held in person.

(3) The contractor and appropriate representatives of the department shall participate in the conference. In addition, representatives selected by the contractor may participate. The contractor shall bring to the conference, or provide to the department in advance of the conference:

(a) Any documentation requested by the department which the contractor is required to maintain for audit purposes pursuant to WAC 388-96-113, and

(b) Any documentation on which it intends to rely to support its contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, the parties shall schedule a second session of the conference for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) Regardless of whether agreement has been reached at the conference, the director of residential rates and licensure services or designee or the director of the office of nursing home audit or designee shall furnish a written decision to the contractor within sixty days after the conclusion of the conference.

(5) A contractor, aggrieved by a decision of the director, may appeal the decision in an administrative hearing.

(a) A contractor desiring an administrative hearing shall file a written request for a hearing with the department's Office of Hearings, P.O. Box 2465, Olympia, Washington 98504. The contractor shall file the request for hearing within thirty days of the date the contractor received the decision of the director that he or she desires to appeal,

(b) Attach a copy of the director's decision being appealed to the request for hearing,

(c) Sign the request or have the licensed administrator of the facility sign it,

(d) State as specifically as practicable the issue or issues and regulation or regulations involved,

(e) State the grounds for contending the director's decision is erroneous, and

(f) Include copies of any documentation on which the contractor intends to rely to support its position with the request.

(g) Sections of chapter 388-08 WAC not conflicting with this section shall apply to a hearing requested under WAC 388-96-904(5).

WSR 88-21-040
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2710—Filed October 12, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to ADATSA assessment centers—Role and ADATSA shelter services, amending WAC 388-40-080 and 388-40-100.

I, Leslie F. James, 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 require assessment centers to provide applicants with written notice of their rights pertaining to Alcoholism and Drug Addiction Treatment and Support Act (ADATSA) and to allow ADATSA recipients to receive shelter assistance in the housing of their choice per the superior court of the state of Washington, June 30, 1988.

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 October 11, 1988.

By Rosemary Carr
for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2635, filed 6/21/88)

WAC 388-40-080 ADATSA ASSESSMENT CENTERS—ROLE. (1) ADATSA assessment centers shall:

(a) Be responsible for diagnostic evaluation and placement, ((they shall)) and

(b) Not be responsible for providing direct treatment.

(2) The assessment center shall, in accordance with standards set forth ((in)) under chapter 275-19 WAC ((275-19-185)), conduct a face-to-face diagnostic assessment of the applicant to:

(a) Determine incapacity based on alcoholism or drug addiction; and

(b) Determine whether the incapacitated applicant is willing and able to undergo a course of treatment or desires shelter or medical assistance only.

(3) Once the applicant's financial and medical eligibility is established, the assessment center shall:

(a) Arrange all placements into treatment and/or shelter facilities;

(b) Provide the applicant with written notification of the applicant's right to return to the CSO at any time while receiving ADATSA treatment or shelter assistance. This includes, but is not limited to, those situations where the ADATSA recipient is discharged from any inpatient, recovery house, outpatient, or shelter facility providing services under contract to the department;

(c) Provide the applicant with written notification of the applicant's right to request a fair hearing to challenge any action which affects eligibility for ADATSA treatment or shelter assistance;

(d) Provide ongoing case monitoring of treatment and/or shelter services; and

((c)) (e) Notify the community services office promptly of all placement or eligibility status changes.

AMENDATORY SECTION (Amending Order 2635, filed 6/21/88)

WAC 388-40-100 ADATSA SHELTER SERVICES. (1) The department shall provide shelter services to eligible ADATSA applicants/recipients:

- (a) Who refuse treatment; or
- (b) Who have exhausted their six months of treatment in a twenty-four month period; or
- (c) Who are in temporary need of shelter pending placement into a treatment facility.

(2) (~~"Shelter services" or "shelter assistance" means shelter for ADATSA recipients in a facility under contract with the department to provide room and board in a supervised living arrangement, normally in a group or dormitory setting. The department shall limit ADATSA shelter services to shelter assistance in these contracted facilities unless the recipient meets the criteria described in subsections (3) and (4) of this section.~~) Eligible applicants/recipients wishing shelter services shall have their choice of:

(a) Placement by the assessment center into a department-contracted shelter facility which provides room and board; or

(b) A shelter assistance payment, through a protective payee, for independent housing and basic needs.

(3) (~~The department shall provide shelter assistance for independent housing and basic needs through a protective payee or vendor payment for any ADATSA recipient who is in one or more of the following circumstances:~~

(a) ~~Recipients wishing treatment, but who are on waiting lists for placement, may receive temporary shelter assistance in independent housing until the scheduled date of admittance into treatment. The department shall compute the amount of this temporary assistance by prorating the monthly payment standard by the actual number of days of assistance needed prior to placement. Recipients failing to appear for the scheduled treatment shall not be eligible for further "waiting list" assistance for a period of one year.~~

(b) ~~Recipients living in counties where no contracted shelter beds are available may receive shelter assistance in their own housing arrangement until shelter beds become available.~~

(c) ~~Recipients who have been continuously eligible for and have been receiving assistance under the general assistance-unemployable program since July 25, 1987, who transfer to ADATSA after March 21, 1988, may receive shelter assistance to continue in their present living situation.~~

(4) The department shall provide assistance for independent housing only to recipients who will be residing in a permanent residential structure. These recipients must also have a deed of purchase, rental agreement, or other verifiable written agreement between themselves and the person or entity to whom they are obligated for shelter costs or from whom they are receiving supplied shelter.

(5) (4) The department shall base the amount of assistance for independent housing and basic needs on the appropriate payment standard in WAC 388-29-100

(3)(a) or (b). For recipients in a contracted shelter facility, the department shall provide an allowance for clothing and personal incidentals based on the standard in WAC 388-29-130.

(6) (5) Recipients receiving contracted shelter services who subsequently leave shelter without notice for more than seventy-two hours, or are (~~disciplinarily~~) discharged from the facility for disciplinary reasons, shall be subject to termination. ((a)) Upon reapplication and/or re-referral, the assessment center shall again offer treatment and/or shelter as appropriate. (~~If the applicant/recipient is ineligible for or refuses treatment, the assessment center shall offer another shelter placement if available. "Available" shelter for purposes of this section shall mean the existence of vacant shelter beds within the county, it shall not refer to whether or not a particular person is accepted or rejected from a facility based on a prior disciplinary record.~~

(i) ~~As long as there are vacant shelter beds in the county, even though the shelter or shelters may refuse to accept the applicant/recipient, the applicant/recipient shall be ineligible for any financial assistance.~~

(ii) ~~If there are no vacant shelter beds within the county, the applicant/recipient shall be eligible for shelter assistance in independent housing through a protective payee.~~

(b) ~~Applicants/recipients who are denied shelter assistance under the provisions of this subsection shall be ineligible for ADATSA financial assistance until they accept treatment or can be placed into a vacant shelter bed. These applicants/recipients may receive ADATSA medical assistance as long as all other eligibility factors are met.)~~

WSR 88-21-041

PROPOSED RULES

DEPARTMENT OF PERSONNEL

(Personnel Board)

[Filed October 12, 1988]

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 standby compensation, amending WAC 356-15-080;

that the agency will at 10:00 a.m., Thursday, December 8, 1988, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, 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 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 6, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-17-026 filed with the code reviser's office on August 12, 1988.

Dated: October 11, 1988

By: Leonard Nord
Secretary

WSR 88-21-042
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed October 12, 1988]

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:

Amd WAC 356-15-090 Schedule change and compensation.
Amd WAC 356-14-240 Overtime compensation method;

that the agency will at 10:00 a.m., Thursday, December 8, 1988, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, 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 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 6, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-17-025 filed with the code reviser's office on August 12, 1988.

Dated: October 11, 1988

By: Leonard Nord
Secretary

WSR 88-21-043
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—October 11, 1988]

The commissioners of the Washington State Human Rights Commission will hold a special commission meeting to discuss personnel matters and to discuss potential litigation with legal counsel in an executive session and to review affirmative action materials in open session. The meeting will be held at the Port of Seattle, Conference Room F, Pier 66, Seattle, on October 16, 1988, beginning at 8:30 a.m.

WSR 88-21-044
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
(Marketing Committee)
[Memorandum—October 10, 1988]

The time of the Marketing Committee meeting, scheduled for Thursday, October 13, 1988, at the Seattle-King County Convention and Visitors Bureau, has been changed to 12 noon.

WSR 88-21-045
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-143—Filed October 12, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 low water conditions have prevented adequate numbers of chinook salmon from returning to the hatchery, and spawning escapement needs have not been met. It is in the public interest that adequate fish return to meet spawning requirements and there is inadequate time to promulgate permanent regulations.

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 October 12, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-57-40500H SAMISH RIVER. Notwithstanding the provisions of WAC 220-57-405, effective immediately through 11:59 p.m. October 31, 1988 it is unlawful to fish for or possess salmon taken for personal use from the waters of the Samish River.

WSR 88-21-046
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 2711—Filed October 13, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to juvenile parole revocation, new chapter 275-30 WAC.

I, Leslie F. James, 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 establish formal and informal processes, procedures and sanctions necessary to hold juvenile parolees accountable and meet the full intent of RCW 13.40.210 by increasing public safety.

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 13.40.210.

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 October 13, 1988.

By Rosemary Carr
for Leslie F. James, Director
Administrative Services

Chapter 275-30 WAC
JUVENILE PAROLE REVOCATION

NEW SECTION

WAC 275-30-010 DEFINITIONS. (1) "Department" means the department of social and health services.

(2) "Juvenile parole officer" means a state employee, or person under contract to the state, whose responsibilities include supervising juveniles on parole.

(3) "Juvenile parolee" means a person under age twenty-one released from a juvenile correctional facility and placed under the supervision of a juvenile parole officer.

(4) "Modification of parole conditions" means a change in the order of parole conditions provided by the juvenile parole officer with full knowledge of the change by the juvenile parolee.

(5) "Parole" means a period of supervision following release from a juvenile correctional facility, during which time certain conditions must be adhered to or consequences from a predetermined list may be invoked.

(6) "Secretary" means secretary of the department of social and health services or his or her designee.

(7) "Violation" means behavior by a juvenile parolee contrary to written parole conditions.

NEW SECTION

WAC 275-30-020 CONDITIONS OF PAROLE.

(1) Following a juvenile's release from a residential facility, the department may require the juvenile to comply with a program of parole in his or her community for a period no longer than eighteen months. The program of parole may require the juvenile to:

- (a) Undergo available medical or psychiatric treatment, including urinalysis;
- (b) Report as directed to a parole officer;
- (c) Pursue a course of study or vocational training;
- (d) Remain within prescribed geographical boundaries and notify the department of any address change; and
- (e) Refrain from committing new offenses.

(2) An order of parole conditions, on department forms, shall be signed by the juvenile, or a witness attesting the order of parole conditions has been explained to the juvenile and the juvenile refuses to sign, and the juvenile's parole officer. A copy shall be provided to the juvenile.

(3) An order of parole conditions may be modified by the parole officer so long as the juvenile is given an opportunity to comment on the proposed modification prior to its taking effect.

NEW SECTION

WAC 275-30-030 PAROLE SUSPENSION, ARREST, AND DETENTION. (1) When a juvenile parole officer believes a juvenile parolee has violated a condition of parole, the officer may issue an order of parole suspension, arrest, and detention if:

- (a) The juvenile parolee poses an imminent danger to himself or herself or other persons; or
- (b) The juvenile parolee is unlikely to voluntarily appear at a parole revocation hearing, considering such factors as whether the juvenile parolee has failed to appear at other judicial or administrative hearings.

(2) The order of parole suspension, arrest, and detention, on department forms, shall include a complete statement of the nature of violation and the date thereof, and shall inform the juvenile parolee of his or her right to be represented by an attorney. Copies of the order of parole suspension, arrest, and detention shall be sent to the appropriate local law enforcement agencies, to the detention facility, and to the secretary.

(3) A juvenile parolee held in detention for an alleged violation of parole conditions is entitled, within twenty-four hours (excluding Saturdays, Sundays, and holidays) of being placed in detention, to an informal hearing to determine whether there is probable cause to believe a parole violation occurred and whether continued detention pending a parole revocation hearing is necessary. The hearing shall be conducted by a parole supervisor or designee not directly involved in the case. The parole supervisor or designee shall interview both the juvenile parolee and the juvenile parole officer suspending the parole. Immediately following the hearing, the parole supervisor or designee shall issue a decision, with reasons,

on department forms, either releasing the juvenile parolee or authorizing continued detention. In no event shall a juvenile parolee be held in detention longer than seventy-two hours (excluding Saturdays, Sundays, and holidays) without a parole revocation petition being filed pursuant to WAC 275-30-040.

NEW SECTION

WAC 275-30-040 PAROLE REVOCATION PETITION. (1) If a juvenile parole officer believes a juvenile parolee has violated a condition of parole, the juvenile parole officer may file a parole revocation petition. The petition, on department forms, shall include the following:

(a) A statement of the nature of the violation and date thereof;

(b) The number of days of confinement sought by the juvenile parole officer as a result of the violation;

(c) Notice of the time, date, and location of the parole revocation hearing; and

(d) Notice of the juvenile parolee's right to be represented by an attorney, either one of his or her own choosing or one appointed at public expense.

(2) The parole revocation petition shall be filed with the local office of the state office of administrative hearings. A copy of the petition shall be served either personally or by certified mail, return receipt requested, on the juvenile parolee or the juvenile parolee's attorney, and on the juvenile parolee's parents or guardian. Another copy shall be filed with the secretary.

NEW SECTION

WAC 275-30-050 WAIVER OF HEARING. A juvenile parolee, only through his or her attorney, on department forms, may waive the right to a parole revocation hearing and agree to the parole revocation and confinement proposed by the juvenile parole officer.

NEW SECTION

WAC 275-30-060 PAROLE REVOCATION HEARING. (1) Unless waived by the juvenile parolee, a parole revocation hearing shall be held on every parole revocation petition for the purpose of determining whether the alleged parole violation occurred. If the juvenile parolee is held in detention pursuant to WAC 275-30-030, the hearing shall be held within seventy-two hours (excluding Saturdays, Sundays, and holidays) of service of the petition. Otherwise the hearing shall be held no sooner than fourteen days after service of the petition.

(2) At the parole revocation hearing, the juvenile may waive his or her right to be represented by an attorney. A juvenile waiving the right to an attorney may either contest or agree to the parole revocation.

(3) Parole revocation hearings shall be conducted by an administrative law judge in accordance with chapter 10-08 WAC. The parole revocation petition shall be granted if the administrative law judge finds by a preponderance of the evidence the violation occurred and

the violation warrants revocation. If the parole revocation petition is granted, the administrative law judge shall order the period of confinement requested in the petition.

(4) The administrative law judge shall issue an oral decision immediately following the parole revocation hearing. Within forty-eight hours of the hearing, the administrative law judge shall issue a written decision. The decision shall constitute a final administrative decision. A copy of the decision shall be provided the juvenile parole officer, the juvenile parolee and his or her attorney, the juvenile parolee's parents or guardian, and the secretary.

NEW SECTION

WAC 275-30-070 CONFINEMENT. (1) Confinement for violating one or more conditions of parole, as alleged in a parole revocation petition, may not exceed thirty days. Confinement may be continuous, or for a portion of each day, or for certain days each week with the balance of time under supervision. Credit against any period of confinement shall be given for days served in detention pending a parole revocation hearing. Confinement shall be served in a county detention facility unless otherwise ordered by the secretary.

(2) If a juvenile's parole is revoked two or more times, the secretary, at his or her discretion, may release the juvenile from any confinement exceeding a combined total of thirty days during one parole period.

NEW SECTION

WAC 275-30-080 REINSTATEMENT OF PAROLE. Immediately following any period of confinement for suspension or revocation of parole, the order of parole conditions shall be deemed reinstated.

WSR 88-21-047

ADOPTED RULES DEPARTMENT OF LICENSING (Board of Medical Examiners) [Order PM 782—Filed October 13, 1988]

Be it resolved by the Washington State Board of Medical Examiners, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 308-52-139	Physician assistant—Registration.
New	WAC 308-52-600	Credentialing of physician and surgeons.
New	WAC 308-52-610	Credentialing of physician assistants.

This action is taken pursuant to Notice No. WSR 88-16-018 filed with the code reviser on July 25, 1988. 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 Board of Medical Examiners as authorized in RCW 18.71.017 and 18.71A.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 September 23, 1988.
By Richard P. Bunch, M.D.
Board Chair

WSR 88-21-048
PROPOSED RULES
BOARD FOR
COMMUNITY COLLEGE EDUCATION
[Filed October 13, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning schedule of regular meetings in 1989;

that the agency will at 10:00 a.m., Thursday, December 1, 1988, in Highline Community College, Des Moines, Washington, 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 28B.50.070 and 42.30.075.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 2, 1988.

Dated: October 11, 1988
By: Gilbert J. Carbone
Assistant Director

AMENDATORY SECTION (Amending Order PM 706, filed 2/23/88)

WAC 308-52-139 PHYSICIAN ASSISTANT—REGISTRATION. (1) Classification. Each physician assistant will be classified according to the specialty or content of his or her training program.

(2) Registration procedure. Applications shall be made jointly by the physician and the assistant on forms supplied by the board. Applications and supporting documents must be on file in the board office prior to consideration for registration. ~~((An application which clearly meets the board's requirements may receive interim approval by the board's executive secretary or their designee. Interim approval and all other applications are subject to final action by a board member or at a regular meeting of the board, such review may include an interview.))~~

(3) Registration expiration and renewal. Physician assistant original registration will be issued to expire on the physician assistant's next birthdate. Each registered assistant and the registering physician shall be required to submit an application and fees annually for renewal of their registration at least sixty days prior to the expiration of the registration. Application for renewal shall be submitted on forms provided by the board.

(4) Change of registration. In the event that a physician assistant who is currently registered desires to become associated with another physician ~~((such transfer may be accomplished administratively, providing that evidence is submitted to document the continuing competence of the physician assistant))~~. Application for transfer of registration shall be made on forms provided by the board. ~~((Final approval may be granted administratively for transfer registrations which clearly meet board requirements. All other applicants will be reviewed by a board member or at a regular meeting of the board, such review may include an interview.))~~

NEW SECTION

WAC 308-52-600 CREDENTIALING OF PHYSICIAN AND SURGEONS. All completed applications, both limited and full, must be reviewed by a member of the board prior to examination and/or licensure.

NEW SECTION

WAC 308-52-610 CREDENTIALING OF PHYSICIAN ASSISTANTS. All completed applications, both original and transfer, must be reviewed by a member of the board prior to registration.

STATEMENT OF PURPOSE

Title, Description of Purpose, and Statutory Authority: Adoption of rule setting the regular meeting schedule for 1989 pursuant to RCW 28B.50.070 and 42.30.075.

Summary of Rule and Reasons Supporting Proposed Action: As above.

Agency Personnel Responsible for Drafting: Gilbert J. Carbone, Assistant Director; Implementation: Earl Hale, Director; and Enforcement: Same.

Person or Organization Proposing Rule: State Board for Community College Education.

Agency Comments: None.

Federal Law or Federal or State Court Action Necessitating Rule: None.

AMENDATORY SECTION (Amending Order 114, Resolution No. 87-51, filed 12/4/87)

WAC 131-08-010 REGULAR MEETINGS OF THE STATE BOARD. The time and place of the regular meetings of the state board for calendar year ~~((1988))~~ 1989 are:

- ~~((January 20-21))~~ South Puget Sound Community College, Olympia
- ~~February 24-25~~ South Puget Sound Community College, Olympia
- ~~April 6-7~~ Whatcom Community College, Bellingham
- ~~May 11-12~~ Columbia Basin Community College, Pasco
- ~~June 15-16~~ Edmonds Community College, Lynnwood
- ~~September 7-8~~ South Puget Sound Community College, Olympia
- ~~October 19-20~~ Yakima Community College, Yakima
- ~~November 30~~ Highline Community College, Des Moines
- ~~December 1~~ Des Moines
- ~~January 18-19~~ South Puget Sound Community College, Olympia
- ~~March 1-2~~ Pierce Community College, Tacoma
- ~~April 12-13~~ South Puget Sound Community College, Olympia

May 17-18	Olympic Community College, Bremerton
June 21-22	Peninsula Community College, Port Angeles
September 13-14	Wenatchee Valley Community College, Wenatchee
October 25-26	Spokane Community College, Spokane
December 6-7	Clark Community College, Vancouver

WSR 88-21-049
PROPOSED RULES
EDMONDS COMMUNITY COLLEGE
 [Filed October 13, 1988]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Edmonds Community College, Community College District 23, intends to adopt, amend, or repeal rules concerning grievance procedure for sex discrimination.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 22, or later.

The authority under which these rules are proposed is chapter 28B.19 RCW.

The specific statute these rules are intended to implement is chapter 49.60 RCW and Title IX of the Civil Rights Act.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before November 22, or later.

Dated: October 11, 1988

By: Barbara R. Patterson
 Director of Human Resources and
 Assistant to the President

STATEMENT OF PURPOSE

Title: Grievance procedure for sex discrimination.

Description of Purpose: To meet the basic legal requirements of Title IX of the Federal Civil Rights Act, the attorney general's office has recommended that the college's internal complaint process be put into the Washington Administrative Code.

Statutory Authority: Title IX of the Civil Rights Act of 1964.

Summary of Rule: Chapter 132Y-300 WAC, Grievance procedure for sex discrimination complaints, describes the internal grievance process for addressing student and employee complaints relating to discrimination on the basis of sex.

Official Responsible for Sex Discrimination Complaint Procedure Language: Barbara Patterson, Director of Human Resources.

The adoption of this rule is proposed by Edmonds Community College.

Chapter 132Y-300 WAC
GRIEVANCE PROCEDURE FOR SEX DISCRIMINATION

WAC

- 132Y-300-001 Preamble.
- 132Y-300-002 Informal procedure.
- 132Y-300-003 Formal procedure.
- 132Y-300-004 External procedures.

NEW SECTION

WAC 132Y-300-001 PREAMBLE. Community College District XXIII is covered by Title IX of the Civil Rights Act of 1964 prohibiting sex discrimination in education. Any applicant for admission, enrolled student, applicant for employment or employee of Edmonds Community College who believes she/he has been discriminated against on the basis of sex may lodge an institutional grievance by following the procedures below.

NEW SECTION

WAC 132Y-300-002 INFORMAL PROCEDURE. All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the college affirmative action officer without making a formal written complaint, and this consultation will be considered confidential. Employees and students are not required to use the informal process and may go directly to the internal grievance procedure.

Any college official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The college official shall arrange for the complainant to receive a copy of the complaint procedure.

NEW SECTION

WAC 132Y-300-003 FORMAL PROCEDURE. Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints will be held in confidence. No action against the person accused will be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

(2) The complainant may bring a person of his or her choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and the board policy to any person making a formal complaint and to the accused.

(4) The result of that consultation and any investigation made will be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the one accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the college upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the formal faculty or classified grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

NEW SECTION

WAC 132Y-300-004 EXTERNAL PROCEDURES. After the presidential decision, or any time during the process, if the complainant is not satisfied, he/she may submit a complaint to an external regulatory organization with appropriate jurisdiction, such as the Office of Civil Rights, the Equal Opportunity Commission, and the Human Rights Commission.

WSR 88-21-050
NOTICE OF PUBLIC MEETINGS
LOTTERY COMMISSION
 [Memorandum—October 7, 1988]

1989 COMMISSION MEETING SCHEDULE

Type of Meeting	Month/Day	Location
Regular	February 3	Seattle
Regular	April 7	Olympia
Regular	June 2	Seattle
Regular	August 4	Seattle
Regular	October 6	Spokane
Regular	December 1	Seattle

WSR 88-21-051
ADOPTED RULES
LOTTERY COMMISSION
 [Order 112—Filed October 14, 1988]

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

- New WAC 315-11-360 Definitions for Instant Game Number 36 ("Fat Cat").
- New WAC 315-11-361 Criteria for Instant Game Number 36.
- New WAC 315-11-362 Ticket validation requirements for Instant Game Number 36.
- New WAC 315-11-370 Definitions for Instant Game Number 37 ("Three Cards Up").
- New WAC 315-11-371 Criteria for Instant Game Number 37.
- New WAC 315-11-372 Ticket validation requirements for Instant Game Number 37.

This action is taken pursuant to Notice No. WSR 88-17-116 filed with the code reviser on August 24, 1988. 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 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 October 7, 1988.

By Scott L. Milne
 Deputy Director

NEW SECTION

WAC 315-11-360 DEFINITIONS FOR INSTANT GAME NUMBER 36 ("FAT CAT"). (1) Play symbols: The following are the "play symbols": ☆; \$1.00; \$2.00; \$4.00; \$10.00; \$20.00; \$50.00; \$500\$. One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(3) Pack-ticket number: The ten-digit number of the form 3600001-000 printed on the front of the ticket.

The first seven digits of the pack-ticket number for Instant Game Number 36 constitute the "pack number" which starts at 3600001; 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 36, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
☆	\$ ENTRY \$
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
10.00	TEN DOL
20.00	TTY DOL
50.00	\$ FIFTY \$
\$500\$	FIV HUN

(5) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners below \$25. For Instant Game Number 36, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
TEN	\$10.00
TTY	\$20.00

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

NEW SECTION

WAC 315-11-361 CRITERIA FOR INSTANT GAME NUMBER 36. (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 the following play symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three	\$ 1.00 play symbols	- Win	\$ 1.00
Three	\$ 2.00 play symbols	- Win	\$ 2.00
Three	\$ 4.00 play symbols	- Win	\$ 4.00
Three	10.00 play symbols	- Win	\$ 10.00
Three	20.00 play symbols	- Win	\$ 20.00
Three	50.00 play symbols	- Win	\$ 50.00
Three	\$500\$ play symbols	- Win	\$ 500.00

(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 36 set forth in WAC 315-11-362, 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 grand prize drawing held in conjunction with this instant game. It will be conducted at a time and place and pursuant to procedures to be established and announced by the director. The prizes awarded at each of the grand prize drawings will be as follows:

- One \$ 10,000 prize
- One \$ 20,000 prize
- One \$ 30,000 prize
- One \$ 40,000 prize
- One \$ 60,000 prize
- One \$ 70,000 prize
- One \$ 80,000 prize
- One \$ 90,000 prize
- One \$100,000 prize

Qualifying entries from Instant Game Number 36 will be entered into the grand prize drawing.

(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 three tickets with one " ☆ " play symbol on each ticket.

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

(iv) Place the tickets 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 in the player's brochure, 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) An 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 shredded 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) A preliminary drawing will be held to select grand prize entries that will be retained and will be eligible for the grand prize drawing. Entries received by the lottery at lottery headquarters by 10:00 a.m. local time on the day of the preliminary drawing shall be entitled to participation in the preliminary drawing. The preliminary drawing will be conducted at a time and place and pursuant to procedures established and announced by the director. Entries selected during the preliminary drawing will be retained and be eligible for the grand prize drawing provided they have not been disqualified pursuant to these rules.

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

(a) Vary the length of Instant Game Number 36 and/or

(b) Vary the number of tickets sold in Instant Game Number 36 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-362 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 36. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 36 all of the following validation requirements apply.

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

(b) Each of the six 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	Positive Archer Font
Captions	Positive 5 x 9 Font
Pack-Ticket Number	Positive 5 x 9 Font
Validation Number	Positive 9 x 12 Font
Retail Verification Code	Positive Archer Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-360(1) and each of the captions must be exactly one of those described in WAC 315-11-360(4).

(2) 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.

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

NEW SECTION

WAC 315-11-370 DEFINITIONS FOR INSTANT GAME NUMBER 37 ("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 in each of the three rub-off spots on the front of the ticket.

(2) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(3) Pack-ticket number: The ten-digit number of the form 3700001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 37 constitute the "pack number" which starts at 3700001; 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 37, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
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) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners below \$25. For Instant Game Number 37, the retailer 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 retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00

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

NEW SECTION

WAC 315-11-371 CRITERIA FOR INSTANT GAME NUMBER 37. (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 which total one of the following numbers shall win the following corresponding prize:

15	– \$1.00
16	– \$2.00
17	– \$5.00
18	– \$10.00
19	– \$100.00
20	– \$1,000.00
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 37 set forth in WAC 315-11-372, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 37 and/or

(b) Vary the number of tickets sold in Instant Game Number 37 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-372 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 37. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 37 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	Positive Archer Font
Captions	Positive 5 x 9 Font
Pack-Ticket Number	Positive 9 x 12 Font
Validation Number	Positive 9 x 12 Font
Retail Verification Code	Positive Archer 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 315-11-370(1) and each of the captions must be exactly one of those described in WAC 315-11-370(4).

(2) 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 88-21-052
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES

[Order 555—Filed October 14, 1988]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the continuation of burning restrictions in parts of Eastern Washington and the continuation of the closed season in parts of Eastern Washington.

I, Brian J. Boyle, 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 continued dry weather in Eastern Washington has kept the fire danger high. The chance of a fire to start from debris burning and industrial operations makes it necessary to continue restrictions in order to prevent a fire from starting.

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

This rule is promulgated pursuant to RCW 76.04.005, 76.04.015 and 76.04.315 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 October 14, 1988.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-092d OUTDOOR BURNING RESTRICTIONS. *Effective immediately, Friday, October 14, 1988, through midnight, Monday, October 31, 1988, privileges to have an outdoor fire without a written burning permit, as allowed by WAC 332-24-211, on lands protected by the department in Chelan, Kittitas, Yakima, Klickitat, Walla Walla, Columbia, Garfield, Asotin, Okanogan and Ferry counties are suspended: PROVIDED, That fires contained in established campfire pits approved by the department in state, county, municipal or other campgrounds, and the use of barbecues or camp stoves in state, county, municipal or other campgrounds are exempt from these restrictions.*

NEW SECTION

WAC 332-26-094 CLOSED SEASON. *Effective immediately, Friday, October 14, 1988, the Closed Season, as defined in RCW 76.04.005, is extended to midnight, Monday, October 31, 1988, in Chelan, Kittitas,*

Yakima, Klickitat, Walla Walla, Columbia, Garfield and Asotin Counties.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-26-092c OUTDOOR BURNING RESTRICTIONS.

WSR 88-21-053
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed October 14, 1988]

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 categorically needy medical assistance eligibility, amending WAC 388-82-115;

that the agency will at 10:00 a.m., Tuesday, November 29, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1988.

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 November 29, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 15, 1988. The meeting site is in a location which is barrier free.

Dated: October 14, 1988
By: Rosemary Carr
for Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-82-115.

Purpose: The Family Support Act of 1988 extends the four month Medicaid extension to AFDC families grant ineligible due to the collection of or increase in child or

spousal support from "before October 1, 1988," to "before October 1, 1989." Regulations to be filed emergency to implement the change in the law passed on September 30, 1988. This will continue present coverage.

Reason: A change in the federal law to continue the four month Medicaid extension to AFDC families grant ineligible due to collection of or increase in child or spousal support from "before October 1, 1988," to "before October 1, 1989."

Statutory Authority: RCW 74.08.090.

Summary: The Family Support Act of 1988 extends the four month Medicaid extension to AFDC families grant ineligible as a result of the collection of or increase in child or spousal support from "before October 1, 1988," to "before October 1, 1989."

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bobbe Andersen, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-0529.

Rules are proposed by DSHS.

These rules are necessary as a result of a new state or federal law, the Family Support Act of 1988.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2673, filed 8/17/88)

WAC 388-82-115 CATEGORICALLY NEEDY MEDICAL ASSISTANCE ELIGIBILITY. The department shall classify as eligible for categorically needy medical assistance:

- (1) A client((s)) who:
 - (a) In August 1972, received:
 - (i) Old age assistance (OAA);
 - (ii) Aid to blind (AB);
 - (iii) Aid to families with dependent children (AFDC); or
 - (iv) Aid to the permanently and totally disabled (APTD); and
 - (b) Received retirement, survivors, and disability insurance (RSDI) benefits; and
 - (c) ((Are)) Is ineligible for OAA, AB, AFDC, or APTD solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.
- (2) A client((s)) who:
 - (a) ((Were)) Was entitled to RSDI benefits in August 1972; and
 - (b) ((Are)) Is ineligible for AFDC, family independence program (FIP), or supplemental security income (SSI) solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.
- (3) A family unit((s)) ineligible for AFDC solely because of increased hours or increased income from employment shall remain categorically eligible for medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:
 - (a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility; and
 - (b) A member of such family continues to be employed; and
 - (c) The family is otherwise eligible for AFDC; and
 - (d) The department shall consider earned income tax credits (EITC) as income for purposes of this subsection.
- (4) A current recipient((s)) of Title II, Social Security Administration (SSA) benefits who:
 - (a) ((Were)) Was a concurrent recipient((s)) of Title II and SSI benefits; and
 - (b) ((Are)) Is ineligible for SSI benefits and/or state supplementary payments (SSP); and
 - (c) Would be eligible for SSI benefits if the following ((were)) are deducted from the current Title II benefit amount:
 - (i) All Title II cost-of-living benefit increases received by the recipient since termination from SSI/SSP; and
 - (ii) All Title II cost-of-living benefit increases received during the time period in (c)(i) of this subsection by the recipient's spouse and/or other financially responsible family member living in the same household.

(5) ((Certain)) A recipient((s)) of SSI, after January 1, 1981, who continues to be eligible for medical assistance (MA) under P.L. 96-265 and 99-643.

(6) A pregnant ((women)) woman, with no other eligible children, who ((are)) is ineligible for AFDC cash assistance solely because ((they have)) she has not reached the sixth month of pregnancy.

(7) A client((s)) who ((are)) is denied AFDC or FIP cash payments solely because of a departmental recovery of an overpayment.

(8) ((Children)) A child under seven years of age, who ((are)) is born after September 30, 1983, and who meets the income and resource requirements of AFDC or FIP financial assistance.

(9) A family unit((s)) shall remain categorically eligible for medical assistance for nine calendar months beginning with the month of ineligibility for AFDC, when terminated from AFDC financial assistance solely because of:

- (a) The loss of the thirty dollars plus one-third exemption; or
 - (b) The thirty-dollar income exemption.
- (10) ((Children)) A child, born to a woman eligible for and receiving medical assistance on the date of the child's birth, from the date of birth for a period of one year if:
- (a) The child remains a member of the mother's household; and
 - (b) The mother remains eligible for medical assistance; and
 - (c) The child was born on or after October 1, 1984.
- (11) A family unit((s)) ineligible for AFDC or FIP financial assistance as a result (wholly or partly) of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ineligibility; provided the family unit:

- (a) Received AFDC or FIP financial assistance in at least three of the six months immediately preceding the month of ineligibility; and
- (b) Became ineligible for AFDC or FIP on or after ((August 1, 1984)) August 16, 1984, and ((prior to October 1, 1988)) before October 1, 1989.

(12) A pregnant ((women)) woman who ((do)) does not meet the deprivation requirements of AFDC or FIP financial assistance if:

- (a) ((They)) She would meet the AFDC or FIP financial assistance income requirements if the number in the household is increased by one before being compared to the payment standard; and
- (b) ((They)) She meets the AFDC or FIP financial assistance resource requirements.

(13) An alien((s)) denied AFDC, FIP, or SSI cash assistance solely because of deeming of income of ((their)) the alien's sponsors.

(14) A current disabled client((s)) receiving widow's or widower's benefits under section 202 (e) or (f) of the Social Security Act if the disabled client:

- (a) Was entitled to a monthly insurance benefit under Title II of the Social Security Act for December 1983; and
- (b) Was entitled to and received a widow's or widower's benefit based on a disability under section 202 (e) or (f) of the Social Security Act for January 1984; and
- (c) Became ineligible for SSI/SSP in the first month in which the increase provided under section 134 of P.L. 98-21 was paid to the client; and

(d) Has been continuously entitled to a widow's or widower's benefit under section 202 (e) or (f) of the act; and

(e) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living increases provided under section 215(i) of the act, were disregarded; and

(f) Is fifty through fifty-nine years of age; and

(g) Filed an application for Medicaid coverage before July 1, 1988.

(15) Effective July 1, 1988, a disabled or blind client((s)) receiving Title II disabled widow/widower benefits (DWB) under section 202 (e) or (f) of the SSA, if the client:

- (a) Is sixty through sixty-four years of age; and
- (b) Is not eligible for the hospital Medicare (Part A of Title XVIII) benefits; and

(c) Received SSI/SSP prior to sixty years of age; and

(d) Became ineligible for SSI/SSP due to receipt of or increase in DWB; and

(e) Would be eligible for SSI/SSP if the amount of the DWB or increase under section 202 (e) or (f) of the SSA, and any subsequent cost-of-living increases provided under section 215(i) of the act were disregarded.

(16) A family unit((s)) suspended from FIP financial assistance because of increased earned income. This period of eligibility shall not exceed twelve months as determined by WAC 388-77-737.

(17) A family unit((s)) ineligible for FIP solely because of increased hours of employment shall remain categorically eligible for medical assistance for four calendar months beginning with the month of ineligibility provided that:

(a) The family unit received FIP in at least three of the six months immediately preceding the month of ineligibility;

(b) A member of such family continues to be employed;

(c) The family unit is otherwise eligible for FIP.

(18) A disabled or blind client((s)) receiving Title II disabled adult childhood (DAC) benefits under section 202(d) of the SSA if the client:

(a) Has attained eighteen years of age; and

(b) Lost SSI/SSP on or after July 1, 1988, due to receipt of or increase in DAC benefits; and

(c) Would be eligible for SSI/SSP if the amount of the DAC benefits or increase under section 202(d) of the SSA and any subsequent cost-of-living increases provided under section 215(i) of the SSA act were disregarded.

WSR 88-21-054
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed October 14, 1988]

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 physical therapy, amending WAC 388-86-090;

that the agency will at 10:00 a.m., Tuesday, November 29, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1988.

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 November 29, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 15, 1988. The meeting site is in a location which is barrier free.

Dated: October 14, 1988
By: Rosemary Carr
for Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-86-090.

Purpose: To incorporate when prior approval by the division of medical assistance is needed for outpatient physical therapy.

Reason: To be more responsive to providers in providing services to clients. Regulations to be filed for emergency adoption to provide a substantial benefit to clients.

Statutory Authority: RCW 74.08.090.

Summary: No prior approval is needed for the first 10 outpatient physical therapy sessions in a 12 month period.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bobbe Andersen, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-0529.

Rules are 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.

AMENDATORY SECTION (Amending Order 2568, filed 12/11/87)

WAC 388-86-090 PHYSICAL THERAPY. (1) The department shall provide physical therapy(:

~~(a))~~ as an outpatient service when ~~((requested))~~:

(a) Prescribed by the attending physician; and

(b) Performed by a registered physical therapist or physiatrist; and

(c) The therapy:

(i) ~~((With))~~ Avoids the need for hospitalization or nursing home care(;) or

(ii) ~~((With))~~ Assists the recipient in becoming employable(;) or

(iii) Enables a person suffering from severe motor disabilities to obtain a greater degree of self-care or independence; or

(iv) Is part of a treatment program intended to restore normal function of a body part following injury, surgery, or prolonged immobilization(,-and

~~(iv) Is performed by a registered physical therapist or physiatrist.~~

~~(b) As a part of and included in the payment of another treatment program including, but not limited to:~~

~~(i) Hospital inpatient services, or~~

~~(ii) Nursing home services, or~~

~~(iii) Home health care).~~

(2) ~~((Outpatient physical therapy services))~~ The department shall require prior approval ~~((by the division of medical assistance))~~ for outpatient physical therapy sessions exceeding ten sessions per patient in a twelve-month period.

(3) The department shall include payment for physical therapy in the reimbursement of other treatment programs including, but limited to:

(a) Hospital inpatient services,

(b) Nursing home services, and

(c) Home health care.

(4) The department shall not provide outpatient physical therapy ~~((shall not be provided))~~ under the ~~((limited casuaty))~~ medically needy or medically indigent programs.

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 88-21-055
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2712—Filed October 14, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to categorically needy medical assistance eligibility, amending WAC 388-82-115.

I, Leslie F. James, 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 extend the four month Medicaid extension to aid to families with dependent children families effective October 1, 1988, per the Family Support Act of 1988.

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 October 14, 1988.

By Rosemary Carr
for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2673, filed 8/17/88)

WAC 388-82-115 CATEGORICALLY NEEDY MEDICAL ASSISTANCE ELIGIBILITY. The department shall classify as eligible for categorically needy medical assistance:

(1) A client((s)) who:

(a) In August 1972, received:

(i) Old age assistance (OAA);

(ii) Aid to blind (AB);

(iii) Aid to families with dependent children (AFDC);

or

(iv) Aid to the permanently and totally disabled (APTD); and

(b) Received retirement, survivors, and disability insurance (RSDI) benefits; and

(c) ((Are)) Is ineligible for OAA, AB, AFDC, or APTD solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.

(2) A client((s)) who:

(a) ((Were)) Was entitled to RSDI benefits in August 1972; and

(b) ((Are)) Is ineligible for AFDC, family independence program (FIP), or supplemental security income (SSI) solely because of the twenty percent increase in Social Security benefits under P.L. 92-336.

(3) A family unit((s)) ineligible for AFDC solely because of increased hours or increased income from employment shall remain categorically eligible for medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:

(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility; and

(b) A member of such family continues to be employed; and

(c) The family is otherwise eligible for AFDC; and

(d) The department shall consider earned income tax credits (EITC) as income for purposes of this subsection.

(4) A current recipient((s)) of Title II, Social Security Administration (SSA) benefits who:

(a) ((Were)) Was a concurrent recipient((s)) of Title II and SSI benefits; and

(b) ((Are)) Is ineligible for SSI benefits and/or state supplementary payments (SSP); and

(c) Would be eligible for SSI benefits if the following ((were)) are deducted from the current Title II benefit amount:

(i) All Title II cost-of-living benefit increases received by the recipient since termination from SSI/SSP; and

(ii) All Title II cost-of-living benefit increases received during the time period in (c)(i) of this subsection by the recipient's spouse and/or other financially responsible family member living in the same household.

(5) ((Certain)) A recipient((s)) of SSI, after January 1, 1981, who continues to be eligible for medical assistance (MA) under P.L. 96-265 and 99-643.

(6) A pregnant ((women)) woman, with no other eligible children, who ((are)) is ineligible for AFDC cash assistance solely because ((they have)) she has not reached the sixth month of pregnancy.

(7) A client((s)) who ((are)) is denied AFDC or FIP cash payments solely because of a departmental recovery of an overpayment.

(8) ((Children)) A child under seven years of age, who ((are)) is born after September 30, 1983, and who meets the income and resource requirements of AFDC or FIP financial assistance.

(9) A family unit((s)) shall remain categorically eligible for medical assistance for nine calendar months beginning with the month of ineligibility for AFDC, when terminated from AFDC financial assistance solely because of:

(a) The loss of the thirty dollars plus one-third exemption; or

(b) The thirty-dollar income exemption.

(10) ((Children)) A child, born to a woman eligible for and receiving medical assistance on the date of the child's birth, from the date of birth for a period of one year if:

(a) The child remains a member of the mother's household; and

(b) The mother remains eligible for medical assistance; and

(c) The child was born on or after October 1, 1984.

(11) A family unit((s)) ineligible for AFDC or FIP financial assistance as a result (wholly or partly) of the

collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ineligibility; provided the family unit:

(a) Received AFDC or FIP financial assistance in at least three of the six months immediately preceding the month of ineligibility; and

(b) Became ineligible for AFDC or FIP on or after (~~August 1, 1984~~) August 16, 1984, and (~~prior to October 1, 1988~~) before October 1, 1989.

(12) A pregnant ((women)) woman who ((do)) does not meet the deprivation requirements of AFDC or FIP financial assistance if:

(a) ~~((They))~~ She would meet the AFDC or FIP financial assistance income requirements if the number in the household is increased by one before being compared to the payment standard; and

(b) ~~((They))~~ She meets the AFDC or FIP financial assistance resource requirements.

(13) An alien((s)) denied AFDC, FIP, or SSI cash assistance solely because of deeming of income of ((their)) the alien's sponsors.

(14) A current disabled client((s)) receiving widow's or widower's benefits under section 202 (e) or (f) of the Social Security Act if the disabled client:

(a) Was entitled to a monthly insurance benefit under Title II of the Social Security Act for December 1983; and

(b) Was entitled to and received a widow's or widower's benefit based on a disability under section 202 (e) or (f) of the Social Security Act for January 1984; and

(c) Became ineligible for SSI/SSP in the first month in which the increase provided under section 134 of P.L. 98-21 was paid to the client; and

(d) Has been continuously entitled to a widow's or widower's benefit under section 202 (e) or (f) of the act; and

(e) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living increases provided under section 215(i) of the act, were disregarded; and

(f) Is fifty through fifty-nine years of age; and

(g) Filed an application for Medicaid coverage before July 1, 1988.

(15) Effective July 1, 1988, a disabled or blind client((s)) receiving Title II disabled widow/widower benefits (DWB) under section 202 (e) or (f) of the SSA, if the client:

(a) Is sixty through sixty-four years of age; and

(b) Is not eligible for the hospital Medicare (Part A of Title XVIII) benefits; and

(c) Received SSI/SSP prior to sixty years of age; and

(d) Became ineligible for SSI/SSP due to receipt of or increase in DWB; and

(e) Would be eligible for SSI/SSP if the amount of the DWB or increase under section 202 (e) or (f) of the SSA, and any subsequent cost-of-living increases provided under section 215(i) of the act were disregarded.

(16) A family unit((s)) suspended from FIP financial assistance because of increased earned income. This period of eligibility shall not exceed twelve months as determined by WAC 388-77-737.

(17) A family unit((s)) ineligible for FIP solely because of increased hours of employment shall remain categorically eligible for medical assistance for four calendar months beginning with the month of ineligibility provided that:

(a) The family unit received FIP in at least three of the six months immediately preceding the month of ineligibility;

(b) A member of such family continues to be employed;

(c) The family unit is otherwise eligible for FIP.

(18) A disabled or blind client((s)) receiving Title II disabled adult childhood (DAC) benefits under section 202(d) of the SSA if the client:

(a) Has attained eighteen years of age; and

(b) Lost SSI/SSP on or after July 1, 1988, due to receipt of or increase in DAC benefits; and

(c) Would be eligible for SSI/SSP if the amount of the DAC benefits or increase under section 202(d) of the SSA and any subsequent cost-of-living increases provided under section 215(i) of the SSA act were disregarded.

WSR 88-21-056
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2713—Filed October 14, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to physical therapy, amending WAC 388-86-090.

I, Leslie F. James, 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 change approval of physical therapy to one approval for ten visits per patient per a twelve month period from approval per visit.

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 October 14, 1988.

By Rosemary Carr
for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2568, filed 12/11/87)WAC 388-86-090 PHYSICAL THERAPY. (1)

The department shall provide physical therapy(~~(:~~
~~(a))~~) as an outpatient service when (~~(requested)~~);

~~(a) Prescribed by the attending physician; and~~
~~(b) Performed by a registered physical therapist or~~

~~physiatrist; and~~

~~(c) The therapy:~~

~~(i) ((With)) Avoids the need for hospitalization or nursing home care(;)); or~~

~~(ii) ((With)) Assists the recipient in becoming employable(;)); or~~

~~(iii) Enables a person suffering from severe motor disabilities to obtain a greater degree of self-care or independence; or~~

~~(iv) Is part of a treatment program intended to restore normal function of a body part following injury, surgery, or prolonged immobilization(, and~~

~~(iv) Is performed by a registered physical therapist or physiatrist.~~

~~(b) As a part of and included in the payment of another treatment program including, but not limited to:~~

~~(i) Hospital inpatient services, or~~

~~(ii) Nursing home services, or~~

~~(iii) Home health care)).~~

~~(2) ((Outpatient physical therapy services)) The department shall require prior approval ((by the division of medical assistance)) for outpatient physical therapy sessions exceeding ten sessions per patient in a twelve-month period.~~

~~(3) The department shall include payment for physical therapy in the reimbursement of other treatment programs including, but limited to:~~

~~(a) Hospital inpatient services,~~

~~(b) Nursing home services, and~~

~~(c) Home health care.~~

~~(4) The department shall not provide outpatient physical therapy ((shall not be provided)) under the ((limited casualty)) medically needy or medically indigent programs.~~

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 88-21-057

EMERGENCY RULES

BOARD OF HEALTH

[Order 320—Filed October 14, 1988]

Be it resolved by the State Board of Health, acting at Olympia, that it does adopt the annexed rules relating to handling and care of human remains, WAC 248-40-040.

We, the Washington State Board of Health, 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 State Board of Health finds an emergency exists because concerns about health, safety and public welfare are raised by new information that reliance on body bags for human remains may not safeguard against exposure to disease and may create a false sense of security and that plastic, enclosed body bags are detrimental to collection of forensic evidence and jeopardize criminal proceedings and therefore the board finds there is a need to adopt emergency standards for preventing spillage of body fluids during transfer and transport of human remains without requiring enclosure in zippered, heat-sealed plastic pouches.

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

This rule is promulgated pursuant to RCW 43.20.050 (2)(e) 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 October 12, 1988.

By John A. Beare, M.D., M.P.H.

Secretary

AMENDATORY SECTION (Amending Order 312, filed 6/16/88)

WAC 248-40-040 HANDLING AND CARE OF HUMAN REMAINS. (1) Definitions applicable to WAC 248-40-040 and 248-40-050.

(a) "Barrier precaution" means protective attire or equipment or other physical barriers worn to protect or prevent exposure of skin and mucous membranes of the wearer to infected or potentially infected blood, tissue, and body fluids.

(b) "Burial transit permit" means a form, approved and supplied by the state registrar of vital statistics as described in chapter 43.20A RCW, identifying the name of the deceased, date and place of death, general information, disposition and registrar and sexton information.

(c) "Common carrier" means any person transporting property for the general public for compensation as defined in chapter 81.80 RCW.

(d) "Department" means the Washington state department of social and health services.

(e) "Embalmer" means a person licensed as required in chapter 18.39 RCW and engaged in the profession or business of disinfecting, preserving, or preparing dead human bodies for disposal or transportation.

(f) "Funeral director" means a person licensed as required in chapter 18.39 RCW and engaged in the profession or business of conducting funerals and supervising or directing the burials and disposal of human remains.

(g) "Health care facility" means any facility or institution licensed under:

(i) Chapter 18.20 RCW, boarding homes;

(ii) Chapter 18.46 RCW, maternity homes;

- (iii) Chapter 18.51 RCW, nursing homes;
- (iv) Chapter 70.41 RCW, hospitals; or
- (v) Chapter 71.12 RCW, private establishments, or clinics, or other settings where one or more health care providers practice.

(h) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care or medical care including persons licensed in Washington state under Title 18 RCW to practice medicine, podiatry, chiropractic, optometry, osteopathy, nursing, midwifery, dentistry, physician assistant, and military personnel providing health care within Washington state regardless of licensure.

(i) "Local registrar of vital statistics" means the health officer or administrator who registers certificates of birth and death occurring in his or her designated registration district as defined in chapter 70.58 RCW.

(2) Funeral directors, medical examiners, coroners, health care providers, health care facilities, and their employees directly handling or touching human remains shall:

(a) Wash hands and other exposed skin surfaces with soap and water or equivalent immediately and thoroughly after contact with human remains, blood, or body fluids;

(b) Use barrier precautions whenever a procedure involves potential contact with blood, body fluids, or tissues of the deceased;

(c) Not eat, drink, or smoke in areas where handling of human remains or body fluids take place;

(d) Use reasonable precautions to prevent spillage of body fluids during transfer and transport of human remains including, when necessary:

(i) Containing, wrapping, or pouching with materials appropriate to the condition of the human remains; and

(ii) Obtaining approval from the coroner or medical examiner prior to pouching any human remains under their jurisdiction.

(e) Wash hands immediately after gloves are removed;

~~((f))~~ (f) Take precautions to prevent injuries by needles, scalpels, instruments, and equipment during use, cleaning, and disposal;

~~((g))~~ (g) Properly disinfect or discard protective garments and gloves immediately after use;

~~((h))~~ (h) Properly disinfect all surfaces, instruments, and equipment used if in contact with human remains, blood, or body fluids;

~~((i))~~ (i) Provide appropriate disposal of body fluids, blood, tissues, and wastes including:

(i) Equipping autopsy rooms, morgues, holding rooms, preparation rooms, and other places with impervious containers;

(ii) Lining containers with impervious, disposable material;

(iii) Equipping disposal containers with tightly fitting closures;

(iv) Destroying contents of disposal containers by methods approved by local ordinances and requirements related to disposal of infectious wastes;

(v) Immediately disposing of all fluids removed from bodies into a sewage system approved by the local health jurisdiction or by the department; and

(vi) Disinfecting immediately after use all containers and cans used to receive solid or fluid material taken from human remains.

~~(3) ((Health care facilities, health care providers, medical examiners, coroners, and their employees shall place human remains in a lightweight, heat-sealed, zippered, disposable body pouch of at least four mils to prevent leakage.~~

~~(4))~~ (4) Funeral directors, embalmers, and others assisting in preparation of human remains shall refrigerate or embalm the remains within twenty-four hours of receipt. If remains are refrigerated, they shall remain so until final disposition or transport as permitted under WAC 248-40-050.

~~((5))~~ (4) Persons responsible for transfer or transport of human remains shall clean and disinfect equipment and the vehicle if body fluids are present and as necessary.

~~((6))~~ (5) Persons disposing of human remains in Washington state shall comply with requirements under chapter 68.50 RCW.

WSR 88-21-058

EMERGENCY RULES

BOARD OF HEALTH

[Order 321—Filed October 14, 1988]

Be it resolved by the State Board of Health, acting at Olympia, that it does adopt the annexed rules relating to:

New	WAC 248-100-072	Notification.
Amd	WAC 248-100-209	HIV pretest and post-test counseling.
Amd	WAC 248-100-036	Responsibilities of local health officers.

We, the Washington State Board of Health, 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 State Board of Health finds an emergency exists because lack of any provision for notifying partners at risk of acquiring HIV in face of evidence that need to notify without authorization by rule presents a significant threat to the public's health.

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

This rule is promulgated pursuant to chapter 70.24 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 October 12, 1988.

By John A. Beare, M.D., M.P.H.
Secretary

NEW SECTION

WAC 248-100-072 RULES FOR NOTIFICATION OF PARTNERS AT RISK OF HIV INFECTION. (1) A health care provider may consult with the local health officer or an authorized representative about an HIV infected individual without identifying the individual.

(2) Only under the specific circumstances listed below, a principal health care provider shall report the identity of sex or injection equipment-sharing partners of an HIV infected individual to the local health officer or an authorized representative:

(a) The HIV infected individual refuses or is unable to cooperate, after having been informed of the necessity for cooperation, in notifying sex and injection equipment-sharing partners that:

- (i) Partners may have been exposed to HIV; and
- (ii) Partners may have become carriers of HIV; and
- (iii) Partners should seek HIV pretest counseling and consider HIV testing;

(b) Cooperation as used in subsection (2)(a) of this section includes:

- (i) Accepting assistance in notifying partners; and
- (ii) Agreeing to referral to the local health officer as necessary for assistance in notifying partners; or
- (iii) Referring partners for counseling and testing.

(3) Only in the specific circumstances listed below, a principal health care provider shall report the identity of an individual with a positive test result to the local health officer or an authorized representative:

(a) The principal health care provider provided pretest counseling as described in WAC 248-100-209(1); and

(b) The principal health care provider made efforts, but was unable to meet face to face with the individual to notify of HIV test result and to provide post-test counseling as required in WAC 248-100-209 in order to assure partner notification.

(4) A health care provider shall not disclose the identity of an HIV infected individual or the identity of sex and injection equipment-sharing partners at risk of HIV infection, except as authorized in RCW 70.24.105 and WAC 248-100-072.

(5) Local health officers and authorized representatives shall:

(a) Use identifying information provided on HIV infected individuals only for contacting the HIV infected individual to provide post-test counseling or to contact sex and injection equipment-sharing partners; and

(b) Destroy documentation of referral information established under this subsection, containing identities and identifying information on HIV infected individual and at-risk partners of that individual, immediately after notifying partners or within three months of the date information was received.

AMENDATORY SECTION (Amending Order 308, filed 3/16/88)

WAC 248-100-036 RESPONSIBILITIES AND DUTIES—LOCAL HEALTH OFFICERS. (1) The local health officer shall review and determine appropriate action for:

(a) Each reported case or suspected case of a reportable disease or condition;

(b) Any disease or condition considered a threat to public health;

(c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary; and

(d) Instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the power of the courts to enforce these measures when necessary.

(2) Local health officers shall:

(a) Submit reports to the state health officer as required in chapter 248-100 WAC;

(b) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned disease reports consistent with WAC 248-100-016;

(c) Notify health care providers within the health district regarding requirements in this chapter;

(d) Distribute appropriate report forms to persons responsible for reporting; ~~(and)~~

(e) Notify the ~~((principle))~~ principal health care provider, if possible, prior to initiating a case investigation by the local health department;

(f) Make HIV testing, AIDS counseling, and pretest and post-test counseling, as defined in this chapter, available for voluntary and mandatory testing and counseling as required by RCW 70.24.400((-));

(g) Use identifying information on HIV-infected individuals provided according to WAC 248-100-072 only;

(i) For purposes of contacting the HIV positive individual to provide post-test counseling; or

(ii) To contact sex and injection equipment-sharing partners; and

(h) Destroy documentation of referral information established in WAC 248-100-072 and this subsection containing identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months.

(3) Each local health officer has the authority to:

(a) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;

(b) Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition; and

(c) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary.

(4) Local health officers shall conduct investigations and institute control measures consistent with those indicated in the fourteenth edition (1985) of *Control of Communicable Diseases in Man*, edited by Abram S. Benenson, published by the American public health association, except:

(a) When superseded by more up-to-date measures, or

(b) When other measures are more specifically related to Washington 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.

AMENDATORY SECTION (Amending Order 318, filed 8/17/88)

WAC 248-100-209 COUNSELING STANDARDS—HUMAN IMMUNODEFICIENCY VIRUS (HIV) PRETEST COUNSELING—HIV POST-TEST COUNSELING. (1) Health care providers and other persons providing pretest counseling shall:

(a) Assess the individual's risk of acquiring and transmitting HIV by evaluating information about the individual's possible risk-behaviors;

(b) Provide at least one individual counseling session prior to HIV testing;

(c) Inform any individual planning to be tested for HIV that:

(i) If the test result is positive, the tested individual needs to notify sex and injection equipment-sharing partners that:

(A) Partners may have been exposed to HIV; and

(B) Partners may have become carriers of HIV; and

(C) Partners should seek HIV pretest counseling and consider HIV testing; and

(ii) The principal health care provider, excluding those providing anonymous testing, is required to refer the identity of the individual to be tested and the identity of at-risk partners to the local health officer or authorized representative if:

(A) The principal health care provider has made efforts but is unable to meet face to face with the individual to notify of positive test result and provide post-test counseling as required in this section; or

(B) The HIV-infected individual refuses or is unable to cooperate as defined in WAC 248-100-072 in notifying sex and injection equipment-sharing partners of exposure, possible carrier state, and need for pretest counseling and HIV testing.

(2) When an individual is assessed by a counselor or health care provider as "virtually no risk of HIV infection," as defined in WAC 248-100-208 (3)(e)(iii), a counselor or the health care provider shall, in addition to subsection (1)(a) of this section:

(a) Maintain a nonjudgmental environment during counseling which:

(i) Considers the individual's particular circumstances; and

(ii) Is culturally, socially, linguistically, and developmentally appropriate to the individual being counseled.

(b) Explain the nature, purpose, value, and reason for the HIV tests;

(c) Explain the possible effect of HIV testing and a positive HIV test result related to employment, insurance, housing, and other potential legal, social, and personal consequences;

(d) Develop and maintain a system of referral and make referrals that:

(i) Are accessible and confidential for those counseled;

(ii) Are acceptable to and supportive of those counseled;

(iii) Provide assistance to those counseled in maintaining risk reduction behaviors.

(e) Provide at least one individual counseling session at the time HIV test results are disclosed to individuals testing positive; and

(f) Maintain disclosure and confidentiality requirements in WAC 248-100-016.

(3) If the individual is assessed by a health care provider to be other than "virtually no risk of HIV infection," as defined in WAC 248-100-208 (3)(e)(iii), the person providing pretest counseling shall maintain requirements in subsection (1) and (2) of this section and:

(a) Focus counseling on behaviors increasing the risk of HIV acquisition and transmission;

(b) Provide personalized risk reduction education to individuals who:

(i) Are men engaging in unprotected intercourse with other men at any time since 1977;

(ii) Used intravenous substances at any time since 1977, especially those sharing injection equipment;

(iii) Engaged in sex for money or drugs at any time since 1977;

(iv) Have had sexual and/or injection equipment-sharing contacts at any time since 1977 with persons listed in subsection (3)(b)(i), (ii), and (iii) of this section;

(v) Have been exposed to or diagnosed with a sexually transmitted disease;

(vi) Are at increased risk of HIV infection by definition of United States Public Health Services, Centers for Disease Control;

(vii) Are required by (~~chapter 70.24~~) RCW 70.24.095 and 70.24.340 to receive HIV counseling and testing.

(c) Inform any individual planning to be tested for HIV of the need to notify sexual and injection equipment-sharing partners if test results are positive;

(d) Advise individual listed in subsection (3)(b)(i), (ii), and (iii) of this section not to donate or sell blood, blood products, semen, organs, or other body tissues; and

(e) Emphasize or re-emphasize the following counseling messages:

(i) The following will eliminate or decrease the risk of HIV infection:

(A) Sexual abstinence;

(B) A mutually monogamous relationship between uninfected people; and

(C) Following safer sex guidelines.

(ii) Do not share intravenous drugs and injection equipment;

(iii) Do not engage in behaviors in which blood, vaginal fluid, or semen is exchanged;

(iv) Condoms, even if used properly, do not supply absolute protection from HIV infection;

(v) Condoms may reduce risk of HIV infection if the condom is:

(A) Latex and used with a water-based lubricant rather than an oil-based lubricant, if a lubricant is used;

(B) Used in conjunction with spermicide during vaginal or anal intercourse; and

(C) Worn from start to finish of vaginal, oral, and anal intercourse.

(vi) Dental dams may reduce risk of HIV infection if the dental dam is:

(A) Latex; and

(B) Used from start to finish of oral intercourse.

(vii) The sexual behaviors having highest risk for HIV infection are those involving the exchange of blood or semen, especially receptive anal and vaginal intercourse;

(viii) Anal intercourse may increase the risk of condom failure and HIV infection;

(ix) Infected women should postpone pregnancy until more is known about how to prevent prenatal and perinatal transmission of HIV infection;

(x) Sexual negotiation skills can be learned to enhance risk reduction; and

(xi) Other sexually transmitted diseases, especially those causing genital ulcers, may increase the risk of acquiring or transmitting HIV infection.

(f) Make those counseled aware HIV retesting at a later date may be necessary or recommended.

(4) Persons providing post-test counseling shall:

(a) Follow requirements in subsection (1) of this section;

(b) Provide at least one individual counseling session at the time HIV test results are disclosed for individuals:

(i) Testing positive for HIV; or

(ii) Reporting practice of behaviors listed in (3)(b)(i), (ii), and (iii) of this section.

(c) If the individual being counseled tested positive for HIV infection:

(i) Provide assistance to persons in notifying partners; and/or

(ii) Offer to refer individuals to the local health officer as necessary for assistance in notifying partners; and/or

(iii) Offer to refer partners for counseling and testing; and

(iv) Develop or adopt a system to avoid documenting the names of referred partners in the permanent record of the individual being counseled; and

(v) Offer referral for alcohol and drug and mental health counseling, including suicide prevention, if appropriate; and

(vi) Refer for tuberculosis screening.

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: The typographical error in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

WSR 88-21-059

NOTICE OF PUBLIC MEETINGS

SOUTH PUGET SOUND COMMUNITY COLLEGE

[Memorandum—October 14, 1988]

A South Puget Sound Community College District Twenty-Four board of trustees retreat is scheduled for October 22, 1988, at 8:00 a.m. in Room 222 at the Westwater Inn, Evergreen Park Drive S.W.

The board of trustees has also changed the date of their regular November meeting. The November 3, 1988, meeting has now been scheduled for November 10, 1988, 3:00 p.m. in the Boardroom of South Puget Sound Community College.

WSR 88-21-060

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-144—Filed October 14, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 large numbers of harvestable fall chinook are present in the Columbia River between McNary and Rocky Reach dams. It is in the public interest to harvest these fish. An extension of the fishing season will increase angler participation and catch. There is insufficient time to follow the permanent rule adoption procedures.

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 October 14, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-16000W COLUMBIA RIVER.
Notwithstanding the provisions of WAC 220-57-160, effective immediately Bag Limit A except that three adult salmon may be possessed in the following Columbia River waters until the date specified:

(1) Downstream from Rocky Reach Dam to Vernita Bridge – through October 31, 1988.

(2) Downstream from Vernita Bridge to old Hanford townsite – through October 31, 1988.

(3) Downstream from old Hanford Townsite to the Highway 395 Bridge at Pasco – through October 31, 1988.

All closures above and below dams and at Jackson Creek remain in effect.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-16000U COLUMBIA RIVER. (88-121)

WSR 88-21-061

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-145—Filed October 14, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, 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 openings in Area 6D provide opportunity to harvest non-Indian allocation of Strait of Juan de Fuca origin coho, to facilitate an in-season run size update, and to prevent wastage; net length restriction in Area 6D is necessary to maintain an orderly fishery. Openings in Areas 7 and 7A provide opportunity to harvest the non-Indian allocation of United States and Canadian origin chum. Openings in Area 7B provide opportunity to harvest non-Indian allocation of coho destined for the Nooksack-Samish region of origin and to prevent wastage. Openings in Area 8A provide opportunity to harvest non-Indian allocation of Stillaguamish-Snohomish origin coho. Openings in Area 8D provide opportunity to harvest non-Indian share of the Area 8D portion of Stillaguamish-Snohomish origin coho. Openings in Area 9A provide opportunity to harvest non-Indian allocation of Hood Canal Hatchery origin coho stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks. There is inadequate time to follow the permanent rule adoption procedures.

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 October 14, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-923 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday October 16 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Area 6D – Notwithstanding the provisions of Chapter 220-20-010(14), Purse seines using the 5-inch strip and gill nets using 5-inch minimum mesh and fishing with no more than 900 feet of net may fish continuously until 9:00 AM Monday October 24.
- * Areas 7 and 7A – Gillnets using 6-inch minimum mesh may fish from 5:00 PM Monday October 17 to 9:00 AM Tuesday October 18 and purse seines may fish from 5:00 AM to 9:00 PM Tuesday October 18 and reef nets may fish from 5:00 AM to 9:00 PM Thursday October 20.
- * Area 7B – Gillnets using 5-inch minimum mesh may fish continuously through 11:59 PM Saturday October 29, and purse seines may fish continuously through 11:59 PM Saturday October 29.
- * Area 8A – Gill nets using 5-inch minimum mesh may fish from 5:00 PM Monday October 17 to 9:00 AM Tuesday October 18 and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Tuesday October 18.
- * Area 8D – Gillnets using 5-inch minimum mesh may fish from from 5:00 PM Monday October 17 to 9:00 AM Tuesday October 18 and from 5:00 PM Tuesday October 18 to 9:00 AM Wednesday October 19, and from 5:00 PM Wednesday October 19 to 9:00 AM Thursday October 20, and from 5:00 PM Thursday October 20 to 9:00 AM Friday October 21 and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Tuesday October 18 and from 5:00 AM to 9:00 PM Wednesday October 19, and from 5:00 AM to 9:00 PM Thursday October 20, and from 5:00 AM to 4:00 PM Friday October 21.
- * Area 9A – Gillnets using 5-inch minimum mesh and purse seines using the 5-inch strip

may fish from 5:00 AM Monday October 16 to 4:00 PM Friday October 21.

- * Areas 4B, 5, 6, 6A, 6B, 6C, 7C, 7D, 7E, 8, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday October 16:

WAC 220-47-922 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-141)

WSR 88-21-062
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-146—Filed October 14, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 foodfish anglers in the area immediately below Little Goose Dam are snagging steelhead. This regulation will provide for an orderly fishery. There is inadequate time to promulgate permanent regulatory change.

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 October 14, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-28000B CARP. Notwithstanding the provisions of WAC 220-56-280, effective immediately until further notice, it is unlawful to fish for or possess

carp taken for personal use from those waters of the Snake River within an area 1200 feet downstream from the base of the West Lock gate at Little Goose Dam on the south (Columbia County) bank of the Snake River and 100 feet out into the river from said river bank.

NEW SECTION

WAC 220-56-28500F SHAD AND STURGEON—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-285 and WAC 220-56-305, effective immediately until further notice, it is unlawful to fish for possess shad or sturgeon taken for personal use from those waters of the Snake River within an area 1200 feet downstream from the base of the West Lock gate at Little Goose Dam on the south (Columbia County) bank of the Snake River and 100 feet out into the river from said river bank.

NEW SECTION

WAC 220-57-44500B SNAKE RIVER. Notwithstanding the provisions of WAC 220-57-445, effective immediately until further notice, it is unlawful to fish for or possess salmon taken for personal use from those waters of the Snake River within an area 1200 feet downstream from the base of the West Lock gate at Little Goose Dam on the south (Columbia County) bank of the Snake River and 100 feet out into the river from said river bank.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-56-28000A CARP. (88-134)
WAC 220-56-28500E SHAD AND STURGEON—AREAS AND SEASONS. (88-134)
WAC 220-57-44500A SNAKE RIVER. (88-134)

WSR 88-21-063
ATTORNEY GENERAL OPINION
Cite as: AGO 1988 No. 21
[October 12, 1988]

CITIES AND TOWNS—MUNICIPAL CORPORATIONS—GIFTS AND LOANS OF PUBLIC FUNDS—MORAL OBLIGATIONS

A city may not, solely on the basis of recognizing a moral obligation, reimburse another party to a lawsuit for costs and attorney fees, where the court has determined that the city has no legal liability for the fees and costs in question.

Requested by:

Honorable James E. Hargrove
State Representative, 24th District
Route 3, Box 896
Hoquiam, WA 98550

WSR 88-21-064
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 310—Filed October 17, 1988—Eff. December 1, 1988]

Be it resolved by the State Personnel Board, acting at 521 South Capitol Way, Department of Personnel, Olympia, WA, that it does adopt the annexed rules relating to service of process, amending WAC 356-34-160.

This action is taken pursuant to Notice No. WSR 88-18-065 filed with the code reviser on September 2, 1988. These rules shall take effect at a later date, such date being December 1, 1988.

This rule is promulgated pursuant to RCW 41.06.150 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 October 13, 1988.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 244, filed 3/26/86, effective 5/1/86)

WAC 356-34-160 SERVICE OF PROCESS. (1) The personnel board shall cause to be served all orders, notices, and other papers issued by the board, together with any other papers which the board is required by law to serve. Every other paper shall be served by the party filing the notice, document or paper.

(2) All notices, documents, or papers served by either the personnel board or any other party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be made either personally or by first class or certified mail.

(3) Service upon parties shall be regarded as complete when ((~~personnel~~)) personal service has been accomplished; or by mail upon deposit in the United States mail properly stamped and addressed.

WSR 88-21-065
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed October 17, 1988]

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 Certification—Errors—Correction, amending WAC 356-26-120;

that the agency will at 10:00 a.m., Thursday, December 8, 1988, in the Board Hearings Room, Department of Personnel, 521 South Capitol Way, 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 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 6, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-18-095 filed with the code reviser's office on September 7, 1988.

Dated: October 14, 1988

By: Leonard Nord
 Secretary

WSR 88-21-066
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—October 12, 1988]

A special meeting of the board of trustees of Seattle Community College District has been set for 8:30 a.m. to noon, on Saturday, October 29, 1988. This meeting will be held at the Seattle Community College District Office, 1500 Harvard, Seattle, WA 98122.

WSR 88-21-067
ATTORNEY GENERAL OPINION
Cite as: AGO 1988 No. 22
 [October 13, 1988]

ELECTRICIANS—ELECTRICAL CONTRACTORS—
LICENSING

1. One must be a licensed electrical contractor or be certified as an electrician to contract with a homeowner to install the electrical service lines on the homeowner's property, even when ownership of the service lines will revert to a utility for operation and maintenance.
2. Contracts to install electrical service lines on homeowner property are subject to the permit and inspection requirements of the Department of Labor and Industries.

Requested by:

Honorable Joseph A. Dear
 Director
 Department of Labor & Industries
 805 Plum Street SE
 Olympia, WA 98504-9519

WSR 88-21-068**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—October 17, 1988]

Thursday, October 20, 1988

Lynnwood Hall, Room 424

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 88-21-069**PROPOSED RULES
LIQUOR CONTROL BOARD**

[Filed October 17, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Service limited to license and order—Removal of liquor in open containers—Room service—Price list, WAC 314-16-040;

that the agency will at 9:30 a.m., Tuesday, November 22, 1988, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504-2531, 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 66.08.030.

The specific statute these rules are intended to implement is RCW 66.28.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 22, 1988.

Dated: October 13, 1988

By: L. H. Pedersen
Chairman**STATEMENT OF PURPOSE**

Title: WAC 314-16-040 Service limited to license and order—Removal of liquor in open containers—Room service—Price list.

Description of Purpose: To establish a clarification of the current rule with reference to when room service is included and when a separate approval would be required.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.28.010.

Summary of Rule: Subsection (5) of the rule currently indicates hotel room service is included in on-premise licensees. The board's policy, however, declares that when a restaurant and hotel are owned by the same entity or when the restaurant supplies a lease or agreement then the licensee can be approved for room service. This amendment will clarify when room service can be approved or included instead of making the approval automatic as current version suggests.

Reasons Supporting Proposed Action: This amendment will clarify the board's policy relative to room service.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Lester C. Dalrymple, Supervisor, License Division, Capital Plaza Building, Olympia, Washington 98504, phone (206) 753-6259.

Person or Organization Proposing Rule: The Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: Not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact for this rule amendment.

AMENDATORY SECTION (Amending Order 228, Resolution No. 237, filed 9/29/87)

WAC 314-16-040 SERVICE LIMITED TO LICENSE AND ORDER—REMOVAL OF LIQUOR IN OPEN CONTAINERS—ROOM SERVICE—PRICE LIST. (1) No retail licensee shall possess or allow any person to consume or possess any liquor other than that permitted by his license in or on the licensed premises, or on any public premises adjacent thereto which are under his control except under authority of a banquet permit; however, a restaurant licensee holding a class C or H license may, with or without a corkage fee, allow patrons to bring wine into the premises for consumption with a meal.

(2) Beer and/or wine only licensees may keep spirituous liquor on the premises for use in the manufacture of confection or food products provided that prior written permission of the board is obtained, all confection or food products manufactured contain one percent or less of alcohol by weight, and customers are made aware that such confection or food products contain liquor and the alcohol content is one percent or less of the weight of the product.

(3) No retail licensee or employee thereof shall permit the removal of any liquor in an open container from the licensed premises except that liquor brought on a licensed premises under authority of a banquet permit shall be recorked, recapped or resealed in its original container and shall be removed at the termination of such banquet permit function. Further, wine may be removed as authorized by RCW 66.24.340 and 66.24.400.

(4) No holder of a Class H license shall be permitted to hold any other class of retail license covering the premises so licensed. Upon the granting of a Class H license, all other classes of retail licenses which may be held by such new Class H licensee at that time at the premises to be so licensed must be surrendered to the board for cancellation.

(5) (~~Hotel room service is included in on-premise licenses~~) When a hotel and restaurant are located in the same building or in adjoining buildings and owned by the same person or entity, room service may be provided to the hotel patrons. When the restaurant and hotel are under separate ownership, room service is authorized only when a limited lease or agreement for that purpose has been submitted to and approved by the board.

(6) No licensee shall sell or serve any spirituous liquor, beer, or wine other than ordered, or substitute a nonalcoholic beverage when an alcoholic beverage has been ordered. A Class H licensee shall display prices for all liquor either by posting a price list or by using menus listing such prices, or by both.

(7) No holder of a Class C license shall advertise for sale, nor sell, any mixed drink under the name of "Old Fashioned," "Whiskey Sour," "Singapore Sling," "Martini," "Manhattan," nor any other name which, by long and general usage, has become associated in the public mind as being the name of a mixed drink made from spirituous liquor, unless the name of such drink is prefaced by the word "wine," such as Wine Old Fashioned. The holder of a Class C license may advertise for sale, mix, compound or sell upon order, mixed drinks made from one or more wines under a name which does not conflict with this section.

WSR 88-21-070
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed October 17, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 314-16-160 Records—Purchases—Reports.
 Amd WAC 314-20-090 Cash sales. (Delivery of beer).
 Amd WAC 314-24-170 Cash sales. (Delivery of wine);

that the agency will at 9:30 a.m., Tuesday, November 22, 1988, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504-2531, 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 66.08.030.

The specific statute these rules are intended to implement is RCW 66.28.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 22, 1988.

Dated: October 13, 1988

By: L. H. Pedersen
 Chairman

STATEMENT OF PURPOSE

Title: WAC 314-16-160 Records—Purchases—Reports; 314-20-090 Cash sales; and 314-24-170 Cash sales.

Description of Purpose: To remove the requirement that retailers obtain permission from the board, in writing, to establish prepaid deposit accounts with wholesalers.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.28.010.

Summary of Rule: At the present time numerous retailers have established prepaid deposit accounts with their various beer and wine wholesalers. Before they can begin to operate on the prepaid account system, they currently must receive board approval. This requires that the retailer write a letter for the request, that the wholesaler acknowledge the request, that a copy of the request with both signatures be sent to the board, the request reviewed by board personnel, copies and returned to both the retailer and wholesaler with a copy to the license file and the local officer.

Reason Supporting Proposed Action: The above is a very time consuming, expensive, and lengthy process with no discernible value. During the previous 3 years, whenever an MIW officer has audited wholesalers accounts and had cause to institute corrective actions for misuse of the prepaid accounting system these approval letters have been of no value. All information concerning the proper use of prepaid deposit accounts has come from the accounting records of the wholesalers and the retailers; the approved, prepaid account letters have provided little, if any, useful information. In order to save

the industry time and money, in order to save the state time and money in the processing of these letters, the board is proposing to eliminate the requirement for these letters and simply state that any extension of credit on beer and/or wine through the use of prepaid deposits is a violation of RCW 66.28.010.

Agency Personnel Involved: In addition to the board the following agency personnel have responsibility for drafting, implementing and enforcing these rule amendments: Janice Lee Britt, Supervisor, Manufacturers, Importers and Wholesalers Division, phone (206) 753-6273 and Gary W. Gilbert, Chief, Enforcement Division, phone (206) 753-6270, located at the Capital Plaza Building, Olympia, Washington 98504-2531.

Person or Organization Proposing the Rule: The Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: Not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact for these rules.

AMENDATORY SECTION (Amending Order 210, Resolution No. 219, filed 1/27/87)

WAC 314-16-160 RECORDS—PURCHASES—REPORTS.
 (1) The originals or copies of all purchase invoices and other memoranda covering all purchases of liquor by retail licensees showing (a) items purchased, (b) quantities thereof, (c) from whom purchased, and (d) purchase date, shall be kept for at least two years after each purchase, and shall be filed separately and kept apart from all other records, and as nearly as possible shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and copying. All canceled checks, bank statements and books of account covering or involving the purchase of liquor, and all memoranda, if any, showing payment of money for liquor other than by check, shall be likewise preserved for two years and shall be at all times kept available for inspection and copying.

(2) No retail licensee shall buy or accept delivery of liquor except for cash paid at the time of the delivery thereof: PROVIDED, That ~~((in individual and particular cases, upon consent of the board first had and obtained, in writing,))~~ a retail licensee may pay cash prior to delivery of liquor purchased. Failure by licensees to keep accurate accounting records which result in the extension of or receipt of credit from a manufacturer, importer, or wholesaler through the use of a prior cash deposit which is overextended may result in administrative action being taken against the liquor license.

(3) A retail licensee shall purchase beer from a beer wholesaler pursuant to RCW 66.28.070 and shall purchase wine from a state liquor store or agency or from a duly licensed wholesaler except as provided in chapter 314-70 WAC. All beer purchased must be at the posted price in accordance with WAC 314-20-100 and all wine purchased must conform to the posted price as filed under WAC 314-24-190. No retail licensee may return wine to a wine wholesaler except in accordance with the provisions of WAC 314-24-210, nor shall any retail licensee return beer to a beer wholesaler except in accordance with the provisions of WAC 314-20-070.

(4) Prior to license delivery, a new beer and/or wine licensee or transferee may, with board authorization, be sold beer and/or wine for the purpose of stocking the premises. No retail sale of beer and/or wine shall take place until the applicant premises have been inspected by the board and the liquor license is delivered.

(5) Each retail licensee shall keep books and records which will clearly reflect all financial transactions and the financial condition of the business.

(6) Any retail licensee may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the Washington state liquor control board and must include the following information:

- (a) Records proposed to be reproduced.
- (b) Reproduction process.
- (c) Manner of preserving the reproduction.

WSR 88-21-071

ADOPTED RULES

SOUTH PUGET SOUND
COMMUNITY COLLEGE

[Order 88-1—Filed October 18, 1988]

(d) Facilities provided for examining or viewing such reproduction. If the request is approved, the licensee shall provide for the examining, viewing and reproduction of such records the same as if they were the original records.

(7) If a retail licensee keeps records within an automatic data processing (ADP) system, the system must include a method for producing from punchcards or from other machine-sensible data media legible records that will provide the same information required of that type of record within this section. The ADP system is acceptable if it complies with the following guidelines:

(a) Provides an audit trail so that details (invoices and vouchers) underlying the summary accounting data may be identified and made available upon request.

(b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If printouts of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.

(c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application and the controls used to ensure accurate and reliable processing.

(8) All Class H licensees in addition to the requirements of subsection (1) of this section shall at all times:

(a) Maintain records of all purchases for the premises, including liquor, food and supplies. The purchases supported by supplier invoices or signed vouchers are to be segregated as to type and recorded.

(b) Maintain records of all sales in the premises from all sources including liquor, food and miscellaneous items and service. Individual sales are to be recorded on sales slips or cash register tape in such a manner to indicate the source of revenue and the records are to be filed for future audit purposes. Sales segregated as to source of revenue are to be recorded.

(c) Preserve for a period of two years the records described in subsections (6), (7), and (8)(a) and (b) of this section.

(d) Make such periodic reports to the board covering purchases, sales and inventory of liquor, food and supplies as may be prescribed or requested by the board.

(e) Keep available for inspection and copying by the board and/or its accredited representatives all books and records relative to purchases, sales and inventories of liquor, food and supplies.

Be it resolved by the board of trustees of South Puget Sound Community College, Community College District 24, acting at 2011 Mottman Road S.W., Olympia, WA 98502, that it does adopt the annexed rules relating to public records, emergency procedures, use of college facilities, environmental protection, parking and traffic regulations and code of student rights and responsibilities; and repealing chapters 132L-10, 132L-21 and 132L-23 WAC because adopting as new chapter 132X-60 WAC.

This action is taken pursuant to Notice No. WSR 88-17-074 filed with the code reviser on August 19, 1988. 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 under the general rule-making authority of the South Puget Sound Community College, Community College District 24 as authorized in RCW 28B.50.140.

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 October 13, 1988.

By Earlyse Swift
Chair

AMENDATORY SECTION (Amending Order 24, filed 6/28/73)

WAC 314-20-090 CASH SALES. No beer wholesaler nor brewer or beer importer holding a beer wholesaler's license shall sell or deliver beer to any retailer except for cash paid at the time of the delivery thereof: PROVIDED, That ((in individual and particular cases, upon consent of the board first had and obtained, in writing;)) cash may be paid prior to the delivery of beer sold to any retailer. Failure by licensees to keep accurate accounting records which result in the extension of credit, in violation of RCW 66.28.010 through the use of a prior cash deposit which is overextended may result in administrative action being taken against the liquor license.

AMENDATORY SECTION (Amending Order 24, filed 6/28/73)

WAC 314-24-170 CASH SALES. No wine wholesaler shall sell or deliver any wine to any retailer within the state except for cash paid at the time of the delivery of such wine: PROVIDED, That ((in individual and particular cases, upon consent of the board first had and obtained, in writing;)) cash may be paid prior to the delivery of wine sold to any retailer. Failure by licensees to keep accurate accounting records which result in the extension of credit, in violation of RCW 66.28.010 through the use of a prior cash deposit which is overextended may result in administrative action being taken against the liquor license.

Chapter 132X-10 WAC
PUBLIC RECORDS

WAC

- 132X-10-010 Purpose.
- 132X-10-020 Definitions.
- 132X-10-030 Description of central and field organization of South Puget Sound Community College District 24.
- 132X-10-040 Operations and procedures.
- 132X-10-050 Public records available.
- 132X-10-060 Public records officer.
- 132X-10-070 Office hours.
- 132X-10-080 Requests for public records.
- 132X-10-090 Copying.
- 132X-10-100 Exemptions.
- 132X-10-110 Review of denials of public records requests.
- 132X-10-120 Protection of public records.
- 132X-10-130 Records index.
- 132X-10-140 Adoption of form.
- 132X-10-150 Request for public records to South Puget Sound Community College.

NEW SECTION

WAC 132X-10-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the South

Puget Sound Community College District 24 with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular with RCW 42.17.250 through 42.17.320, dealing with public records.

NEW SECTION

WAC 132X-10-020 DEFINITIONS. (1) Public records. "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

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

(3) South Puget Sound Community College District 24. The South Puget Sound Community College District 24 is an agency organized by statute pursuant to RCW 28B.50.040. Where appropriate, the term college also refers to the staff, the board of trustees, and the employees of the college.

NEW SECTION

WAC 132X-10-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF SOUTH PUGET SOUND COMMUNITY COLLEGE DISTRICT 24. South Puget Sound is a community college district organized under RCW 28B.50.040. The district administrative office and its staff are located at South Puget Sound Community College, 2011 Mottman Road, S.W., Olympia, Washington 98502.

NEW SECTION

WAC 132X-10-040 OPERATIONS AND PROCEDURES. The college is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members each appointed by the governor to a term of five years. The trustees meet on the South Puget Sound Community College campus in accordance with public notice and hold such special meetings as are announced by public notice. At such time the trustees exercise the powers and duties granted it under RCW 28B.50.140.

NEW SECTION

WAC 132X-10-050 PUBLIC RECORDS AVAILABLE. All public records of the college, as defined in WAC 132X-10-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 132X-10-100.

NEW SECTION

WAC 132X-10-060 PUBLIC RECORDS OFFICER. The college's public records shall be in the charge of the public records officer designated by the president. The public records officer shall be responsible for the following: The implementation of the college's rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

NEW SECTION

WAC 132X-10-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 132X-10-080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 1, Laws of 1973 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 obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the college which shall be available at its administrative office. The form shall be presented to the public records officer and/or his/her designees, at the administrative office during customary office hours. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

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

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer and/or his/her designees, to assist the member of the public in appropriately identifying the public record requested.

(3) The public records officer and/or his/her designee to whom the request is presented shall, by the close of three business days:

(a) Make the requested document available; or

(b) State that such a document does not exist; or

(c) Ask for clarification of the document requested; or

(d) Deny access because the document is exempt from public inspection under WAC 132X-10-050.

NEW SECTION

WAC 132X-10-090 COPYING. No fee shall be charged for the inspection of public records. The college shall charge a fee of 15¢ per page of copy for providing copies of public records and for use of the college's copy equipment. This charge is the amount necessary to reimburse the college for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the college will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check or cash in advance.

NEW SECTION

WAC 132X-10-100 EXEMPTIONS. (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132X-10-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the college reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer and/or his/her designee will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 132X-10-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer and/or his/her designees 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 and/or his/her designee denying the request shall refer it to the president. The president or his/her designee shall immediately consider the matter and either affirm or reverse such denial or consult with the attorney general to review the denial. In any case, the request shall be returned with a final decision, within three business days following the original denial.

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

NEW SECTION

WAC 132X-10-120 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be to the public records officer and/or his/her designees in the appropriate location. Public records and a facility for their inspection will be provided by the public records officer and/or his/her designees. Such records shall not be removed from the place designated for their inspection. Copies shall be made at South Puget Sound Community College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provisions of WAC 132X-10-090.

NEW SECTION

WAC 132X-10-130 RECORDS INDEX. (1) Index. The public records officer and/or his/her designees have available to all persons a current index which provides identifying information as to those records adopted or promulgated and indexed since June 30, 1972, in the following areas:

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

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

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

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

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

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

(g) Financial records and budgets; and

(h) Board of trustees' minutes and reports.

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

NEW SECTION

WAC 132X-10-140 ADOPTION OF FORM. The college hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form in WAC 132X-10-150, entitled "Request for public records to South Puget Sound Community College."

NEW SECTION

WAC 132X-10-150 REQUEST FOR PUBLIC RECORDS TO SOUTH PUGET SOUND COMMUNITY COLLEGE.

Name (Please Print) _____ Signature _____

Name of Organization (If Applicable) _____

Mailing Address of Applicant _____ Telephone Number _____

Date Request Made at South Puget Sound Community College _____ Time of Day Request Made _____

Nature of Request _____

Identification Reference on Current Index (Please Describe): _____

Description of Record, or Matter, Requested if not Identifiable by Reference to South Puget Sound's Current Index: _____

Request Approved: _____ Date _____ By: _____ Public Records Officer and/or his/her designee

Denied Date: _____

Reasons for Denial: _____

Referred to: _____ Date: _____ By: _____ Public Records Officer and/or his/her designee

**Chapter 132X-20 WAC
EMERGENCY PROCEDURES**

- WAC
- 132X-20-010 Authority to suspend operations.
- 132X-20-020 Remuneration for classified employees.
- 132X-20-030 Authority to staff campus—Limitations.
- 132X-20-040 Employee notification—Time.
- 132X-20-050 Voluntary staffing.
- 132X-20-060 Mandatory staffing.
- 132X-20-070 Temporary duties.
- 132X-20-080 Suspended operation procedures after fifteen days.
- 132X-20-090 Layoffs—Conditions.
- 132X-20-100 Closure notification plan—Recall plan.
- 132X-20-110 Option to recover time loss.
- 132X-20-120 Hazardous duty.

132X-20-130 Suspended operations—Not a lock-out.

NEW SECTION

WAC 132X-20-010 AUTHORITY TO SUSPEND OPERATIONS. The president of South Puget Sound Community College is authorized to suspend the operation of his/her college in his/her opinion if he/she determines an emergency condition beyond his/her control makes this closure advisable, and the public health, or property, or safety is jeopardized.

In accordance with WAC 251-22-240, as amended by the higher education personnel board, April 6, 1981, South Puget Sound Community College adopts the following suspended operation rules.

NEW SECTION

WAC 132X-20-020 REMUNERATION FOR CLASSIFIED EMPLOYEES. All compensation paid classified employees during a period of suspended operations shall be in accordance with the provisions of WAC 251-22-240, higher education personnel board rules.

NEW SECTION

WAC 132X-20-030 AUTHORITY TO STAFF CAMPUS—LIMITATIONS. In the event of suspended operation, the president or his/her designee shall have the option to staff the college on the basis of need, by classification, according to the duties to be performed for the first five days of suspended operation.

NEW SECTION

WAC 132X-20-040 EMPLOYEE NOTIFICATION—TIME. If the president declares a condition of suspended operations, notification of this closure to employees will be given to local radio station transmission at least one hour prior to the employees' reporting time. The provision of WAC 251-22-240 which requires payment of four hours would not apply. Employees not notified prior to their usual departure time from home would be covered by the provision of WAC 251-22-240 which requires payment of a minimum of four hours. Above notification must comply with the published closure notification plan.

Notification of closure will be given on each day of suspended operations. If no notification is given via local radio stations, employees should assume the college is operating as usual.

NEW SECTION

WAC 132X-20-050 VOLUNTARY STAFFING. When the period of suspended operation is expected to exceed five working days, staffing shall be on a volunteer basis. Employees qualified to perform the task with the most layoff seniority shall be given the first option to work.

NEW SECTION

WAC 132X-20-060 MANDATORY STAFFING. If sufficient volunteers cannot be found, the president

shall have the authority to require employees to work. If the employees who are requested to work withhold their services, except for extenuating circumstances as determined by the president or legitimate circumstances which would allow for the employee's absence in compliance with the higher education personnel board rules, they shall not be allowed to use compensatory time, annual leave, a personal holiday, or make-up work time lost, but will not be subject to any further disciplinary action. Employees will be called in reverse seniority.

NEW SECTION

WAC 132X-20-070 TEMPORARY DUTIES. During periods of suspended operations, employees may be required to temporarily perform tasks above or below their assigned classifications.

NEW SECTION

WAC 132X-20-080 SUSPENDED OPERATION PROCEDURES AFTER FIFTEEN DAYS. If the period of suspended operation is expected to exceed fifteen days, the director of personnel shall request an extension from the director of the higher education personnel board subject to confirmation by the board. If the period of suspended operation exceeds fifteen days and no extension is granted, the full classified personnel layoff provisions shall apply.

If the suspended operation exceeds the period for which an extension was granted, the full classified personnel layoff provisions shall apply.

NEW SECTION

WAC 132X-20-090 LAYOFFS—CONDITIONS. Layoffs necessitated by conditions causing suspended operations shall be accomplished in accordance with WAC 251-10-030.

NEW SECTION

WAC 132X-20-100 CLOSURE NOTIFICATION PLAN—RECALL PLAN. The college will provide all employees with a copy of the closure notification plan and the recall plan.

NEW SECTION

WAC 132X-20-110 OPTION TO RECOVER TIME LOSS. The college shall have the option to make up lost time due to suspended operations by extending the calendar. Classified and administrative employees who lose regular work time as a result of suspended operation may request to work additional hours in accordance with WAC 251-22-240. The college president shall have the option to approve or deny such requests. This response must be made within fifteen days after receipt of the request. If the president denies the request(s), this denial may be challenged through the provision of any existing grievance procedure. Compensation for additional work hours shall be granted on a compensatory time basis at straight time if made up during the week that time was lost and hours worked do not exceed forty

hours, or at time and one-half if made up during a subsequent week and hours worked exceed forty hours per week.

NEW SECTION

WAC 132X-20-120 HAZARDOUS DUTY. The director of personnel shall petition the director of the higher education personnel board for approval of a special premium pay allowance for employee(s) required to work under hazardous conditions when the president determines that such hazardous conditions exist. When the president determines that such hazardous conditions do not exist, this determination may be challenged through the provisions of any existing grievance procedure.

NEW SECTION

WAC 132X-20-130 SUSPENDED OPERATIONS—NOT A LOCK-OUT. Suspended operations shall not be interpreted as a lock-out by the college.

Chapter 132X-30 WAC USE OF COLLEGE FACILITIES

WAC

132X-30-010	General policy.
132X-30-020	Administrative control.
132X-30-030	Trespass regulations.
132X-30-040	Scheduling.
132X-30-050	Users.
132X-30-060	Limitations of use.
132X-30-070	Fees.

NEW SECTION

WAC 132X-30-010 GENERAL POLICY. South Puget Sound Community College District 24 is an educational institution provided and maintained by the people of the state. Its campuses, buildings, properties and facilities shall be reserved at all times for those activities which are related to its broad educational objectives and goals. However, the facilities, when not required for scheduled college use, are available for rental by the public in accordance with specified fee schedules and other regulations and procedures for such use.

NEW SECTION

WAC 132X-30-020 ADMINISTRATIVE CONTROL. The board of trustees delegates to the president authority to establish procedures for proper review and approval of the use of the college's facilities; to establish, within the framework of these policies, regulations governing such use; and to establish and revise fee schedules consistent with WAC 132X-30-070.

NEW SECTION

WAC 132X-30-030 TRESPASS REGULATIONS. (1) In order to safeguard the right of every citizen to criticize and to seek meaningful change, each individual has an obligation to respect the rights of all members of the college community.

(2) In order to assure those rights to all members of the college community and to maintain a peaceful atmosphere, the following types of conduct are hereby prohibited on or in college property:

(a) Conduct which intentionally and substantially obstructs or disrupts teaching or freedom of movement or other lawful activities on the college campus;

(b) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on the college campus;

(c) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus;

(d) Refusal to comply with any order of the president, the president's designee, or a law enforcement officer to leave the college campus or any portion thereof;

(e) Intentionally inciting others to engage immediately in any of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is that advocacy which prepares the group addressed for imminent action and steels it to the conduct prohibited herein.)

(3) Guests and visitors on college property who willfully refuse to obey an order of the president, the president's designee, or a law enforcement officer to desist from conduct prohibited by the above rules and regulations may be ejected from the premises.

Refusal to obey such an order will subject the person to arrest under the provisions of the Criminal Trespass Act, in addition to such other sanctions as may be applicable.

(4) Persons who repeatedly engage in any conduct prohibited above may be barred permanently from college property. Before being barred permanently, a person will be given the following:

(a) Written notice sent to the person's last known address specifying the charges against the person; and

(b) The opportunity to request a hearing with the president or the president's designee within two weeks from the date notice is sent.

The written notice shall inform the person that he or she may produce and question witnesses, and that failure to request a hearing within the time specified constitutes a waiver of the person's right to such hearing. The college shall have the burden of proving that the person repeatedly engaged in conduct prohibited by subsection (2) of this section. After the hearing, if one is requested, the president or the president's designee may decide to bar the person from college property permanently, to grant the person a limited license to enter onto college property, or to grant the person full access to college property. A copy of the decision will be sent to the person's last known address within two weeks after the hearing.

NEW SECTION

WAC 132X-30-040 SCHEDULING. The administrative regulations and procedures, schedule of fees, and application forms for use may be obtained at the

office of the dean of administrative services or the college facilities rental coordinator. The scheduling of facilities by groups or organizations will be through these offices.

NEW SECTION

WAC 132X-30-050 USERS. In order to assure appropriate scheduling of college facilities, the following priorities will serve as guidelines:

(1) College scheduled programs and activities.

(2) College related activities, recognized college organizations, and those public or private agencies, whose purpose relate to the advancement of college programs, and/or sponsored activities.

(3) Nonprofit organizations that are nonsectarian, nonpolitical, and noncommercial:

(a) Public education groups that would be engaging in activities serving public education goals and objectives; and

(b) Other than public education groups or organizations;

(i) That would be engaging in activities that serve governmentally supported objectives; or

(ii) That would be engaging in activities related to community improvement objectives; or

(iii) That would be engaging in activities related to the organization's goals and objectives.

(4) Private organizations and those organizations of a religious or sectarian, political or commercial nature requesting facilities on an emergency basis.

(5) Other organizations or groups.

NEW SECTION

WAC 132X-30-060 LIMITATIONS OF USE. (1) College facilities may not be used in ways which interfere with or are detrimental to the college's own instructional and educational programs.

(2) College facilities may not be used for commercial sales, advertising, or promotional activities except when such activities serve educational purposes of the college and are conducted under the sponsorship of a college department or office.

(3) Each group or organization which uses college facilities must abide by the regulations and procedure of use as determined by the board of trustees and/or the president and shall be subject to revocation of their privilege to use the facilities for failing to do so.

(4) The administration reserves the right to deny or cancel the use of facilities when such use or meeting may in any way be prejudicial to the best interests of the college.

NEW SECTION

WAC 132X-30-070 FEES. Fees, when applicable, will be determined by the following categories and assessed accordingly:

(1) Direct charges: Will include charges for utilities (heat, light, etc.) and custodial services.

(2) Special charges: Will include charges for use of audio-visual or television equipment and operator; for

campus security services, and/or any other similar kind of expenses incurred.

(3) Rental charges: Will include charges (depreciation, overhead costs, amortization, etc.) for use of facilities.

(4) Damage charges: Will include charges to defray any expense for the repair or replacement of damaged property or equipment incurred as a result of a rental agreement.

Chapter 132X-40 WAC
ENVIRONMENTAL PROTECTION

WAC

- 132X-40-010 Environmental protection policy.
132X-40-020 Responsible officer.
132X-40-030 SEPA information center.

NEW SECTION

WAC 132X-40-010 ENVIRONMENTAL PROTECTION POLICY. It shall be the policy of South Puget Sound Community College District 24 that capital projects proposed and developed by the college shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA); chapter 197-11 WAC, SEPA rules; and WAC 131-24-030, SEPA implementation rules of the state board for community college education.

NEW SECTION

WAC 132X-40-020 RESPONSIBLE OFFICER. In compliance with WAC 197-10-820, the dean of administrative services is designated to be the "responsible official" for carrying out this policy.

NEW SECTION

WAC 132X-40-030 SEPA INFORMATION CENTER. (1) In compliance with WAC 197-10-830, a SEPA public information center will be maintained which will be the repository for all required documents. This office shall, upon written request, make these documents available to the public. A reasonable charge shall be made for copying and for the cost of mailing such documents.

(2) In the event a regional SEPA public information office is established in Thurston County, the college SEPA public information office may be discontinued and all documents and registers forwarded to that regional office in accordance with WAC 197-10-835.

Chapter 132X-50 WAC

PARKING AND TRAFFIC REGULATIONS—
SOUTH PUGET SOUND COMMUNITY COLLEGE

WAC

- 132X-50-010 Purpose for adopting parking and traffic regulations.
132X-50-020 Applicable parking and traffic regulations.
132X-50-030 Definitions.
132X-50-040 Authorization for issuance of permits.
132X-50-050 Parking fees for vehicle permits.

- 132X-50-060 Parking fee exceptions.
132X-50-070 Responsibility of person to whom permit is issued.
132X-50-080 Display of permits.
132X-50-090 Transfer of permits.
132X-50-100 Permit revocation.
132X-50-110 Right to refuse permit.
132X-50-120 Right to appeal permit revocation/refusal.
132X-50-130 Delegation of authority.
132X-50-140 Enforcement.
132X-50-150 Violation of parking and traffic regulations.
132X-50-160 Issuance of traffic tickets or summons.
132X-50-170 Fines and penalties.
132X-50-180 Grievance proceedings—Appeal of fines and penalties.
132X-50-190 Parking advisory committee.
132X-50-200 Liability of college.
132X-50-210 Designation of parking.
132X-50-220 Parking within designated spaces.
132X-50-230 Regulatory signs, markings, barricades, etc.
132X-50-240 Speed limit.
132X-50-250 Pedestrian's right of way.
132X-50-260 Two-wheeled motorbikes or bicycles.
132X-50-270 Report of accidents.
132X-50-280 Disabled and inoperative vehicles—Impounding.
132X-50-290 Authority to establish parking fee.
132X-50-300 Parking permit fees.

NEW SECTION

WAC 132X-50-010 PURPOSE FOR ADOPTING PARKING AND TRAFFIC REGULATIONS. Pursuant to the authority granted RCW 28B.50.140(10), the board of trustees of South Puget Sound Community College District 24, on behalf of the college is granted authority to adopt rules and regulations for pedestrian and vehicular traffic upon public lands devoted to, operated by or maintained by the college. The objectives of these regulations are:

- (1) To protect and control pedestrian and vehicular traffic.
- (2) To assure access at all times for emergency traffic.
- (3) To minimize traffic disturbances during class hours.
- (4) To facilitate the work of the college by assuring access to its vehicles and by assigning limited parking space for the most efficient use by all.
- (5) To regulate the use of parking spaces.
- (6) To protect state owned property.

NEW SECTION

WAC 132X-50-020 APPLICABLE PARKING AND TRAFFIC REGULATIONS. (1) All regulations in this chapter and all motor vehicle and other traffic laws of the state of Washington shall apply on the campus.

(2) The traffic code of the city of Olympia shall apply upon all lands located within the city of Olympia.

NEW SECTION

WAC 132X-50-030 DEFINITIONS. As used in this chapter, the following words and phrases shall mean:

- (1) "Board": The board of trustees of South Puget Sound Community College, District 24.
- (2) "Campus": All lands and buildings devoted to, operated by, or maintained by South Puget Sound Community College, District 24.
- (3) "Campus security officer": Employee of the college who is responsible to the dean of administrative services for campus traffic control, parking, security, and safety.
- (4) "College": South Puget Sound Community College, District 24.
- (5) "Dean of administrative services": The dean of administrative services for South Puget Sound Community College, District 24.
- (6) "Safety and security supervisor": The college's safety and security supervisor.
- (7) "Employee": Any individual appointed to the faculty, staff, or administration of the college.
- (8) "Guests/visitors": Person or persons who come upon the campus as guests and person or persons who lawfully visit the campus.
- (9) "Annual permits": Permits which are valid from the date of issue until the first day of the following fall quarter. Annual permits are sold during fall quarter.
- (10) "Temporary permits": Permits which are valid for a specific period designated on the permit.
- (11) "Vehicle": Automobile, truck, motor-driven cycle, scooter or any vehicle otherwise powered.
- (12) "Full-time student": Any person who is enrolled on campus for ten credit hours or more at the college.
- (13) "Part-time student": Any person who is enrolled on campus for nine credit hours or less at the college.
- (14) "Full-time employee": An employee of the college employed twenty hours or more per week on a permanent regular basis.
- (15) "Part-time employee": An employee of the college employed less than twenty hours per week.
- (16) "Security office": The college's campus security office.

NEW SECTION

WAC 132X-50-040 AUTHORIZATION FOR ISSUANCE OF PERMITS. The safety and security supervisor, or designee, is authorized to issue parking permits to students, administrators, faculty, staff, guests and visitors to the college, pursuant to the following regulations:

- (1) A person may be issued a parking permit upon the proper registration of his/her vehicle with the college.
- (2) The safety and security supervisor, or designee, may issue temporary, permanent or special parking permits when such permits are necessary to enhance the business or operation of the college.
- (3) Additional permits are available at the current fee schedule to individuals who may be registered to drive any one of several vehicles. Only one vehicle registered

to an individual under one permit fee shall be permitted to park on campus at any one time.

(4) Persons who pay the current fee for parking permits and who later request a refund shall receive refunds according to the refund policy published in the college catalogues and bulletins.

NEW SECTION

WAC 132X-50-050 PARKING FEES FOR VEHICLE PERMITS. All part-time and full-time employees and students of the college shall obtain and display a currently valid parking permit on all vehicles parked or left standing unattended upon the college campus for both day and night classes, in accordance with WAC 132X-50-040.

All persons parking on the campus shall secure and display a currently valid parking permit within five academic days from date of registration or from the first day of employment.

NEW SECTION

WAC 132X-50-060 PARKING FEE EXCEPTIONS. All guests/visitors (including salespersons, maintenance or service personnel) will park in appropriate parking areas without paying a fee after obtaining a temporary permit from the security office. These include but are not limited to:

- (1) Federal, state, county, city, school district and similar governmental personnel on official business in vehicles with tax exempt licenses.
- (2) Vehicles owned by contractors and their employees working on campus construction may be parked within available construction sites or areas.
- (3) Members of the press, television, radio and wire services, on official business.
- (4) Taxis and commercial delivery vehicles for the pick up and delivery of passengers, supplies and equipment.
- (5) Persons attending special college events.
- (6) Guests/visitors invited to the campus for the purpose of rendering services to the college.
- (7) Persons holding emeritus or similar appointments shall park in designated areas.
- (8) Students and faculty participating in Friday evening (after 4:30 p.m.) and/or weekend classes only. Friday evening and weekend classes are not required to obtain temporary permits.

NEW SECTION

WAC 132X-50-070 RESPONSIBILITY OF PERSON TO WHOM PERMIT IS ISSUED. The person to whom a parking permit is issued shall be responsible for all violations of said rules and regulations involving the vehicle; however, such responsibility shall not relieve said driver of the responsibility for violations of the regulations established by this chapter. In the event that a vehicle in violation is not registered with the college, the current registered owner will be responsible for the violations of the campus regulations.

NEW SECTION

WAC 132X-50-080 DISPLAY OF PERMITS. The parking permit issued by the college shall be visibly affixed on the outside of the rear window of the vehicle, for which the permit is issued, on the lower left hand corner of the window as viewed from the rear of the vehicle. If the vehicle is a convertible or has no rear window, the permit shall be affixed to the driver side rear bumper or driver side windshield lower corner. Motorcycle permits must be affixed in a conspicuous place.

NEW SECTION

WAC 132X-50-090 TRANSFER OF PERMITS. Parking permits are not transferable. If a vehicle is sold or traded, the new vehicle must be registered with the security office and the permit will be reissued or a new permit will be issued to the permit holder after paying the replacement cost.

NEW SECTION

WAC 132X-50-100 PERMIT REVOCATION. Permits are licenses and the property of the college, and may be recalled for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists.
- (2) When a permit is used on an unregistered vehicle or by an unauthorized person.
- (3) Falsification on a vehicle registration application.
- (4) Continued violations of parking regulations.
- (5) Counterfeiting or altering of permits.

NEW SECTION

WAC 132X-50-110 RIGHT TO REFUSE PERMIT. The college dean of administrative services, or designee, reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked, or whose driving or parking record indicates a disregard for the rights or safety of others.

NEW SECTION

WAC 132X-50-120 RIGHT TO APPEAL PERMIT REVOCATION/REFUSAL. When a parking permit has been recalled pursuant to WAC 132X-50-100 or has been refused in accordance with WAC 132X-50-110 or when a fine or penalty has been levied against a violator of the rules and regulations set forth in this chapter, such action by the dean of administrative services, or designee, may be appealed in accordance with WAC 132X-50-180.

NEW SECTION

WAC 132X-50-130 DELEGATION OF AUTHORITY. The authority and powers conferred upon the dean of administrative services by these regulations shall be subject to delegation to that individual's subordinates.

NEW SECTION

WAC 132X-50-140 ENFORCEMENT. (1) Parking and traffic regulations will be enforced at all times.

(2) The dean of administrative services, or designee shall be responsible for the enforcement of the regulations contained in this chapter.

NEW SECTION

WAC 132X-50-150 VIOLATION OF PARKING AND TRAFFIC REGULATIONS. (1) Operators of illegally operated or parked vehicles shall be warned or cited through an appropriate means that they are in violation of these regulations. All fines are payable at the cashier's office.

(2) In instances where violations are repeated, and in the judgment of the safety and security supervisor, with appropriate documented evidence, said vehicle(s) may be impounded.

NEW SECTION

WAC 132X-50-160 ISSUANCE OF TRAFFIC TICKETS OR SUMMONS. (1) Upon probable cause to believe that a violation of these regulations has occurred, the safety and security supervisor or designee(s), may issue a warning or citation setting forth the date, the approximate time, permit number, license information and nature of violation.

(2) Such warning or citation may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator.

NEW SECTION

WAC 132X-50-170 FINES AND PENALTIES. The safety and security supervisor, or designee, is authorized to impose the following fines and penalties for violation of the regulations contained in this chapter:

(1) Fines may be levied for all violations of the regulations contained in this chapter.

(2) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas, may be subject to a fine and may be impounded and taken to such place for storage as the safety and security supervisor, or designee, selects. The expenses of such impounding and storage shall be the responsibility of the registered owner or driver of the vehicle.

(3) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(4) The college shall not be liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(5) At the discretion of the dean of administrative services, or designee, an accumulation of citations by a staff, administrator, or faculty member may be turned over to a private collection agency for the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(6) Vehicles involved in violations of these regulations may be impounded as provided for in these regulations.

(7) A schedule of fines shall be set by the board of trustees. The schedule shall be published by the college in the parking and traffic regulations and on the traffic parking citation form.

(8) In the event a person fails or refuses to pay an uncontested fine which has been outstanding in excess of five days, the dean of administrative services or designee, may initiate the following actions:

(a) Student may not be able to obtain transcript of credits until all fines are paid.

(b) Student may not receive a degree/diploma until all fines are paid.

(c) Students will not be able to register for subsequent quarters until all fines are paid.

(9) The following violations will be assessed in accordance with the fees and fines schedules as established by the board of trustees:

- (a) No valid permit displayed
- (b) Visitor parking violations
- (c) Occupying more than one parking space
- (d) Occupying space/area not designated for parking
- (e) Handicapped parking violation
- (f) Parking in area not authorized by permit
- (g) Parking in reserved staff
- (h) Blocking or obstructing traffic (may be towed if creating a safety hazard)
- (i) Parking adjacent to fire hydrant (may be towed if creating a safety hazard)
- (j) Parking in fire lane (may be towed if creating a safety hazard)
- (k) Parking in zone or area marked no parking
- (l) Driving wrong way on a one-way roadway
- (m) Failure to yield right-of-way
- (n) Exceeding the posted speed limit or a condition warrant
- (o) Failure to stop at sign or signal
- (p) Improper lane change
- (q) Reckless or negligent driving
- (r) Other violations of college parking/traffic regulations and its objectives.

NEW SECTION

WAC 132X-50-180 GRIEVANCE PROCEEDINGS—APPEAL OF FINES AND PENALTIES. (1) The alleged violator must submit the grievance in writing, giving full particulars, listing witnesses, evidence, etc.

(2) Grievance must be submitted to the dean of students within five days from date of citation.

(3) If grievance is not resolved to the satisfaction of the alleged violator, he/she shall have five additional days from receipt of decision by the dean of students to appeal to the parking advisory committee.

NEW SECTION

WAC 132X-50-190 PARKING ADVISORY COMMITTEE. The parking advisory committee shall be structured and responsible for the following purposes:

(1) To review and recommend necessary changes to the college parking and traffic regulations annually.

(2) To receive and hear appeals related to parking grievances. All decisions made by the parking advisory committee relative to parking/traffic appeals shall be final.

(3) Membership shall consist of:

Four student representatives (two in student senate) appointed by the president of the associated students of South Puget Sound Community College

Two faculty representatives – appointed by faculty president of the college

One classified representative – elected by simple majority of voting classified staff

Dean of administrative services – ex officio.

NEW SECTION

WAC 132X-50-200 LIABILITY OF COLLEGE. The college assumes no liability under any circumstances for vehicles on campus. No bailment of any sort is created by the purchase of a parking permit.

NEW SECTION

WAC 132X-50-210 DESIGNATION OF PARKING. The parking space available on campus may be allocated and designated by the dean of administrative services in such a manner as will best achieve the objectives of these rules and regulations.

(1) Special provisions shall be made for physically disabled employees, visitors, students, or their designee. Physically disabled individuals utilizing handicapped parking spaces must display in that vehicle a valid state issued disabled parking permit or license plate. Temporarily handicapped permits will be issued by the safety and security supervisor. In addition to the disabled permit, valid college parking permits must be purchased and displayed on the vehicle.

(2) Visitors parking shall be limited to spaces so designated.

(3) Parking spaces may be designated for special purposes as deemed necessary.

NEW SECTION

WAC 132X-50-220 PARKING WITHIN DESIGNATED SPACES. (1) No vehicle shall be parked on the campus except in those areas set aside and designated for parking.

(2) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall.

NEW SECTION

WAC 132X-50-230 REGULATORY SIGNS, MARKINGS, BARRICADES, ETC. The dean of administrative services, or designee, is authorized to make and erect signs, barricades, and other structures and to paint marks and other directions upon the streets, entry/exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or maintained by the college. Drivers or vehicles shall observe and obey all the signs, barricades, structures, markings and directions given them by the campus

security officer in the control and regulation of traffic and parking.

NEW SECTION

WAC 132X-50-240 SPEED LIMIT. No vehicle shall be operated on the campus at a speed in excess of twenty miles per hour, or such slower speed as is reasonable and prudent to the circumstances. No vehicle of any type shall at any time use the campus parking lots for testing, racing, or other unauthorized activities. Exceptions may be granted by the dean of administrative services.

NEW SECTION

WAC 132X-50-250 PEDESTRIAN'S RIGHT OF WAY. (1) The operator of a vehicle shall yield right of way to any pedestrian. Pedestrians shall not leave a curb or other place of safety and walk or run into the path of an oncoming vehicle.

(2) When a sidewalk or crosswalk is provided, pedestrians shall proceed upon the sidewalk or crosswalk.

NEW SECTION

WAC 132X-50-260 TWO-WHEELED MOTORBIKES OR BICYCLES. (1) All two-wheeled vehicles powered by an engine shall park in areas designated for motorcycles only and will not use spaces assigned to automobiles or bicycles.

(2) Bicycles and other nonengine powered cycles are to be parked in bicycle racks where provided. No person shall park a bicycle inside a building, by a doorway, on a path, sidewalk, walkway, or in such a manner as to block or obstruct the normal flow of pedestrian traffic.

NEW SECTION

WAC 132X-50-270 REPORT OF ACCIDENTS. (1) The operator of any vehicle involved in an accident on campus resulting in injury or death of any person or claimed damage to either or both vehicles exceeding five hundred dollars shall immediately report such accident to the security office. Operator shall within twenty-four hours after such accident file a state of Washington motor vehicle report.

(2) Other minor accidents may be reported to the security office for insurance record purposes.

NEW SECTION

WAC 132X-50-280 DISABLED AND INOPERATIVE VEHICLES—IMPOUNDING. (1) Disabled or inoperative vehicles shall not be parked on the campus for a period exceeding seventy-two hours, without authorization from the dean of administrative services, or designee.

(2) Vehicles parked over seventy-two hours without authorization may be impounded and stored at the expense of either or both the owner and operator thereof.

(3) Notice of intent to impound will be posted on the vehicle and sent by registered mail to the legal owner forty-eight hours prior to impound.

NEW SECTION

WAC 132X-50-290 AUTHORITY TO ESTABLISH PARKING FEE. The board shall set and review as necessary parking permit fees in accordance with WAC 132X-50-300 and a schedule of fines and penalties in accordance with WAC 132X-50-170.

NEW SECTION

WAC 132X-50-300 PARKING PERMIT FEES. Fees shall be levied in accordance with the current published fee schedule.

Chapter 132X-60 WAC SOUTH PUGET SOUND CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

WAC

132X-60-010	Preamble.
132X-60-020	Jurisdiction.
132X-60-030	Right to demand identification.
132X-60-040	Freedom of association and organization.
132X-60-050	Student records.
132X-60-060	Student publications.
132X-60-070	Use of college facilities.
132X-60-080	Student complaints.
132X-60-090	Violations.
132X-60-100	Initial disciplinary proceedings.
132X-60-110	Appeals of disciplinary action.
132X-60-120	Disciplinary sanctions.
132X-60-130	Readmission after suspension.
132X-60-140	Summary suspension procedures.
132X-60-150	Emergency procedures.

NEW SECTION

WAC 132X-60-010 PREAMBLE. Unless otherwise limited by this chapter, students have the same fundamental rights as all citizens. These rules shall be liberally construed to eliminate procedural impediments to discipline.

NEW SECTION

WAC 132X-60-020 JURISDICTION. These rules apply to students engaged in or present at any on-campus or off-campus college-related activity. A student's off-campus conduct may be considered in determining discipline.

NEW SECTION

WAC 132X-60-030 RIGHT TO DEMAND IDENTIFICATION. College personnel may demand that any person on college facilities produce evidence of student enrollment.

NEW SECTION

WAC 132X-60-040 FREEDOM OF ASSOCIATION AND ORGANIZATION. Students are free to organize and join associations to promote any legal purpose. Student organizations must be granted a charter

by the associated students of South Puget Sound Community College senate before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the associated students of South Puget Sound Community College senate a statement of purpose, criteria for membership, a statement of operating rules or procedure, and the names of college personnel who have agreed to serve as an advisor. All chartered student organizations must also submit to the associated students of South Puget Sound Community College senate a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.

NEW SECTION

WAC 132X-60-050 STUDENT RECORDS. In compliance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and its implementing regulations, 45 CFR § 99, this policy has been created to insure confidentiality of student records at the college and govern the release of personally identifiable information contained within.

(1) Education records. Education records are defined as those records, files, and documents containing information directly pertaining to a student. At South Puget Sound Community College these are:

(a) Records pertaining to admission, advisement, registration, grading and progress to a degree that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the treasurer.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or athletics that is maintained by the student programs office.

(2) Access to education records. Students who are or have attended the college have the right to examine or review their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired.

Note: Charges for reproduced copies of education records are found in the current catalog.

(3) Directory information. The following information is considered "directory information" and thus may be disclosed without consent of the student, unless otherwise directed by the student, at any time, to the registrar in writing: The student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) Disclosure from education records. In addition to directory information the college will, at its discretion, make disclosures from education records of students with the student's prior written consent or to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students where officially elected or appointed to the ASSPSCC senate or employed by the college. Access or release of records to the above is permissible only when the information is required for the advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consonant with their specific duties and responsibilities.

(b) To officials of another school in which the student seeks or intends to enroll.

(c) To authorized federal, state, or local officials as required by law.

(d) In connection with financial aid for which the student has applied or received.

(e) To accrediting organizations, or organizations conducting studies for or on behalf of the institution.

(f) To appropriate parties in a health or safety emergency.

(g) To persons in compliance with a judicial order or a lawfully issued subpoena, provided that the college first makes a reasonable effort to notify the student.

(h) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954, upon receipt of a written affidavit stating that the student is a dependent for income tax purposes. This, however, will not affect the other rights of the student.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from educational records and the nature of the interest in that information.

Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosures to other parties listed in (a) through (h) of this subsection.

(5) Challenge of education records. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy or other rights of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing by the academic standards committee through a written request to the director of admissions and records. Should the academic standards committee deem that the education records in question are inaccurate or misleading, the committee can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of the office designated to investigate, process, and review violations and complaints which are filed is:

The Family Educational Rights and
Privacy Act Office (FERPA)
Department of Health, Education
and Welfare
330 Independence Avenue S.W.
Washington, D.C. 20201

Copies of the Federal Register pertaining to the Family Education Rights and Privacy Act may be obtained from:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

NEW SECTION

WAC 132X-60-060 STUDENT PUBLICATIONS. The college will establish a student publications policy relating to officially sponsored publications and create a student publications board charged with the enforcement of the policy. The publications board shall be composed of an administrator appointed by the college president, two faculty, and three students appointed by the associated student body president.

The student publications policy shall protect the students' freedom to deal with any ideas and to express any opinions in the student publications without fear of their censorship. Editors and managers of student publications are protected from arbitrary suspension and removal. Only for proper and stated causes, as outlined in the statement of purpose or philosophy adopted for each student publication, should editors and managers be subject to removal and then by orderly and prescribed procedures.

At the same time, the student publications policy shall charge the student editors and managers with corollary responsibilities to be governed by the canons of responsible journalism.

NEW SECTION

WAC 132X-60-070 USE OF COLLEGE FACILITIES. Any recognized associated students of South Puget Sound Community College organization may request use of available college facilities for authorized

activities. Facilities will be provided free of charge to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases.

Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization.

NEW SECTION

WAC 132X-60-080 STUDENT COMPLAINTS. The purpose of these procedures is to establish a process where a student may express and resolve misunderstandings, complaints or grievances with any college employee in a fair and equitable manner. This procedure emphasizes an informal resolution.

A complaint is any expression of dissatisfaction with the performance of a college employee or procedure. The students who have a complaint about an action of a college employee should use the following procedure:

(1) Initiating a nonacademic complaint:

(a) The student and the college employee should make a good faith effort to resolve the grievance on a one to one basis within fifteen instructional days from the date of the complaint. In the event of absence from campus by the employee, the student shall contact the organizational unit administrator for advice on how to proceed with the complaint. If the student feels that he/she cannot meet face-to-face with the employee he/she may directly contact the organizational unit administrator.

(b) If the student determines that a complaint cannot be resolved appropriately with the employee concerned, the student may contact the organizational unit administrator of the employee to facilitate a solution to the grievance.

(c) If a complaint filed with the appropriate organizational unit administrator has not been resolved, the student may proceed with a formal complaint.

(2) Proceeding with a formal complaint:

(a) Office to address: Complaints regarding an instructional employee or policy shall be addressed to the dean of instruction or designee. Complaints regarding an administrative services employee or policy shall be addressed to the dean of administrative services or designee. Complaints regarding student services employees or other college personnel shall be addressed to the dean of students or designee.

(b) The dean/designee shall discuss with the student the concerns and options available to resolve the concern. If the student should elect to proceed with the formal complaint the student must outline in writing the complaint, identifying dates and persons involved as accurately as possible.

(c) The dean shall also inform the student that the student may ask the dean of students or another person the student chooses to act as an advocate in assisting the student in the completion of the complaint process.

(d) The student's written complaint shall be forwarded to the employee concerned who shall provide a written response within ten instructional days.

(e) If the written response does not resolve the complaint to the satisfaction of the student, the dean shall convene a conference of all the involved parties within

ten instructional days to (i) attempt to resolve to the satisfaction of all parties the complaint and/or (ii) hear the issue(s) and take appropriate action(s) to resolve the complaint.

(f) Action taken by the dean, if any, may be appealed to the president.

NEW SECTION

WAC 132X-60-090 VIOLATIONS. Any student shall be subject to disciplinary action who, either as a principal actor or aider or abettor commits any of the following which are hereby prohibited:

(1) **Abusive conduct:** Physical and/or verbal abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(2) **Destroying or damaging property:** Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(3) **Dishonesty:** All forms of dishonesty including: Cheating; plagiarism; knowingly furnishing false information to the college; intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency, on college premises or at any college-sponsored activity; forgery; alteration or use of college documents or instruments of identification with intent to defraud.

(4) **Disorderly conduct:** Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college.

(5) **Drugs:** Using, possessing, furnishing, or selling any narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(6) **Inciting others:** Intentionally inciting others to engage in any prohibited conduct as defined herein, which incitement directly leads to such conduct. Inciting is the advocacy which prepares the group or individual addressed for immediate action and compels that individual or group to engage in the prohibited conduct.

(7) **Insubordination:** Failure to comply with lawful directions of college personnel acting in performance of their lawful duties.

(8) **Liquor:** Possessing, consuming, or furnishing of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by law.

(9) **Theft:** Theft or conversion of college property or private property.

(10) **Trespass/unauthorized presence:** Entering or remaining unlawfully, as defined by state law, or using college premises, facilities, or property, without authority.

(11) **Weapons:** Carrying, exhibiting, displaying or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that

either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(12) **Other violations:** Students may be accountable to both civil authorities and to the college for acts which constitute violations of federal, state, or local law as well as college rules and policy. The college may refer any such violation to civilian authorities for disposition.

NEW SECTION

WAC 132X-60-100 INITIAL DISCIPLINARY PROCEEDINGS. (1) **Initiation of disciplinary action.** Anyone may report, orally or in writing, violations to the dean of students, or designee, who may initiate disciplinary action.

(2) **Notice requirements.** Any student charged with a violation shall receive written notice delivered to the student personally or by registered or certified mail to the student's last known address no later than two weeks after a reported violation. The notice shall not be ineffective if presented later due to student's absence. Such notice shall:

(a) Inform the student that a report has been filed alleging that the student violated specific provisions of college policy and the date of the violation; and

(b) Set forth those provisions allegedly violated; and

(c) Specify the exact time and date the student is required to meet with the dean of students; and

(d) Specify the exact time, date, and location of the formal hearing with the student judicial board, if one is required; and

(e) Inform the student that he/she may question witnesses, that he/she may have anyone appear in his/her behalf to defend him/her, that he/she may have a maximum of three character witnesses appear in his/her behalf; and

(f) Inform the student that failure to appear at either of the appointed times at the dean of student's office or at the hearing may subject the student to suspension from the institution for a stated or indefinite period of time.

(3) **Meeting with the dean of students.**

(a) At the meeting with the dean of students the student shall be informed of the provision of the code of student rights and responsibilities that are involved, that the student may appeal any sanction imposed by the dean of students and that if a hearing with the student judicial board is required the student may have that hearing open to the public.

(b) After considering the evidence in the case and interviewing the student or students involved, the dean of students may take any of the following actions:

(i) Terminate the proceedings exonerating the student or students; or

(ii) Impose disciplinary sanctions as provided for in WAC 132X-60-120; or

(iii) Refer the matter to the student judicial board for appropriate action.

(c) A student accused of violating any provision of college policy shall be given immediate notification of any disciplinary action taken by the dean of students.

(d) No disciplinary action taken by the dean of students is final unless the student fails to exercise the right of appeal as provided for in these rules.

(4) Student judicial board.

(a) Composition. The college shall have a standing student judicial board composed of nine members, who shall be chosen and appointed to serve as a standing committee until their successors are appointed. The membership of the board shall consist of three members of the administration, excepting the dean of students, appointed by the president; three faculty members appointed by the faculty organization; and three students appointed by the associated students of South Puget Sound Community College senate. Any student entitled to a hearing before the student judicial board shall choose, in writing, five members of the board to hear and decide the appeal or disciplinary case, provided, the student must choose at least one student, one faculty member and one member of the administration from the nine member board. In the event that unforeseen circumstances prevent a previously selected board member from attending the hearing, the student must choose a replacement from among the balance of the standing committee.

(b) Hearing procedures.

(i) The five members of the student judicial board will hear, de novo, all disciplinary cases appealed to the committee by the student or referred to it by the dean of students.

(ii) The five members of the student judicial board shall elect from among themselves a chairperson for the purpose of presiding at the disciplinary hearing.

(iii) The student shall be given written notice of the time, date, and location of the hearing; the specific charges against him/her; and shall be accorded reasonable access to the case file, which will be retained by the dean of students.

(iv) Hearings will be closed to the public except for the dean of students and/or designee, immediate members of the student's family, and the student's representative. An open hearing may be held, in the discretion of the chairperson, if requested by the student. All parties, the witnesses, and the public shall be excluded during the student judicial board's deliberations.

(v) The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the student, who disrupts a hearing or who fails to adhere to the rulings of the chairperson or committee advisor may be excluded from the proceedings and may be subject to disciplinary action as set forth in this policy.

(vi) The student may question witnesses, bring an advocate to defend him/her, and have a maximum of three character witnesses appear on his/her behalf.

(vii) The burden of proof shall be on the dean of students who must establish the guilt of the student by a preponderance of the evidence.

(viii) Formal rules of evidence and procedure shall not be applicable in disciplinary proceedings conducted pursuant to this code. The chairperson shall admit all matters into evidence which reasonable persons would accept

as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

(ix) The dean of students may appoint a special presiding officer to the student judicial board in complex cases or in any case in which the respondent is represented by legal counsel. Special presiding officers may participate in committee deliberations but shall not vote.

(x) In order that a complete record of the proceeding, including all evidence presented, can be made, hearings may be tape-recorded or transcribed. If a recording or a transcription is not made, the decision of the student judicial board must include a summary of the testimony and shall be sufficiently detailed to permit appellate review.

(xi) After considering the evidence in the case and interviewing the student or students involved, the student judicial board shall decide by majority vote whether to:

(A) Terminate the proceedings exonerating the student(s); or

(B) Impose disciplinary sanctions as provided in WAC 132X-60-120.

(xii) Final decisions of the student judicial board, including findings of fact or reasons for the decision, shall be delivered to the student personally or by registered or certified mail to the student's last known address and a copy filed with the office of the dean of students.

NEW SECTION

WAC 132X-60-110 APPEALS OF DISCIPLINARY ACTION. (1) Appeals of disciplinary action(s) shall be taken in the following order:

(a) Disciplinary action taken by or at the recommendation of the dean of students or designated representative may be appealed to the student judicial board.

(b) Disciplinary decisions and action taken by the student judicial board may be appealed by the student to the president.

(2) All appeals by a student must be made in writing to the dean of students within ten calendar days after the student has been notified of the action from which he/she has a right of appeal to the student judicial board or the president.

NEW SECTION

WAC 132X-60-120 DISCIPLINARY SANCTIONS. (1) Warning. Notice to a student, either verbally or in writing, that the student has been in violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Reprimand. Formal action censuring a student for violation of the college rules or regulations or has otherwise failed to meet the college's standards of conduct. Reprimands shall be made in writing to the student as appropriate by the dean of students or the student judicial board with copies filed in the office of the dean of students. A reprimand will include the statement that

continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(3) Fines. The dean of students and/or the student judicial board may assess monetary fines up to a maximum of one hundred dollars per violation against individual students for violation of college rules and regulations or for the failure to meet the college's standards of conduct. Failure to pay such fines within thirty days will result in suspension for an indefinite period of time as set forth in subsection (6) of this section, provided that a student may be reinstated upon payment of the fine.

(4) Restitution. An individual student may be required to make restitution for damage or loss to college or other property and for injury to persons. Failure to make restitution within thirty days will result in suspension for an indefinite period of time as set forth in subsection (6) of this section, provided that a student may be reinstated upon payment.

(5) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of college rules or regulations or other failure to meet the college standards of conduct. Written notice of disciplinary probation will specify the period of probation and any condition, such as limiting the student's participation in extracurricular activities or access to specific areas of the college's facilities. Copies of the notice shall be kept on file in the office of the dean of students and in the student's official educational records. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(6) Suspension/dismissal. Temporary, indefinite, or permanent dismissal from the college of a student for violation of college rules and regulations. The notification suspending a student will indicate, in writing, the term of the suspension and any special conditions which must be met before readmission. Copies of the notification shall be kept on file in the office of the dean of students and in the student's official education record.

Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy.

Students who are suspended from the college may be denied access to all or any part of the campus or other facility during the duration of the period of suspension.

NEW SECTION

WAC 132X-60-130 READMISSION AFTER SUSPENSION. If the student has been suspended for an indefinite period, or feels that circumstances warrant reconsideration of the temporary suspension prior to its expiration, the student may be readmitted following approval of a written petition submitted to the dean of students. Such petitions must state reasons which support a reconsideration of the matter.

NEW SECTION

WAC 132X-60-140 SUMMARY SUSPENSION PROCEDURES. (1) Initiation of summary suspension

procedures. The dean of students, or designee, may suspend any student of the college for not more than ten academic calendar days pending investigation, action or prosecution on charges of alleged violation or violations of college policy, if the dean of students has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of other college community members, or the safety and well-being of the college property requires such suspension.

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

(3) Notice of summary suspension proceedings.

(a) If the dean of students or designee finds it necessary to exercise the authority to summarily suspend a student, he/she shall give the student notice, orally or in writing, stating: The time, date, place, and nature of the alleged misconduct; the evidence in support of the charge(s); the corrective action or punishment which may be imposed against the student; that anything the student says to the dean may be used against the student; and that the student may either accept the disciplinary action or, within forty-eight hours or two work days following receipt of this notification, file at the office of the dean of students, a written request for a hearing by the student judicial board. If the request is not filed within the prescribed time, it will be deemed as waived.

(b) Appeal and hearing. If oral notice is given, it shall be followed by written notice within forty-eight hours or two working days. The hearing shall be accomplished according to the procedures set forth in WAC 132X-60-100. Failure by the student to appear at the hearing with the student judicial board shall result in the dean of students or designee suspending the student from the college.

(c) Nothing herein shall prevent faculty members from taking reasonable summary action as may be reasonably necessary to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student, or the safety and protection of other students or of college property or where the student's conduct materially and substantially disrupts the educational process.

Such summary action in the form of removal from the classroom shall be effective for a period not to exceed two scheduled classroom days. Any summary action may be appealed to the dean of students for an informal hearing.

NEW SECTION

WAC 132X-60-150 EMERGENCY PROCEDURES. In the event of activities which interfere with the orderly operation of the college, the dean of students or the president, or their designees shall determine the

course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

(1) Inform those involved in such activities that they are in violation of college and/or civil regulations.

(2) Inform them that they should cease and desist. Indicate an area on campus where they are able to conduct their activities without interfering with the operation of the college, if such an area is available.

(3) If they do not respond within a reasonable time, call the civil authorities.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132L-10-010	PREAMBLE.
WAC 132L-10-020	JURISDICTION.
WAC 132L-10-030	RIGHT TO DEMAND IDENTIFICATION.
WAC 132L-10-040	FREEDOM OF ASSOCIATION AND ORGANIZATION.
WAC 132L-10-050	STUDENT RECORDS.
WAC 132L-10-100	STUDENT PUBLICATIONS.
WAC 132L-10-110	USE OF COLLEGE FACILITIES.
WAC 132L-10-120	STUDENT COMPLAINTS.
WAC 132L-10-130	VIOLATIONS.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132L-21-010	INITIAL PROCEEDINGS.
WAC 132L-21-020	APPEALS.
WAC 132L-21-030	DISCIPLINARY SANCTIONS.
WAC 132L-21-040	READMISSION AFTER SUSPENSION.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132L-23-010	SUMMARY SUSPENSION PROCEDURES.
WAC 132L-23-020	PERMISSION TO ENTER OR REMAIN ON CAMPUS.
WAC 132L-23-030	NOTICE OF SUMMARY SUSPENSION PROCEEDINGS.
WAC 132L-23-040	EMERGENCY PROCEDURES.

WSR 88-21-072

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order 88-41—Filed October 18, 1988]

I, Fred Olson, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Commercial low-level radioactive waste disposal—Site use permits, amending chapter 173-326 WAC.

This action is taken pursuant to Notice No. WSR 88-18-099 filed with the code reviser on September 7, 1988. 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 43.200-.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 October 18, 1988.

By Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order 87-11, filed 7/1/87)

WAC 173-326-030 REQUIREMENTS FOR USERS OF THE WASHINGTON COMMERCIAL LOW-LEVEL RADIOACTIVE WASTE DISPOSAL SITE. (1) A site use permit must be obtained prior to:

- (a) The shipment of LLRW to a LLRW disposal site.
 - (b) The disposal of LLRW at a LLRW disposal site.
- (2) An application for a site use permit must be filed.
- (a) An application for a site use permit shall be filed on department form ECY 010-75.
 - (b) Each application shall be signed by the applicant.

- (3) Number of permits required:

(a) Generators who own multiple facilities within the same state may apply for one permit, provided the same contact person within the generator's company will be responsible for the waste shipments. Otherwise separate permits will be required.

(b) Facilities which are owned by the same generator and located in different states will require separate permits.

(4) A broker must ensure that a generator has a current, unencumbered site use permit prior to shipment of that generator's waste to a commercial LLRW disposal site located in the state of Washington, and that the waste will arrive at the disposal site prior to the expiration date of the generator's permit.

(5) Permittees must provide additional information when requested by the department of ecology as necessary for the safe management of low-level radioactive waste in the state of Washington.

WSR 88-21-073
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-147—Filed October 18, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use regulations.

I, Joseph R. Blum, 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 current run size estimates for natural coho stocks in the Quillayute and Hoh rivers indicate that no harvestable coho are available. It is in the public interest to protect the spawning escapement of these fish, and therefore harvesting of coho by the recreational fishery must be stopped. There is not adequate time to follow the permanent rule adoption procedures.

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 October 18, 1988.

By J. McKillip
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-13000P BOGACHIEL RIVER. *Notwithstanding the provisions of WAC 220-57-130, effective immediately through November 30, 1988, Bag Limit A in those waters downstream from the Highway 101 Bridge, except coho salmon greater than 20 inches in length must be released immediately.*

NEW SECTION

WAC 220-57-13500M CALAWAH RIVER. *Notwithstanding the provisions of WAC 220-57-135, effective immediately through November 30, 1988, Bag Limit A in those waters downstream from the Highway 101 Bridge, except coho salmon greater than 20 inches in length must be released immediately.*

NEW SECTION

WAC 220-57-20000F DICKEY RIVER. *Notwithstanding the provisions of WAC 220-57-200, effective immediately through November 30, 1988, Bag Limit A in those waters downstream of the mouth of east fork of the Dickey River to the National Park boundary, except coho salmon greater than 20 inches in length must be released.*

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

NEW SECTION

WAC 220-57-27000S HOH RIVER. *Notwithstanding the provisions of WAC 220-57-270, effective November 1, through November 30, 1988, it is unlawful to fish for or possess salmon taken for personal use from the waters of the Hoh River.*

NEW SECTION

WAC 220-57-38500R QUILLAYUTE RIVER. *Notwithstanding the provisions of WAC 220-57-385, effective immediately through November 30, 1988, Bag Limit A in those waters downstream from the confluence of the Soleduck and Bogachiel Rivers including Olympic National Park waters, except that coho salmon greater than 20 inches in length must be released immediately.*

NEW SECTION

WAC 220-57-46000W SOLEDUCK RIVER. *Notwithstanding the provisions of WAC 220-57-46000W, effective immediately through November 30, 1988, downstream from the concrete pump station at the Soleduck Hatchery, except that coho salmon greater than 20 inches in length must be released immediately.*

WSR 88-21-074

EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-148—Filed October 18, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 coho stocks have cleared the areas of northern Hood Canal and Area 9. Southern Hood Canal must remain closed until coho stocks clear those areas. There is inadequate time [to] follow the permanent rule adoption procedures.

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 October 18, 1988.

By J. McKillip
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-18000A BAG LIMIT CODES. Notwithstanding the provisions of WAC 220-56-180, effective immediately until further notice the following provisions apply to Code H:

(a) Through October 31 in contiguous waters of Puget Sound south of a line from Apple Cove Point to Edwards Point the daily bag limit is four salmon, no more than two of which may be chinook salmon.

(b) Through October 31 in those water of Area 12 south of a line projected from Ayock Point true east to the mainland, it is unlawful to fish for or possess salmon taken for personal use.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-18000Z BAG LIMIT CODES. (88-124)

WSR 88-21-075

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-149—Filed October 18, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, 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 openings in Area 6D provide opportunity to harvest non-Indian allocation of Strait of Juan de Fuca origin coho, to facilitate an in-season run size update, and to prevent wastage, net length restriction in Area 6D is necessary to maintain an orderly fishery. Openings in Areas 7 and 7A provide opportunity to harvest the non-Indian allocation of United States Canadian origin chum. Openings in Area 7B provide opportunity to harvest non-Indian allocation of coho destined for the Nooksack-Samish region of origin and to prevent wastage. Openings in Area 8A provide opportunity to harvest non-Indian allocation of Stillaguamish-Snohomish origin coho. Openings in Area 8D provide opportunity to harvest non-Indian share of the Area 8D portion of Stillaguamish-Snohomish origin coho. Openings in Area 9A provide opportunity to harvest non-Indian allocation of Hood Canal Hatchery origin coho stocks. All other Puget Sound areas are closed to prevent

overharvest of local salmon stocks. There is inadequate time to follow the permanent rule adoption process.

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 October 18, 1988.

By J. McKillip
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-924 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 5:00 PM Wednesday October 19 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Area 6D – Notwithstanding the provisions of Chapter 220-20-010(14), Purse seines using the 5-inch strip and gill nets using 5-inch minimum mesh and fishing with no more than 900 feet of net may fish continuously until 9:00 AM Monday October 24.
- * Areas 7 and 7A – Reef nets may fish from 5:00 AM to 9:00 PM Thursday October 20.
- * Area 7B – Gillnets using 5-inch minimum mesh may fish continuously through 11:59 PM Saturday October 29, and purse seines may fish continuously through 11:59 PM Saturday October 29.
- * Area 8A – Gill nets using 5-inch minimum mesh may fish from 5:00 PM Wednesday October 19 to 9:00 AM Thursday October 20, and from 5:00 PM Thursday October 20 to 9:00 AM Friday October 21 and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM Thursday October 20, and from 5:00 AM to 4:00 PM Friday October 21.
- * Area 8D – Gillnets using 5-inch minimum mesh may fish from from 5:00 PM Wednesday October 19 to 9:00 AM Thursday October 20, and from 5:00 PM Thursday October 20 to 9:00 AM Friday October 21 and purse seines using the 5-inch strip may fish through 9:00 PM Wednesday October 19, and from 5:00 AM to 9:00 PM Thursday October 20, and from 5:00 AM to 4:00 PM Friday October 21.

- * Area 9A – Gillnets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish until 4:00 PM Friday October 21.
- * Areas 4B, 5, 6, 6A, 6B, 6C, 7C, 7D, 7E, 8, 9, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13J, and 13K and all freshwater areas – Closed.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 5:00 PM Wednesday October 19:

WAC 220-47-923 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-145)

WSR 88-21-076
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-150—Filed October 18, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, Joseph R. Blum, 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 a harvestable population of razor clams is available in the razor clam areas south of the Grays Harbor South Jetty. It is in the public interest to harvest these clams. There is not adequate time to follow the permanent rule adoption procedures.

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 October 18, 1988.

By J. McKillip
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-36000Q RAZOR CLAMS—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in

Razor Clams Areas 1, 2, 3 except as provided for in this section:

(1) Razor clam digging is allowed from 12:00 Noon through 11:59 p.m. October 21 through November 15, 1988.

(2) Razor clam digging is allowed on odd-numbered days only.

(3) Razor clam digging is allowed only on the beaches located south of the Grays Harbor south jetty.

(4) It is unlawful to dig for razor clams at any time in the Longbeach or Copalis Razor Clam Sanctuaries defined in WAC 220-56-372.

WSR 88-21-077
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules relating to biological products, chapter 16-42 WAC;

that the agency will at 1:00 p.m., Tuesday, November 22, 1988, in the Holiday Inn of Bellevue, 11211 Main, Bellevue, WA 98004, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 2, 1988.

The authority under which these rules are proposed is chapter 16.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 22, 1988.

Dated: October 19, 1988

By: Mike Willis
Assistant Director

STATEMENT OF PURPOSE

Title: Rules relating to biological products.

Description of Purpose: To establish procedures for the sale, distribution and use of veterinary biological products.

Statutory Authority: Chapter 16.36 RCW.

Summary of Rules: Establishes policies and procedures for the sale, distribution and use of veterinary biological products. In order to protect public health and animal health, to insure accurate diagnosis and to effectuate state-federal animal disease and control programs, biologics are classified into three groups. Group I are veterinarian controlled biologics which may only be purchased, administered or otherwise used under direct supervision of licensed veterinarians. Group II are limited access biologics available to any person by permit for administration to their own animals. A list of Group I and II biologics is included. Group III biologics may be purchased over the counter without a permit.

Reason Supporting the Proposed Rule: To update the list of biologics in Group I and to institute Group II and

III biologics to allow for the control of biological products used in the prevention of animal diseases.

Agency Personnel to Contact: Dr. Robert W. Mead, State Veterinarian, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5040.

Agency Comment: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1866, filed 7/10/85)

WAC 16-42-005 DEFINITIONS. (1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of ~~(the department of)~~ agriculture of the state of Washington or his authorized representative.

(3) "Biologics," sometimes referred to as biologicals or biological products, means all viruses, serums, toxins, and analogous products of natural or synthetic origin, or products prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms and the antigenic or immunizing components of microorganisms intended for use in the diagnosis, treatment, or prevention of diseases in animals.

(4) "Limited access biologic permit" means a five-year permit issued by the department of agriculture to persons who can supply information showing basic experience or training in administering biologics.

AMENDATORY SECTION (Amending Order 1866, filed 7/10/85)

WAC 16-42-017 MANUFACTURING AND DISTRIBUTION PERMITS REQUIRED. (1) Any person manufacturing biologics within the state for distribution within the state shall first obtain a permit from the director. Such permit may be revoked or suspended in the manner provided for under chapter 34.04 RCW for any violation of this chapter.

(2) Prior to importation of any newly licensed biologic into the state for sale, use or distribution within the state, the written approval of the director shall be required. When deemed necessary, the director may also require a special permit for the importation or distribution of other biologics into the state.

AMENDATORY SECTION (Amending Order 1866, filed 7/10/85)

WAC 16-42-022 BIOLOGICS. Biologics produced under a regular license issued by the United States Department of Agriculture, or produced under a permit issued by the director may only be sold by persons or firms properly licensed under chapter 18.64 RCW or any veterinarian licensed pursuant to chapter 18.92 RCW. Persons other than licensed veterinarians or state or federal veterinarians may administer biologics other than those listed under WAC 16-42-025(1) to their own domestic animals.

AMENDATORY SECTION (Amending Order 1866, filed 7/10/85)

WAC 16-42-025 PURCHASING AND ADMINISTERING BIOLOGICS (~~LIMITED~~). (1) Group I - Veterinarian controlled biologics. All biologics now in existence or newly developed to diagnose, prevent, or combat the following diseases are declared by the director to be of such a nature that their control is necessary to protect animal or human health and welfare, to ensure accurate diagnosis, to prevent the spread of infectious, contagious, communicable, and dangerous diseases affecting domestic animals within the state of Washington and/or to effectuate state-federal animal disease control and eradication programs:

- (a) Anaplasmosis
- (b) Anthrax
- (c) Bluetongue
- (d) Brucellosis
- (e) Ehrlichia risticii, Equine Monocytic Ehrlichiosis or Potomac Horse Fever

- (f) Equine infectious anemia
- ~~((f))~~ (g) Equine viral arteritis
- ~~((g))~~ (h) Paratuberculosis

- ~~((h))~~ (i) Pseudorabies
- ~~((i))~~ (j) Rabies
- ~~((j))~~ (k) Staphylococcus aureus Phage lysate
- (l) Tuberculosis
- ~~((k))~~ (m) Swine erysipelas (Avirulent vaccine exempted)
- ~~((m))~~ (n) Venezuelan Equine Encephalitis (Killed vaccine exempted)

(o) Vesicular stomatitis
 (2) All biologics used to control or diagnose any of the diseases listed in subsection (1) of this section are hereby restricted, and may only be purchased, administered, or otherwise used by or under the direct supervision of veterinarians licensed pursuant to chapter 18.92 RCW, or by state or federal veterinarians. The director may authorize, by written permit, others to purchase such biologics for research agencies or laboratories authorized by the state department of agriculture, emergency disease control programs, or other limited and controlled purposes which are not likely to create a hazard to the public health or to the health of domestic animals. The director, in establishing this permit shall consider:

- (a) The known effectiveness of the biologic;
- (b) Whether or not the disease for which the biologic is used or intended to be used is present in this state and to what extent it is present;
- (c) Degree of isolation of the animals and area, and availability of veterinary service; and
- (d) Any other factor which, having due regard for the properties of the biologic, may constitute a hazard to animal or public health in this state.

(3) Group II - Limited access biologics. After July 1, 1989, may only be purchased from or on the order of a licensed veterinarian or by a limited access biologic permit from persons or firms properly licensed under chapter 18.64 RCW or any veterinarian licensed pursuant to chapter 18.92 RCW for administration to their own domestic animals. Persons, firms, or veterinarians supplying such permit holders with biologics must keep records showing date of purchase, permit number, name and address of purchasers for a period of one year. The director of the department of agriculture will have access to these records during any reasonable business hours.

- (a) Canine Distemper Virus, Canine Distemper
- (b) Canine Adenovirus, Type 2, Canine Infectious Hepatitis and Canine Infectious Tracheobronchitis (CIT) or Canine Kennel Cough
- (c) Canine Coronavirus, Canine Coronaviral Enteritis
- (d) Canine Parainfluenza Virus, CIT
- (e) Bordetella Bronchiseptica, CIT
- (f) Feline Leukemia Virus, Feline Leukemia
- (g) Feline Rhinotracheitis Virus, Feline Respiratory Disease (FRD)
- (h) Feline Calicivirus, FRD
- (i) Chlamydia Psittaci, Feline Pneumonitis or FRD
- (j) Feline Panleukopenia Virus - Feline Distemper or Feline Enteritis

(k) Pasteurella Hemolytica, CSF (Intradermally administered, attenuated bacteria vaccine)

- (l) Equine Herpesvirus 1, Equine Viral Rhinopneumonitis
- (m) Clostridium Tetani, Tetanus (Tetanus antitoxin)
- (n) Myxovirus Influenza A/Equi 1 and 2, Equine Influenza
- (o) Streptococcus Equi, Equine Strangles

(4) Group III - Over-the-counter biologics. Any biologic approved by the director of agriculture for sale and distribution within the state of Washington which is not listed in subsection (1) or (3) of this section may be purchased over the counter by any person from persons or firms properly licensed under chapter 18.64 RCW or any veterinarian licensed pursuant to chapter 18.92 RCW for administration to their own domestic animals.

NEW SECTION

WAC 16-42-027 CLASSIFICATION OF BIOLOGICS. Classification of biologics will be recommended to the director of agriculture by a high level biologics advisory committee, appointed by the director, which will gather information and data from an industry professional advisory group.

NEW SECTION

WAC 16-42-029 PETITION. Any person, firm, or group may petition the director of agriculture for a review of the classification of any biologic by the advisory committee at any time.

AMENDATORY SECTION (Amending Order 1866, filed 7/10/85)

WAC 16-42-035 **REPORTS.** In the interest of public health and good cooperative disease control it is recommended that any person using any biologics, as defined in WAC 16-42-005, immediately report to the department any suspected or actual disease outbreak or adverse reaction that occurs in connection with use of the biologic.

NEW SECTION

WAC 16-42-070 **LIMITED ACCESS BIOLOGIC PERMITS.** Limited access biologic permits may only be issued by the director of the department of agriculture. Any person may apply for such a permit upon payment of a five-dollar fee and completion of an application form prescribed by the department. Only those persons who, in the director's opinion, can exhibit basic experience or training in administering biologics may be granted a limited access biologic permit, which shall be valid for a period of five years from the date of issue.

NEW SECTION

WAC 16-42-080 **RENEWAL OF LIMITED ACCESS BIOLOGIC PERMITS.** A person requesting renewal of a limited access biologic permit upon the completion of a renewal application form and payment of a five-dollar renewal fee shall be issued a limited access biologic permit for an additional five-year period.

NEW SECTION

WAC 16-42-090 **DENIAL, SUSPENSION, OR REVOCATION OF LIMITED ACCESS BIOLOGIC PERMITS.** The director has the right to deny, suspend, or revoke the limited access biologic permit upon evidence of:

- (1) A lack of basic qualifications to administer limited access biologics;
 - (2) A permit holder purchasing limited access biologics for use by nonpermitted individuals other than described in subsection (3) of this section;
 - (3) A permit holder administering vaccines to animals not owned by them unless an employee-employer relationship exists or when assisting another in such practice gratuitously;
 - (4) False information given on the application form.
- Such denials, suspensions, or revocations will be subject to the provisions of the Administrative Procedure Act.

WSR 88-21-078
PROPOSED RULES
COUNCIL ON HEARING AIDS
 [Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Council on Hearing Aids intends to adopt, amend, or repeal rules concerning:

- Amd WAC 308-50-010 Examinations.
- Amd WAC 308-50-020 Reexaminations.
- Amd WAC 308-50-035 Examination review and appeal procedures.
- Amd WAC 308-50-130 Minimal standards of practice.
- Amd WAC 308-50-350 Renewal of license.
- Amd WAC 308-50-420 Reasonable cause for rescision;

that the agency will at 2:30 p.m., Monday, January 9, 1989, in the Department of Licensing, Examination Center, 1300 S.E. Quince Street, 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 18.35.161.

The specific statute these rules are intended to implement is RCW 18.35.161.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 2, 1989.

Dated: October 18, 1988
 By: Amanda L. Tomlinson
 Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Council on Hearing Aids.

Title: WAC 308-50-010 Examinations; 308-50-020 Reexaminations; 308-50-035 Examination review and appeal procedures; 308-50-130 Minimal standards of practice; 308-50-350 Renewal of license; and 308-50-420 Reasonable cause for rescision.

Description of Purpose: To amend rules relating to examination format, reexaminations, examination review and appeal procedures, medical evaluation requirements, renewal of licenses, and reasonable cause for rescision.

Statutory Authority: RCW 18.35.161.

Summary of Rules: WAC 308-50-010, amended to delete reference to examination format prior to July, 1988; WAC 308-50-020, amended to delete reference to reexamination format prior to July, 1988; WAC 308-50-035(4), amended to provide that a hearing request must be "received by the department of licensing" within thirty days; WAC 308-50-130, amended to provide that a copy of the signed medical waiver statement must be given to the prospective hearing aid user; WAC 308-50-350, amended to delete references to the staggered license renewal system that was necessary because of 1983 legislation; and WAC 308-50-420, amended to make reference to the correct subsections of RCW 18.35.190.

Responsible Personnel: The Washington State Council on Hearing Aids and the executive secretary for the council have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is Cynthia Jones, 1300 Quince Street S.E., Olympia, WA 98504, phone (206) 753-2494 comm, 234-2494 scan.

Proponents: The Washington State Council on Hearing Aids.

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

Small Business Economic Impact Statement: Not required and not provided in that these rules do not impact small businesses as that term is defined in RCW 18.85.020.

AMENDATORY SECTION (Amending Order PM 654, filed 6/26/87)

WAC 308-50-010 **EXAMINATIONS.** (1) The examination required of applicants shall be in two parts: (~~Written and practical; each consisting of several sections: PROVIDED, That effective with the July 1988 examination, the examination shall be in two parts:~~)
 Written and practical.

(2) The (~~minimum passing grade for each section shall be seventy percent with the minimum average grade of seventy-five percent for each part before an applicant shall be considered to have satisfactorily passed the required examination for licensure: PROVIDED, That effective with the July 1988 examination, the~~) minimum passing grade shall be seventy percent for each part to pass the required examination for licensure.

(3) In addition to those subjects listed in RCW 18.35.070, the examination shall test the knowledge of the applicant in the basic act governing hearing aid fitter/dispensers and rules and regulations promulgated pursuant to this act.

(4) Applications for examination shall be received by the department at least sixty days prior to the date of the scheduled examination. If the application is received less than sixty days before the next scheduled examination, the applicant will be scheduled for the second examination following receipt of the application.

AMENDATORY SECTION (Amending Order PM 654, filed 6/26/87)

WAC 308-50-020 REEXAMINATIONS. (1) Should ~~((an applicant fail any section, he/she may apply to the department to be reexamined in such section(s). PROVIDED, That effective with the July 1988 examination, should))~~ an applicant fail ~~((either the written part or any portion(s) of the practical))~~ any part of the examination, he/she may apply to the department to retake the failed ~~((written part and/or failed portion(s) of the practical))~~ part of the examination.

(2) All reexaminations shall be conducted at the next regularly scheduled examination.

(3) Any person who fails to qualify for licensure after three consecutive regularly scheduled examinations shall be required to take the entire examination. A waiver may be granted upon a showing of emergency circumstances.

AMENDATORY SECTION (Amending Order PM 654, filed 6/26/87)

WAC 308-50-035 EXAMINATION REVIEW AND APPEAL PROCEDURES. (1) Each applicant who is administered the examination for licensure and does not pass both parts of the examination will be provided information indicating the area of the examination in which the applicant was deficient with the notice of the examination results.

(2) Any applicant who does not pass a part of the examination may request an informal review by the council of his or her examination results. This request must be in writing and must be received by the department within thirty days of the postmark of the notice of examination results.

(3) The procedure for the informal review is as follows:

(a) An applicant submitting a written request for an informal review by the deadline described in subsection (2) ((above)) of this section will be contacted by the department to arrange an appointment to appear personally in the Olympia office to review the part or parts of the examination failed.

(b) The applicant will be provided a form to complete in the Olympia office in defense of examination answers and/or examination performance.

(c) The applicant will be identified only by applicant number for the purpose of this procedure. Letters of reference or requests for special consideration will not be read or considered by the council.

(d) That applicant may bring textbooks or published material for use in completing the informal review, but such material must be retained by the Olympia office until the council has completed the informal review request submitted by the applicant.

(e) The applicant will not be allowed to take any notes or materials from the office upon leaving.

(f) The information submitted to the council for its consideration in the informal review must state the specific reason or reasons why the results of the examination should be changed. The council will not modify examination results unless the applicant can prove or show conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The council will not consider a challenge to the examination unless the total revised score including the questions or sections to be reviewed could result in a passing score in the examination.

(g) The council will schedule a closed session meeting to conduct the informal review of the material submitted by the applicant.

(h) The applicant will be notified in writing of the results of the informal review.

(4) Any applicant who is not satisfied with the result of the examination review may request that a formal hearing be held before the council pursuant to the Administrative Procedures Act. Such a hearing request must be ~~((prepared))~~ received by the department within thirty days of postmark of the notification of the result of the council's informal review of the applicant's examination results. The request must be

in writing and must state the specific reasons why the results of the examination should be changed. The council will not modify examination results unless the applicant can prove or show conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The council will not consider a challenge to the examination unless the total revised score including the questions or sections to be reconsidered could result in a passing score in the examination.

(5) The hearing will not be scheduled until the applicant and the state's attorney have appeared before 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 the examination result modification;

(c) The possibility of obtaining stipulations, admission of facts 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 administrative law judge shall enter an order which recites the actions 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 prehearing order.

(7) Applicants will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific reasons the applicant has identified as the basis for a change in the examination score.

AMENDATORY SECTION (Amending Order PL 478, filed 9/12/84)

WAC 308-50-130 MINIMAL STANDARDS OF PRACTICE. Minimum procedures in the fitting and dispensing of hearing aids shall include:

(1) Obtain case history to include the following:

(a) As required by WAC 308-50-320, documentation of referrals, or as otherwise required by this chapter.

(b) Historical evaluation to include inquiry regarding hearing loss, onset of loss, and any associated symptoms including significant noise in the ears, vertigo, acute or chronic dizziness, nausea, earaches, or other such discomfort which may indicate the presence of medical illness. Specific inquiry should be made to determine if hearing loss has been sudden or rapidly progressive in the past ninety days, if there has been any active drainage or infection in ears during the past ninety days, and if there are any specific physical problems which may relate to the use of a hearing aid.

(2) Examination of the ears should be done to reasonably determine if any of the following conditions exist:

(a) Impacted ear wax.

(b) Foreign body within the ear canal.

(c) Discharge in the ear canal.

(d) Presence of inflammation or irritation of the ear canal.

(e) Perforation of the ear drum.

(f) Any other abnormality.

(3) Hearing testing shall be performed to include the following:

(a) Hearing loss, or residual hearing, shall be established for each ear using puretone threshold audiometry by air and bone conduction with effective masking as required.

(b) Appropriate live voice or recorded speech audiometry by ear phones to determine the following: Speech reception threshold, most comfortable level, uncomfortable level, and the speech discrimination percent.

(c) Hearing testing shall be conducted in the appropriate environment as required by WAC 308-50-110, minimum standards of equipment, or as otherwise required by this chapter.

(d) When puretone audiometry indicates an air-bone gap of 15db or more, 500, 1000, and 2000 Hz, the presence of unilateral hearing loss, or any inconsistent audiometric findings, the client shall be advised of the potential help available through medical treatment. Should the client decline to consider such methods, or if the client has previously been appropriately treated or has been advised against such procedures, an appropriate notation shall be made in the client's record.

(e) In the event a client is referred to a licensee by an M.A. audiologist, otologist, otolaryngologist, or by a fitter/dispenser duly licensed under chapter 18.35 RCW, and the audiometric results obtained within the previous six months are provided to the licensee as a part of this referral, the applicable provisions of WAC 308-50-130 shall not be required. However, a confirmatory audiometric examination is recommended.

(4) Medical evaluation requirements:

(a) If the prospective hearing aid user is eighteen years of age or older, the hearing aid dispenser may afford the prospective user an opportunity to waive the medical evaluation requirements of (b) of this subsection provided that the hearing aid dispenser:

(i) Informs the prospective user that the exercise of the waiver is not in the user's best health interest;

(ii) Does not in any way actively encourage the prospective user to waive such a medical evaluation; ~~((and))~~

(iii) Affords the prospective user the opportunity to sign the following statement:

I have been advised by (hearing aid fitter/dispenser name) that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation before purchasing a hearing aid; and

(iv) Provides the prospective user with a copy of the signed waiver statement.

(b) Except as provided in (a) of this subsection, a hearing aid dispenser shall not sell a hearing aid unless the prospective user has presented to the hearing aid dispenser a written statement signed by a licensed physician that states that the patient's hearing loss has been medically evaluated and the patient may be considered a candidate for a hearing aid. The medical evaluation must have taken place within the preceding six months.

(5) Selection and fitting of the hearing aid shall include the following:

(a) Provide information regarding the selection of the most appropriate method and model for amplification for the needs of the client.

(b) Provide the user with the cost of the recommended aids and services.

(c) Provide for or have available an appropriate custom made ear mold.

(d) Provide final fitting of the hearing aid to ensure physical and operational comfort.

(e) Provide adequate instructions and appropriate post-fitting adjustments to ensure the most successful use of the hearing aid.

(6) Keeping records on every client to whom the licensee renders service in connection with the dispensing of a hearing aid. Such records shall be preserved for at least three years after the dispensing of the first hearing aid to the client. If other hearing aids are subsequently dispensed to that client, cumulative records must be maintained for at least three years after the latest dispensing of an aid to that client. The records must be available for the department inspection and will include:

(a) Client's case history.

(b) Source of referral and appropriate documents.

(c) Medical clearance for the hearing aid user or the waiver set forth in subsection (4)(a)(iii) of this section which has been signed after being fully informed that it is in the best health interest to seek medical evaluation.

(d) Copies of any contracts and receipts executed in connection with the fitting and dispensing of each hearing aid provided.

(e) A complete record of tests, test results, and services provided except for minor services.

(f) All correspondence specifically related to the service given the client or the hearing aid or aids dispensed to the client.

AMENDATORY SECTION (Amending Order PL 447, filed 11/15/83)

WAC 308-50-350 RENEWAL OF LICENSE. ~~((+))~~ The annual license renewal date for hearing aid fitters and dispensers is ~~((hereby changed to coincide with))~~ the licensee's birthdate. Individuals making application for examination and initial license, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

~~((2) Current licensees as of December 31, 1983. Licensed hearing aid fitters and dispensers desiring to renew their licenses will be required to pay a fee of eighty dollars, plus one-twelfth of that amount for each month or fraction thereof, in order to extend their license to expire on their birth anniversary date next following December 31, 1983.~~

~~(c) After the initial conversion to a staggered system, licensees may renew their licenses at the annual fee rate, for one year from birth anniversary date to the next birth anniversary date.)~~

AMENDATORY SECTION (Amending Order PL 586, filed 4/17/86)

WAC 308-50-420 REASONABLE CAUSE FOR RECISION. The purchaser of the hearing aid(s) may rescind the purchase and recover ~~((monies))~~ moneys in accordance with RCW 18.35.190~~((+))~~ (2) for reasonable cause. The term "reasonable cause" is defined to include the following:

(1) Any material misstatement of fact or misrepresentation by the licensee regarding the hearing aid(s) or fitting and dispensing services to be provided which the purchaser relied on or which induced the purchaser into making the agreement;

(2) Failure by the licensee to provide the purchaser with the hearing aid(s) and fitting and dispensing services which conform to those specified in the purchase agreement between the parties;

(3) Diagnosis of a medical condition unknown to the purchaser at the time of purchase, which precludes the purchaser from using the hearing aid(s);

(4) Failure by the licensee to remedy a significant material defect of the hearing aid(s) within a reasonable period of time in accordance with RCW 18.35.190 ~~((+))~~ (2)(c);

(5) The hearing aid(s) and/or fitting and dispensing services would not be in accordance with accepted practices of the industry; and

(6) The licensee fails to meet any standard of conduct prescribed in the laws regarding the fitting and dispensing of hearing aids and this failure adversely affects in any way the transaction which the purchaser seeks to rescind.

WSR 88-21-079
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the certification of radiologic technologists;

that the agency will at 1:30 p.m., Monday, November 28, 1988, in the Exam Center, First Floor, 1300 Quince Street, 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 a date following the hearing.

The authority under which these rules are proposed is RCW 18.84.040.

The specific statute these rules are intended to implement is chapter 18.64 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 28, 1988.

Dated: October 19, 1988

By: John H. Keith
 Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To establish the standards and procedures for certification of radiologic technologists, including education, training and conduct requirements for certification and to define alternative methods of training and to set renewal requirements and to establish fees.

Statutory Authority: RCW 18.84.040.

Summary of Rules: WAC 308-183-090 Definitions—Alternative training radiologic technologists; 308-183-100 Diagnostic radiologic technologist—Alternative training; 308-183-110 Therapeutic radiologic technologist—Alternative training; 308-183-120 Nuclear medicine technologist—Alternative training; 308-183-130 Approved schools; 308-183-140 Certification designation; 308-183-150 Certification renewal registration date; 308-183-160 Reinstatement fee assessment; 308-183-170 Contrast media administration guidelines; 308-183-180 Fees—Radiologic technologists; and 308-183-190 State examination/examination waiver/examination application deadline.

Reason Proposed: To implement chapter 18.64 RCW.

Responsible Departmental Personnel: In addition to the Department of Licensing, the following personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Arlene Robertson, Assistant Program Manager, 1300 Quince S.E., Olympia, WA 98504, 234-3129 scan, 753-3129 comm.

Proponents: The director of the Department of Licensing.

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

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as the term was defined by RCW 43.31.920.

NEW SECTION

WAC 308-183-090 DEFINITIONS—ALTERNATIVE TRAINING RADIOLOGIC TECHNOLOGISTS. (1) Definitions. For the purposes of certifying radiologic technologists by alternative training methods the following definitions shall apply:

- (a) "One quarter credit hour" equals eleven "contact hours";
- (b) "One semester credit hour" equals sixteen contact hours;
- (c) "One contact hour" is considered to be fifty minutes lecture time or one hundred minutes laboratory time;
- (d) "One clinical year" is considered to be 1900 contact hours.
- (e) "Immediate supervision" means the radiologist or nuclear medicine physician is in audible or visual range of the patient and the person treating the patient.
- (f) "Direct supervision" means the supervisory clinical evaluator is on the premises, is quickly and easily available.
- (g) "Indirect supervision" means the supervising radiologist or nuclear medicine physician is on site no less than half-time.
- (h) "Allied health care profession" means an occupation for which programs are accredited by the American Medical Association Committee on Allied Health Education and Accreditation, Sixteenth Edition of the Allied Health Education Directory, 1988 or a previous edition.
- (i) "Formal education" shall be obtained in postsecondary vocational/technical schools and institutions, community or junior colleges, and senior colleges and universities accredited by regional accrediting associations or by other recognized accrediting agencies or programs approved by the Committee on Allied Health Education and Accreditation of the American Medical Association.

(2) Clinical practice experience shall be supervised and verified by the approved clinical evaluators who must be:

(a) A certified radiologic technologist designated in the specialty area the individual is requesting certification who provides direct supervision; and

(b) A radiologist for those individuals requesting certification in practice of diagnostic radiologic technology or therapeutic radiologic technology; or for those individuals requesting certification as a nuclear medicine technologist, a physician specialist in nuclear medicine who provides indirect supervision. The physician supervisor shall routinely critique the films and evaluate the quality of the trainees' work.

NEW SECTION

WAC 308-183-100 DIAGNOSTIC RADIOLOGIC TECHNOLOGIST—ALTERNATIVE TRAINING. An individual must possess the following alternative training qualifications to be certified as a diagnostic radiologic technologist.

(1) Have obtained a high school diploma or GED equivalent, a minimum of four clinical years supervised practice experience in radiography, and completed the course content areas outlined in subsection (2) of this section; or have obtained an associate or higher degree in an allied health care profession or meets the requirements for certification as a therapeutic radiologic technologist or nuclear medicine technologist, have obtained a minimum of three clinical years supervised practice experience in radiography, and completed course content areas outlined in subsection (2) of this section.

(2) The following course content areas of training may be obtained directly by supervised clinical practice experience: Introduction to radiography, medical ethics and law, medical terminology, methods of patient care, radiographic procedures, radiographic film processing, evaluation of radiographs, radiographic pathology, introduction to quality assurance, and introduction to computer literacy. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Human anatomy and physiology - 100 contact hours; principles of radiographic exposure - 45 contact hours; imaging equipment - 40 contact hours; radiation physics, principles of radiation protection, and principles of radiation biology - 40 contact hours.

(3) Must satisfactorily pass an examination approved or administered by the director.

(4) Individuals who are registered as a diagnostic radiologic technologist with the American Registry of Radiologic Technologists shall be considered to have met the alternative education and training requirements.

NEW SECTION

WAC 308-183-110 THERAPEUTIC RADIOLOGIC TECHNOLOGIST—ALTERNATIVE TRAINING. An individual must possess the following alternative training qualifications to be certified as a therapeutic radiologic technologist.

(1) Have obtained a baccalaureate or associate degree in one of the physical, biological sciences, or allied health care professions, or meets the requirements for certification as a diagnostic radiologic technologist or nuclear medicine technologist; have obtained a minimum of five clinical years supervised practice experience in therapeutic radiologic technology; and completed course content areas outlined in subsection (2) of this section.

(2) The following course content areas of training may be obtained by supervised clinical practice experience: Orientation to radiation therapy technology, medical ethics and law, methods of patient care, computer applications, and medical terminology. At least fifty percent of the clinical practice experience must have been in operating a linear accelerator. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Human anatomy and physiology - 100 contact hours; oncologic pathology - 22 contact hours; radiation oncology - 22 contact hours; radiobiology, radiation protection, and radiographic imaging - 73 contact hours; mathematics (college level algebra or above) - 55 contact hours; radiation physics - 66 contact hours; radiation oncology technique - 77 contact hours; clinical dosimetry - 150 contact hours; quality assurance - 12 contact hours; and hyperthermia - 4 contact hours.

(3) Must satisfactorily pass an examination approved or administered by the director.

(4) Individuals who are registered as a therapeutic radiologic technologist by the American Registry of Radiologic Technologists shall be considered to have met the alternative education and training requirements.

NEW SECTION

WAC 308-183-120 NUCLEAR MEDICINE TECHNOLOGIST—ALTERNATIVE TRAINING. An individual must possess the following alternative training qualifications to be certified as a nuclear medicine technologist.

(1) Have obtained a baccalaureate or associate degree in one of the physical, biological sciences, allied health care professions, or meets the requirements for certification as a diagnostic radiologic technologist or a therapeutic radiologic technologist; have obtained a minimum of four clinical years supervised practice experience in nuclear medicine technology; and completed course content areas outlined in subsection (2) of this section.

(2) The following course content areas of training may be obtained by supervised clinical practice experience: Methods of patient care, computer applications, department organization and function, nuclear medicine in-vivo and in-vitro procedures, and radionuclide therapy. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Radiation safety and protection - 10 contact hours; radiation biology - 10 contact hours; nuclear medicine physics and radiation physics - 80 contact hours; nuclear medicine instrumentation - 22 contact hours; statistics - 10 contact hours; radionuclide chemistry and radiopharmacology - 22 contact hours.

(3) Must satisfactorily pass an examination approved or administered by the director.

(4) Individuals who are registered as a nuclear medicine technologist with the American Registry of Radiologic Technologists or with the nuclear medicine technology certifying board shall be considered to have met the alternative education and training requirements.

NEW SECTION

WAC 308-183-130 APPROVED SCHOOLS. Approved schools and standards of instruction for diagnostic radiologic technologist, therapeutic radiologic technologist, and nuclear medicine technologist are those recognized as radiography, radiation therapy technology, and nuclear medicine technology educational programs that have obtained accreditation from the Committee on Allied Health Education and Accreditation of the American Medical Association as recognized in the publication Allied Health Education Directory, Sixteenth Edition, published by the American Medical Association, 1988 or any previous edition.

NEW SECTION

WAC 308-183-140 CERTIFICATION DESIGNATION. A certificate shall be designated in a particular field of radiologic technology by:

(1) The educational program completed; diagnostic radiologic technologist - radiography program; therapeutic radiologic technologist - radiation therapy technology program; and nuclear medicine technologist - nuclear medicine technology program; or

(2) By meeting the alternative training requirements established in WAC 308-183-100, 308-183-110, or 308-183-120.

NEW SECTION

WAC 308-183-150 CERTIFICATION RENEWAL REGISTRATION DATE. (1) Individuals receiving initial certification will be issued a certificate to expire on their next birth date.

(2) Certifications shall be renewed upon a biennial basis on or before the individual's birth date. Certifications not renewed on or before the individual's biennial birth date shall expire immediately. Any representation engaged in after a certification has expired shall be deemed unauthorized representation.

NEW SECTION

WAC 308-183-160 REINSTATEMENT FEE ASSESSMENT. A certificate which has lapsed for three years may be reinstated by

paying a reinstatement fee and demonstrating competence by the standards established by the director. A single reinstatement fee shall be assessed for the lapsed certification period.

NEW SECTION

WAC 308-183-170 CONTRAST MEDIA ADMINISTRATION GUIDELINES. A certified radiologic diagnostic technologist may administer radiopaque diagnostic agents under the direction and immediate supervision of a radiologist if the following guidelines are met:

(1) The radiologic technologist has had the prerequisite training and thorough knowledge of the particular procedure to be performed;

(2) Appropriate facilities are available for coping with any complication of the procedure as well as for emergency treatment of severe reactions to the contrast agent itself, including the ready availability of appropriate resuscitative drugs, equipment, and personnel; and

(3) After parenteral administration of a radiopaque agent, competent personnel and emergency facilities shall be available for at least thirty minutes in case of a delayed reaction.

NEW SECTION

WAC 308-183-180 FEES—RADIOLOGIC TECHNOLOGISTS. The figures below are the fees to be charged radiologic technologists to cover the costs of the program.

Application	\$ 50.00
Duplicate License	15.00
Verification/Certification	25.00
Renewal	50.00
Late Renewal Penalty	25.00

NEW SECTION

WAC 308-183-190 STATE EXAMINATION/EXAMINATION WAIVER/EXAMINATION APPLICATION DEADLINE.

(1) The American Registry of Radiologic Technologists certification examinations for radiography, radiation therapy technology, and nuclear medicine technology shall be the state examinations for certification as a radiologic technologist.

(a) The examination for certification as a radiologic technologist shall be conducted three times a year in the state of Washington, in March, July, and October.

(b) The examination shall be conducted in accordance with the American Registry of Radiologic Technologists security measures and contract.

(c) Examination candidates shall be advised of the results of their examination in writing.

(2) Applicants taking the state examination must submit the application, supporting documents, and fees to the department of licensing no later than the fifteenth day of December, for the March examination; the fifteenth day of April, for the July examination; and the fifteenth day of July, for the October examination.

(3) A scaled score of seventy-five is required to pass the examination.

WSR 88-21-080

PROPOSED RULES

**DEPARTMENT OF LICENSING
(Veterinary Board of Governors)**

[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Veterinary Board of Governors intends to adopt, amend, or repeal rules concerning:

New	WAC 308-154-085	AIDS prevention and information education requirements.
New	WAC 308-156-200	AIDS prevention and information education requirements.
New	WAC 308-157-010	Disciplinary reinstatement procedures.
Amd	WAC 308-150-014	Honesty, integrity and fair dealing.
Amd	WAC 308-153-010	Definitions.

Amd WAC 308-153-030 Minimum physical facilities.
 Amd WAC 308-153-045 Practice management;

that the agency will at 9:00 a.m., Tuesday, November 29, 1988, in the West Coast Sea-Tac Hotel, Cascade Room, 18220 Pacific Highway South, Seattle, WA 98118, 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 section 604, chapter 206, Laws of 1988 (WAC 308-154-085 and 308-156-200) and RCW 18.92.030.

The specific statute these rules are intended to implement is section 604, chapter 206, Laws of 1988 (WAC 308-154-085 and 308-156-200) and RCW 18.92.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 22, 1988.

Dated: October 18, 1988
 By: Amanda L. Tomlinson
 Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Veterinary Board of Governors.

Title: WAC 308-154-085 AIDS prevention and information education requirements; 308-156-200 AIDS prevention and information education requirements; 308-153-010 Definitions; 308-153-030 Minimum physical facilities; 308-153-045 Practice management; 308-157-010 Disciplinary reinstatement procedures; and 308-150-014 Honesty, integrity and fair dealing.

Description of Purpose: To amend rules relating to definitions, minimum physical facilities, practice management, and honesty, integrity and fair dealing, and to adopt a new rule outlining procedures for disciplinary reinstatements, and AIDS education.

Statutory Authority: RCW 18.92.030 and section 604, chapter 206, Laws of 1988.

Summary of Rules: WAC 308-154-085, new rule outlining AIDS education requirements for veterinarians; 308-156-200, new rule outlining AIDS education requirement for animal technicians; 308-157-010, new rule outlining procedures for disciplinary reinstatements; 308-150-014, amended to prohibit veterinarians from dissuading clients from filing disciplinary complaints; 308-153-010, amended to delete the sentence, "This does not include the owner's animal on the owner's [premises.];"; WAC 308-153-030, amended to further clarify isolation of contagious diseases; and WAC 308-153-045, amended to further clarify exceptions to this section.

Responsible Personnel: The Washington State Veterinary Board of Governors and the executive secretary for the board have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is Delores E. Spice, 1300 Quince Street S.E., Olympia, WA 98504, phone (206) 753-3576 comm, 234-3576 scan.

Proponents: The Washington State Veterinary Board of Governors.

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

Small Business Economic Impact Statement: Not required and not provided in that these rules do not impact small businesses as that term is defined in RCW 19.85.020.

NEW SECTION

WAC 308-154-085 AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the Department of Social and Health Services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

(2) Application for licensure. Effective June 1, 1989 persons applying for licensure shall submit, prior to obtaining a license, and in addition to the other requirements for licensure, evidence to show compliance with the education requirements of subsection (4).

(3) Renewal of licenses. Effective with the renewal period beginning June 1, 1989 and ending May 31, 1990, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the model curriculum available from the Office on AIDS. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include the following: etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective June 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirement of subsection (a).

(c) Documentation. The licensee shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

(5) The hours of AIDS education and training acquired pursuant to this section may be applied towards the continuing education requirements specified in WAC 308-154-020.

NEW SECTION

WAC 308-156-200 AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the Department of Social and Health Services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

(2) Application for registration. Effective June 1, 1989 persons applying for registration shall submit prior to becoming registered and in addition to the other requirements for registration, evidence to show compliance with the education requirements of subsection (4).

(3) Renewal of registration. Effective with the renewal period beginning June 1, 1989, all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the model curriculum available from the Office on AIDS. Such education and training shall be a

minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include the following: etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective June 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirement of subsection (a).

(c) Documentation. The licensee shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

Chapter 308-157 WAC MISCELLANEOUS PROCEDURES AND REQUIREMENTS

WAC

308-157-010 Disciplinary reinstatement procedures.

NEW SECTION

WAC 308-157-010 DISCIPLINARY REINSTATEMENT PROCEDURES. (1) Unless a final order of the board indicates otherwise, all persons whose license has been suspended, revoked, or placed on probation shall:

(a) Submit a written request to the board for reinstatement of the license when eligible to do so;

(b) Be scheduled for an appearance before the board in the form of a reinstatement hearing;

(c) Have the burden of proving to the board that the license should be reinstated.

(2) The board, in reviewing a request for reinstatement subsequent to disciplinary action, may consider the following criteria:

(a) The applicant's character, standing, and professional reputation in the community in which he or she resided and practiced prior to discipline;

(b) The ethical standards which he or she observed in the practice of veterinary medicine;

(c) The nature and character of the charge(s) for which he or she was disciplined;

(d) The sufficiency of the punishment undergone in connection therewith, and the compliance or failure to comply with the board's order;

(e) His or her attitude, conduct, and reformation subsequent to discipline;

(f) The time that has elapsed since discipline;

(g) His or her current proficiency in veterinary medicine; and

(h) The sincerity, frankness, and truthfulness of the applicant in presenting and discussing the factors relating to the discipline and reinstatement.

(3) The board reserves the right to reinstate a license subject to terms and conditions deemed appropriate.

AMENDATORY SECTION (Amending Order PL 575, filed 12/18/85)

WAC 308-150-014 HONESTY, INTEGRITY AND FAIR DEALING. A veterinarian shall conduct his/her practice on the highest plane of honesty, integrity and fair dealing with his/her clients in time and services rendered, and in the amount charged for services, facilities, appliances and drugs. It is unprofessional and unethical for a veterinarian to attempt to mislead or deceive a client or to make untruthful statements or representations to a client.

It is also unprofessional and unethical for a veterinarian to attempt to dissuade a client from filing a disciplinary complaint, by any means whatsoever, including through a liability release, waiver, or written agreement, wherein the client assumes all risk or releases the veterinarian from liability for any harm, damage, or injury to an animal while under the care, custody, or treatment by the veterinarian.

AMENDATORY SECTION (Amending Order PM 600, filed 6/18/86)

WAC 308-153-010 DEFINITIONS. (1) Veterinary medical facility: Any premise, unit, structure or vehicle where any animal is received and/or confined to be examined, diagnosed or treated medically, surgically or prophylactically, as defined in RCW 18.92.010. ~~(This does not include the owner's animal on the owner's premises.)~~

(2) Mobile clinic: A vehicle, including a camper, motor home, trailer or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.

(3) Aseptic surgery: Aseptic surgical technique exists when everything that comes in contact with the wound is sterile and precautions are taken to ensure such sterility during the procedure. These precautions include, but are not limited to, such things as the surgery room itself, sterilization procedures, scrubbing hands and arms, sterile gloves, caps and masks, sterile long-sleeved gowns, and sterile draping and operative techniques.

(4) Antiseptic surgery: Antiseptic surgical technique exists when care is taken to avoid bacterial contamination but the precautions are not as thorough and extensive as in aseptic surgery. Surgeons and surgical assistants must wear clean attire and sterile gloves, and the patient must be appropriately draped. A separate sterile surgical pack must be used for each animal.

AMENDATORY SECTION (Amending Order PM 719, filed 4/1/88)

WAC 308-153-030 MINIMUM PHYSICAL FACILITIES. All veterinary medical facilities in which animals are received for medical, surgical or prophylactic treatment must have the following minimum facilities, but are not limited to only these facilities:

(1) Reception room and office: Or a combination of the two.

(2) Examination room: Should be separate but may be combined with a room having a related function, such as a pharmacy or laboratory. It must be of sufficient size to accommodate the veterinarian, patient and client.

Examination tables must have impervious surfaces. Waste receptacles must be lined, covered or in a closed compartment, and properly maintained. A sink with clean or disposable towels must be within easy access.

(3) Surgery: If surgery is performed, a separate and distinct area so situated as to keep contamination and infection to a minimum; provided, however, that effective January 1, 1988, a separate and distinct room so situated as to keep contamination and infection to a minimum will be required.

(4) Laboratory: May be either in the facility or through consultative facilities, adequate to render diagnostic information.

(5) Radiology: Facilities for diagnostic radiography must be available either on or off the premises. The facilities must meet federal and Washington state protective requirements and be capable of producing good quality diagnostic radiographs.

(6) Animal housing areas: Any veterinary medical facility confining animals must have individual cages, pens, exercise areas or stalls to confine said animals in a comfortable, sanitary and safe manner.

Cages and stalls must be of impervious material and of adequate size to assure patient comfort and sanitation.

Runs and exercise pens must be of a size to allow patient comfort and exercise. Effective January 1, 1988, runs and exercise pens must provide and allow effective separation of adjacent animals and their waste products, and must be constructed in such a manner as to protect against escape or injury. Floors of runs must be of impervious material.

Animals that are hospitalized for treatment of contagious diseases must be isolated in such a manner as to prevent the spread of contagious diseases.

AMENDATORY SECTION (Amending Order PM 600, filed 6/18/86)

WAC 308-153-045 PRACTICE MANAGEMENT. All veterinary medical facilities shall maintain a sanitary environment to avoid sources and transmission of infection. This includes the proper sterilization or sanitation of all equipment used in diagnosis or treatment and the proper routine disposal of waste materials.

(1) Surgery: Surgery shall be performed in a manner compatible with current veterinary practice with regard to anesthesia, asepsis or

antisepsis, life support and monitoring procedures, and recovery care. The minimum standards for surgery shall be:

(a) Effective January 1, 1988, aseptic or antiseptic surgery shall be performed in a room designated and reserved for surgery and directly related noncontaminating activities.

(b) The surgery room shall be clean, orderly, well lighted and maintained in a sanitary condition, free of offensive odors.

(c) Storage in the surgery room shall be limited only to items and equipment related to surgery and surgical procedures.

(d) Instruments and equipment utilized in the surgery room shall be appropriate for the type of surgical service being provided.

(e) The operating table shall be constructed of a smooth and impermeable material.

(f) Chemical disinfection ("cold sterilization") may be used only for field conditions or minor surgical procedures. Sterilizing of all appropriate equipment is required. Effective January 1, 1988, provisions for sterilization must include a steam pressure sterilizer (autoclave) or a gas sterilizer (e.g., ethylene oxide).

(g) Surgical packs include towels, drapes, gloves, sponges and proper instrumentation. They shall be properly prepared for sterilization by heat or gas (sufficient to kill spores) for each sterile surgical procedure.

(h) For any major procedure, such as opening the abdominal or thoracic cavity or exposing bones or joints, a separate sterile surgical pack must be used for each animal. Surgeons and surgical assistants shall use aseptic technique throughout the entire surgical procedure.

(i) Uncomplicated ovariohysterectomy or castration of normal healthy animals, and minor surgical procedures, such as excising small skin lesions or suturing superficial lacerations, may be performed under clean, antiseptic conditions. Surgeons and surgical assistants shall wear clean attire and sterile gloves, and care shall be taken to avoid introducing bacterial contamination.

(j) All animals shall be properly prepared for surgery as follows:

(i) Clipping and shaving of the surgical area for major procedures requiring aseptic technique as in (h) must be performed in a room other than the surgery room. Loose hair must be removed from the surgical area.

(ii) Scrubbing the surgical area with soap and water.

(iii) Disinfecting the surgical area.

(iv) Draping the surgical area if appropriate.

(k) Anesthetic equipment appropriate for the type of patient and surgery performed shall be available at all times.

(l) Compressed oxygen or other adequate means shall be available to be used for resuscitation.

(m) Emergency drugs must be available to the surgery area.

(n) Grossly contaminated procedures, such as lancing and draining abscesses, shall not be performed in the room designated for aseptic or antiseptic surgery.

(2) Library: A library of appropriate veterinary journals and textbooks shall be available on the premises for ready reference.

(3) Laboratory: Veterinary medical facilities shall have the capability for use of either in-house or consultant laboratory service for blood chemistry, bacterial cultures and antibiotic sensitivity examinations, complete blood counts, histopathologic examinations and complete necropsies. The in-house laboratory facility shall meet the following minimum standards:

(a) The laboratory room shall be clean and orderly with provision for ample storage.

(b) Ample refrigeration shall be provided.

(c) Any tests performed shall be properly conducted by currently recognized methods to assure reasonable accuracy and reliability of results.

(4) Radiology: Veterinary medical facilities shall have the capability for use of either in-house or consultant services for obtaining radiographs of diagnostic quality. Radiology equipment and use must be in compliance with federal and Washington state laws, and should follow the guidelines approved by the American Veterinary Medical Association.

(5) Biologicals and drugs: The minimum standards for drug procedures shall be:

(a) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and Washington state laws.

(b) Among things otherwise provided by RCW 69.41.050, legend drugs dispensed by a veterinarian shall be labeled with the following:

(i) Name of client or identification of animal.

(ii) Date dispensed.

(iii) Complete directions for use.

(iv) Name and strength of the drug.

(v) Name of prescribing veterinarian.

(c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals this record shall be by individual animal.

(6) Limited services: If veterinary medical services are limited to specific aspects of practice,

(a) The public shall be informed of the limitation of services provided.

(b) All veterinary services provided in the facility must conform to the requirements for those services listed in WAC 308-153-030 and (~~WAC 308-153-045~~) this section.

(c) The general requirements prescribed in WAC 308-153-020 shall apply to all veterinary medical facilities.

(7) Exceptions:

(a) The standards and requirements prescribed in WAC 308-153-030(3) and (~~308-153-045~~) subsection (1)(a), (c), (j)(i), (n) of this section, shall not apply to equine or food animal veterinary procedures performed in medical facilities.

(b) The standards and requirements prescribed in WAC 308-153-020 (1), (2), (3), (4), (6), (8), 308-153-030 and subsections (1)(a), (b), (c), (e), (h), (i)(i), (l), (n), (2), (3), (4), (6)(b), (c) of this section, shall not apply to equine or food animal veterinary procedures performed on the owner's premises by a veterinarian.

WSR 88-21-081

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Osteopathic Medicine and Surgery)

[Order PM 780—Filed October 19, 1988]

Be it resolved by the Board of Osteopathic Medicine and Surgery, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 308-138-340	Use of drugs or autotransfusion to enhance athletic ability.
Amd	WAC 308-138B-110	Osteopathic acupuncture physicians' assistant's examination.
New	WAC 308-138A-030	Osteopathic physician's assistant use of drugs or autotransfusion to enhance athletic ability.

This action is taken pursuant to Notice No. WSR 88-17-098 filed with the code reviser on August 23, 1988. 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 18.57.005(2), 18.57A.020 and 18.130.050(1) which directs that the Board of Osteopathic Medicine and Surgery has authority to implement the provisions of RCW 18.57.080, 18.57A.020 and 18.130.180.

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 October 14, 1988.

By Joseph T. Palermo, D.O.

Chairman

AMENDATORY SECTION (Amending Order 745, filed 7/6/88)

WAC 308-138-340 USE OF DRUGS OR AUTOTRANSFUSION TO ENHANCE ATHLETIC

ABILITY. (1) A physician shall not prescribe, administer or dispense anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), other hormones, or any form of autotransfusion for the purpose of enhancing athletic ability and/or for nontherapeutic cosmetic appearance.

(2) A physician shall complete and maintain patient medical records which accurately reflect the prescription, administering or dispensing of any substance or drug described in this rule or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug or autotransfusion is prescribed, administered or dispensed and any additional information upon which the diagnosis is based.

(3) A violation of any provision of this rule shall constitute grounds for disciplinary action under RCW 18.130.180(7). A violation of subsection (1) of this rule shall also constitute grounds for disciplinary action under RCW 18.130.180(6).

AMENDATORY SECTION (Amending Order PL 402, filed 8/5/82)

WAC 308-138B-110 ((EQUIVALENCY)) OSTEOPATHIC ACUPUNCTURE PHYSICIANS' ASSISTANT'S EXAMINATION. (1) Applicants for registration who have not been issued a license or certificate to practice acupuncture from the governments listed in RCW 18.57A.070, or from a country or state with equivalent standards of practice determined by the board, must pass ((an equivalency)) the Washington acupuncture examination ((prescribed by the board)).

(2) ((The examination shall be)) A written and practical examination in English shall be given twice yearly for qualified applicants at a time and place determined by the board and shall examine the applicants' knowledge of anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and acupuncture.

(3) An applicant must be approved by the board at least forty-five days in advance of the scheduled examination date to be eligible to take the written portion of the examination. The applicant((s)) shall provide his or her own needles and other equipment necessary for demonstrating the applicant's skill and proficiency in acupuncture.

(4) An applicant must have successfully completed the written portion of the examination prior to being eligible for the practical examination.

(5) The passing score for the examination is a converted score of seventy-five.

(6) Applicants requesting to retake either the written or practical portion of the examination shall submit the request for reexamination at least forty-five days in advance of the scheduled examination date.

NEW SECTION

WAC 308-138A-030 OSTEOPATHIC PHYSICIAN'S ASSISTANT USE OF DRUGS OR AUTOTRANSFUSION TO ENHANCE ATHLETIC ABILITY. (1) An osteopathic physician's assistant shall not prescribe, administer, or dispense anabolic steroids, growth hormones, testosterone or its analogs, human

chorionic gonadotropin (HCG), other hormones, or any form of autotransfusion for the purpose of enhancing athletic ability and/or for nontherapeutic cosmetic appearance.

(2) A physician's assistant shall complete and maintain patient medical records which accurately reflect the prescription, administering, or dispensing of any substance or drug described in this section or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug, or autotransfusion is prescribed, administered, or dispensed and any additional information upon which the diagnosis is based.

(3) A violation of any provision of this section shall constitute grounds for disciplinary action under RCW 18.130.180(7). A violation of subsection (1) of this section shall also constitute grounds for disciplinary action under RCW 18.130.180(6).

WSR 88-21-082

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—October 18, 1988]

The Washington State Human Rights Commission will hold its next regular commission meeting in Vancouver. The meeting on November 15, will be held at Community First Federal Savings, Community Room, Basement, 12th and Washington, Vancouver, beginning at 7:00 p.m. and will be a training and work session. The regular business meeting will be held at the same location, beginning at 9:30 a.m. on November 16.

WSR 88-21-083

**PROPOSED RULES
INSURANCE COMMISSIONER**

[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning practices in the conduct of the business of insurance defined to be unfair or deceptive or unfair methods of competition, by adding a new section to chapter 284-12 WAC requiring insurance agents and solicitors to identify themselves as such and to identify the insurer for which they are soliciting insurance; by adding a new section to chapter 284-23 WAC requiring certain life insurance coverage to provide minimum death benefits measured by premiums paid plus interest; and by adding a new section to chapter 284-30 WAC that will prohibit insurers, agents, solicitors and brokers from utilizing quotations or evaluations from rating or advisory services or other independent sources in a manner likely to deceive;

that the agency will at 9:30 a.m., Wednesday, November 30, 1988, in the House Office Building, Hearing Room D, State Capitol Campus, 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 December 6, 1988, at 2:00 p.m. in the Conference Room of the Insurance Commissioner's Office, Insurance Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.02.060.

The specific statute these rules are intended to implement is RCW 48.30.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 2, 1988.

Dated: October 13, 1988

By: Robert E. Johnson
Deputy Commissioner

STATEMENT OF PURPOSE

Title: Adding new sections to Title 284 WAC, which define unfair or deceptive practices or unfair methods of competition in the conduct of the business of insurance.

Purpose of Proposed Rules: To define new unfair practices which must be observed by insurers and their representatives and by insurance brokers, pursuant to RCW 48.02.060 to effectuate RCW 48.30.010.

Proposed WAC 284-12-110 will require insurance agents and solicitors to identify themselves as such before commencing a sales presentation. They must also inform a prospective purchaser of the full name of the insurance company whose product they are presenting to the consumer. A similar rule has applied to the sale of life insurance for a number of years. The proposed rule will extend the practice to all lines of insurance, including the solicitation of group coverage whether or not membership in a group is also being solicited. Solicitation of insurance should be open and above-board, not disguised as something else.

Melodie Bankers, Deputy Insurance Commissioner, (206) 586-3574, Insurance Building, AQ-21, Olympia, Washington 98504, was primarily responsible for drafting the proposed rule.

Proposed WAC 284-23-550 will establish a relationship between death benefits and premiums that must be met by life insurers, to assure that death benefits payable under a life insurance policy are reasonable in relation to premiums paid for the insurance. In general, during its first ten years, life insurance covered by the rule must provide benefits that equal or exceed the premiums paid therefor, plus interest. It will be an unfair practice to do otherwise.

David Rodgers, Chief Deputy Insurance Commissioner, (206) 753-7302, assisted by Roy Olson, Actuary, (206) 753-7305, whose addresses are: Insurance Building, AQ-21, Olympia, Washington 98504, were primarily responsible for drafting the proposed rule.

Proposed WAC 284-30-660 will prohibit insurers, agents, solicitors and brokers from utilizing quotations or evaluations from rating or advisory services or other independent services in a manner likely to deceive the

persons to whom the information is directed. As an example, set forth in the rule, an insurer could not advertise that it has an A+ rating, without making it clear, if such is the case, that the rating service's practice is to rate companies on the basis of "AAA," "AA," and declining to "A." Without that further clarification, the ordinary person would think that the "A+ company" had received the highest rating. The rule will also prohibit the use of quotes or comments that falsely suggest that an insurer is particularly strong financially or of high quality relative to other companies. Violations of such standards are harmful to consumers and others and permit an insurer to compete unfairly in the conduct of the business of insurance.

Robert E. Johnson, Deputy Insurance Commissioner, (206) 753-2406, Insurance Building, AQ-21, Olympia, Washington 98504, was primarily responsible for drafting the proposed rule.

Each of the rules will be implemented and enforced by the Insurance Commissioner's Consumer Protection Division, headed by Robert E. Johnson, and the Commissioner's Company Supervision Division, headed by Ed Southon, Deputy Commissioner, (206) 753-7303, Insurance Building, AQ-21, Olympia, Washington 98504, under the general supervision of David Rodgers, Chief Deputy.

The rules are proposed by Dick Marquardt, the Insurance Commissioner, a state public official.

The proposed rules are not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: The cost per employee or per hour of labor for a large or small business, with respect to proposed WAC 284-12-110 and 284-30-660, is estimated at zero. Insurers, agents, solicitors and brokers need only to refrain from acts prohibited by those rules, although insurers would be well advised to alert their agents to the prohibited acts. With respect to proposed WAC 284-23-550, life insurance companies who deliver policies or certificates in this state after the effective date of the rule, will have to assure that the coverage meets the standards of the rule. Such companies would, no doubt, have to expend some effort and expense in the review of their policy rates and forms and for the development of new rates and forms, if needed. Such costs would not depend upon the number of employees in a particular insurance company. Assuming that there would be an adverse economic impact on an insurer with fifty or fewer employees as a result of the rule, the right of the consumer to be treated fairly, as intended by the rule, would greatly outweigh such adverse impact on the insurer.

NEW SECTION

WAC 284-12-110 IDENTIFICATION OF AGENT OR SOLICITOR TO PROSPECTIVE INSURED. It shall be an unfair practice for an agent or solicitor initiating a sales presentation away from his or her office to fail to inform the prospective purchaser, prior to commencing the sales presentation, that the agent or solicitor is acting as an insurance agent or solicitor, and to fail thereafter to inform the prospective purchaser of the full name of the insurance company whose product the agent or solicitor offers to the buyer. This rule shall apply to all lines of insurance and to all coverage solicited in this

state including coverage under a group policy delivered in another state, whether or not membership in the group is also being solicited.

NEW SECTION

WAC 284-23-550 RELATIONSHIP OF DEATH BENEFITS TO PREMIUMS—UNFAIR PRACTICE DEFINED. (1) It is an unfair practice for any insurer to provide life insurance coverage on any person through a policy or certificate of coverage delivered on or after April 1, 1989, to or on behalf of such person in this state, unless the benefit payable at death under such policy or certificate will equal or exceed the cumulative premiums, as defined in subsection (4) of this section, paid for the policy or certificate, plus interest thereon at the rate of six percent per annum compounded annually to the tenth anniversary of the effective date of coverage.

(2) This section applies to death benefits in relation to premiums, subject to the following provisions:

(a) Neither premiums nor death benefits shall be adjusted for maturity benefits, surrender benefits, or policy loans.

(b) Annuity benefits, including annuity death benefits, and the premiums therefor shall be disregarded in applying this section.

(c) The following benefits, but not the premiums therefor, shall be disregarded in applying this section:

(i) Accidental death benefits;

(ii) Permanent disability benefits; and

(iii) Any benefit similar to (c)(i) or (ii) of this subsection.

(3) For coverage which varies by duration, including coverage provided through dividends, the "benefit payable at death" for purposes of this section is the sum of the least death benefit during each policy year, for the lesser of ten years or the term of the coverage, including renewals, divided by the number of death benefits included in said sum.

(4) "Cumulative premiums," for purposes of this section, means all sums paid as consideration, net of dividends paid in cash, for the coverage during the first ten years of the coverage, excluding amounts which are designated in the policy or certificate as providing for annuity benefits.

(5) The benefits required by this section shall be provided contractually. If the policy or certificate must rely on dividends or "nonguaranteed" premiums or benefits to obtain compliance, then said policy or certificate shall contain a provision guaranteeing compliance.

(6) This section does not apply to life insurance where the benefit payable at death is fifty thousand dollars or more.

NEW SECTION

WAC 284-30-660 DECEPTIVE USE OF QUOTATIONS OR EVALUATIONS PROHIBITED. (1) It is an unfair or deceptive practice and an unfair method of competition pursuant to RCW 48-30.010 for any insurance company, broker, agent, or solicitor in connection with the business of insurance, to utilize quotations or evaluations from rating or advisory services or other independent sources, in a manner likely to deceive the persons to whom the information is directed.

(2) Acts which are prohibited by this section include the following examples:

(a) If an insurer represents in its advertising that it has received an "A+" rating from an advisory service, such representation is deceptive unless it includes a clear explanation that such advisory service's practice is to rate insurance companies on the basis of "AAA," "AA," and declining to "A," if such is the case. The absence of such explanation would reasonably cause the ordinary person to believe falsely that the insurer had received the highest rating available from the service.

(b) Similarly, quoting figures or comments from a report, such as those representing claims paid or the capital or reserves or the quality of an insurer, in a manner to suggest that such figures or comments are impressive or that the report demonstrates the company to be particularly strong financially or of high quality relative to other companies, when such is not the case, creates a false impression and is deceptive.

WSR 88-21-084

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Optometry)

[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Optometry intends to adopt, amend, or repeal rules concerning minimum equipment requirements, amending WAC 308-53-200;

that the agency will at 9:15 a.m., Friday, December 2, 1988, in the Seattle Airport Hilton, Peninsula Room West, 17620 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 18.54.070.

The specific statute these rules are intended to implement is RCW 18.54.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Wednesday, November 30, 1988.

Dated: October 19, 1988

By: Victoria W. Sheldon
Assistant Attorney General

STATEMENT OF PURPOSE

Title: [No information supplied by agency.]

Name of Agency: Washington State Board of Optometry.

Purpose of Proposed Amendments: To ensure that offices of optometry are properly equipped.

Statutory Authority: RCW 18.54.070.

Summary of the Rule: WAC 308-53-200 relates to the minimum equipment requirement.

Responsible Personnel: The Washington State Board of Optometry and the program manager for the board have the responsibility for drafting, implementing and enforcing these rules. The program manager is Cynthia Jones, 1300 Quince Street S.E., Olympia, WA 98504, phone (206) 753-1966.

Proponents of Proposed Rules: The Washington State Optometry Board.

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 as this rule does not impact small business as that term is defined in RCW 43.31.920.

AMENDATORY SECTION (Amending Order PL 256, filed 9/13/76)

WAC 308-53-200 MINIMUM EQUIPMENT REQUIREMENTS. (1) At the minimum, every licensed optometrist must have ~~((in his office))~~ immediate access on the premises to the following equipment and accessories, all of which must be in working condition:

- (a) Adjustable examining chair;
- (b) Phoropter/refractor;
- (c) Retinoscope;
- (d) Ophthalmoscope;
- (e) Pupillary distance measuring device;

- (f) Projector and screen; or illuminated test cabinet, or chart for distant vision testing;
- (g) Nearpoint vision testing equipment;
- (h) Lensometer/vertometer;
- (i) Tonometer((-));
- (j) Biomicroscope/slit lamp;
- (k) A clinically accepted visual field testing instrument or equipment.

(2) In addition to the equipment and accessories listed in subsection (1) above, if a licensed optometrist prescribes contact lenses he must have in his office the following equipment, all of which must be in working condition:

- (a) Diameter gauge;
- (b) Thickness gauge;
- (c) Cobalt or black light instrument;
- (d) Magnifier, which may separate or part of cobalt or black light instrument;
- (e) Radiuscope/contactogauge type measuring instrument;
- (f) Thickness tables;
- (g) Diopter to millimeter conversion tables((-);
- (h) Biomicroscope/slit lamp;
- (i) ~~Ophthalmometer/P.E.K. corneal measurement type instrument).~~

WSR 88-21-085
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Optometry)
 [Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Optometry intends to adopt, amend, or repeal rules concerning AIDS prevention and information education requirements, new WAC 308-53-400;

that the agency will at 9:30 a.m., Friday, December 2, 1988, in the Seattle Airport Hilton, Peninsula Room West, 17620 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 section 604, chapter 206, Laws of 1988.

The specific statute these rules are intended to implement is section 604, chapter 206, Laws of 1988.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Wednesday, November 30, 1988.

Dated: October 19, 1988
 By: Victoria W. Sheldon
 Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Optometry.

Purpose and Summary: To establish procedures for implementation of AIDS prevention and information education requirements for licensed optometrists and for applicants for licenses.

Statutory Authority: Section 604, chapter 206, Laws of 1988.

Responsible Personnel: The Washington State Board of Optometry and the program manager for the board have the responsibility for drafting, implementing and enforcing these rules. The program manager is Cynthia

Jones, 1300 Quince Street S.E., Olympia, WA 98504, phone (206) 753-2494 comm, 234-2494 scan.

Proponents: The Washington State Board of Optometry.

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

Small Business Economic Impact Statement: Not required and not provided in that these rules do not impact small businesses as that term is defined in RCW 19.85.020.

NEW SECTION

WAC 308-53-400 AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the Department of Social and Health Services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

(2) Application for licensure. Effective July 1, 1989 persons who submit an application for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (4).

(3) 1989 renewal of licenses. Effective with the renewal period beginning July 1, 1989, through June 30, 1990, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Renewal applicants who have documented hardship which prevents obtaining the required education on AIDS may petition the board for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the topical outline supported by the Office on AIDS. Such education and training shall be a minimum of four (4) clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The licensee or applicant for licensure shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

WSR 88-21-086
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)
 [Filed October 19, 1988]

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 boarding homes, amending chapter 248-16 WAC;

that the agency will at 10:00 a.m., Tuesday, December 6, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on December 7, 1988.

The authority under which these rules are proposed is RCW 18.20.090.

The specific statute these rules are intended to implement is chapter 18.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 6, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 22, 1988. The meeting site is in a location which is barrier free.

Dated: October 17, 1988

By: Rosemary Carr
for Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 248-16 WAC, Boarding homes.

Purpose of Rule Change: To amend existing licensing rules establishing standards for maintenance and operation of boarding homes.

Reason These Rules are Necessary: To update minimum standards for operation of boarding homes consistent with changes in legislation and with regard to safety and well being of residents.

Statutory Authority: Chapter 18.20 RCW.

Summary of Rule Change: Chapter 248-16 WAC is amended to include substantive changes regarding medication management; format revisions consistent with DSHS policy; and update of sections consistent with other information and recommendations from the boarding homes environment and public health.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule: Bliss Moore, Section Head, Personal Care Facilities Survey, Division of Health, phone 586-0347, mailstop ET-33.

The Department of Social and Health Services proposes these rule changes.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

Reviser's note: The material contained in this filing will appear in the 88-22 issue of the Register as it was received after the applicable

closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 88-21-087
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed October 19, 1988]

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 Certificate of need—Hospitals and nursing homes, amending chapter 248-19 WAC;

that the agency will at 10:00 a.m., Tuesday, November 29, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1988.

The authority under which these rules are proposed is RCW 70.38.115.

The specific statute these rules are intended to implement is RCW 70.38.115.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 29, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 15, 1988. The meeting site is in a location which is barrier free.

Dated: October 17, 1988

By: Rosemary Carr
for Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 248-19-328 and 248-19-373; and new WAC 248-19-375.

Purpose of Rule Change: To establish a specific concurrent review cycle for an AIDS nursing home; and put state health plan performance standards for an AIDS nursing home in the form of certificate of need review criteria.

These Rules are Necessary: To implement and enforce state health plan provisions for an AIDS nursing home.

Statutory Authority: RCW 70.38.115.

Summary of Rule Change: WAC 248-19-328 establishes a special concurrent review cycle for an AIDS nursing home; WAC 248-19-373 adjusts nursing home bed allocations to dedicate 35 beds for an AIDS nursing home, per SHCC adopted state health plan; and WAC 248-19-375 puts in WAC SHCC adopted state health plan AIDS nursing home performance standards.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Frank Chestnut, Director, Certificate of Need Program, phone 753-5857, mailstop OB-43E.

The person who proposed these rules is Frank Chestnut.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 2591, filed 1/29/88)

WAC 248-19-328 NURSING HOME CONCURRENT REVIEW CYCLES. (1) The department shall review concurrently during review cycles established under subsection (6) of this section the following:

- (a) New nursing homes,
- (b) Nursing home bed additions, or
- (c) Redistribution of beds from the following facility or service categories to skilled nursing care beds:

- (i) Acute care,
- (ii) Boarding home care, or
- (iii) Intermediate care for the mentally retarded(;;); or
- (d) Redistribution of beds from the following facility or service categories to intermediate care facility beds:

- (i) Acute care, or
- (ii) Boarding home care.
- (2) Undertakings of type A continuing care retirement communities (CCRCs), as defined in subsection (3)(b)(i) of this section which do not propose or are not operating within a transition period as defined in subsection (3)(d) of this section during development, and which meet the following conditions, shall be reviewed under the regular review process per WAC 248-19-330:

(a) The number of nursing home beds requested in a single undertaking shall not exceed sixty(;;); and

(b) After project completion, the number of nursing home beds, including those with which the CCRC contracts, shall not exceed one bed for each four independent living units within the CCRC. In computing this ratio, only independent living units of the CCRC already existing, and/or scheduled for completion at the same time as the proposed nursing home beds under the same financial feasibility plan, shall be counted.

(3) For purposes of this section, the following definitions shall be used:

(a) "Continuing care contract" means a contract to provide a person, for the duration of the person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, in exchange for payment of an entrance fee, periodic charges, or both. Continuing care contracts include, but are not limited to, life care agreements and mutually terminable contracts. The living space and services under a continuing care contract may or may not be provided at the same location.

(b) "Continuing care retirement community (CCRC)" means any of a variety of entities providing shelter and services based on continuing care contracts with its enrollees. CCRCs are categorized as follows:

(i) "Type A CCRC" means a CCRC meeting the following requirements:

(A) Maintains for a period in excess of one year a CCRC contract with its enrollees or residents for a contractually guaranteed range of services from independent living through nursing home care, including some form of assistance with activities of daily living;

(B) Continues a contract if an enrollee or resident is no longer able to pay for services;

(C) Offers services only to contractual enrollees with limited exception related to use of transition periods; and

(D) Prohibits Medicaid program liability for costs of care even if the member depletes his or her personal resources.

(ii) "Type B CCRC" means a CCRC meeting the following requirements:

(A) Maintains for a period in excess of one year a CCRC contract with its enrollees or residents,

(B) May provide a range of services beyond nursing home care,

(C) May terminate a contract if an enrollee or resident is unable to pay for services,

(D) May admit patients to the nursing home who are not CCRC enrollees or residents, and

(E) May maintain Medicaid contracts and/or other requirements for third-party payment.

(c) "Enrollee" of a CCRC means an individual who has signed a continuing care contract with a CCRC.

(d) "Transition period" means a period of time, not exceeding five years, between the date an enrollee becomes the first resident of a type A CCRC and the date it fully meets the requirements of a type A CCRC as contained in the current state health plan.

(4) The annual nursing home concurrent review consists of ((three)) the following cycles:

(a) One of the ((three)) annual cycles is reserved for the review of competing applications submitted by or on behalf of:

(i) Type A CCRCs applying for nursing home beds available from the statewide CCRC allotment as described in WAC 248-19-373(8)(:);

(ii) Type A CCRCs which propose or are operating within a transition period during development and are not applying for nursing home beds available from any nursing home planning area(;;); and

(iii) Type B CCRCs applying for nursing home beds available from the statewide CCRC allotment as described in WAC 248-19-373(8).

(b) Two other cycles are for review of competing applications for nursing home beds needed in half of the nursing home planning areas; and

(c) Until whichever occurs first, December 31, 1990, or issuance of a certificate of need for all or part of those available beds, one cycle is reserved for the review of competing applications submitted for nursing home beds available from the King County AIDS nursing home bed allotment established under WAC 248-19-373(9).

(5) The department shall use the following nursing home concurrent review application filing procedures:

(a) Each applicant shall:

(i) File the required number of copies of each application as specified in the application information requirements, and

(ii) Mail or deliver the application so that the department receives it no later than the last day for initial application receipt as prescribed in the schedule for that concurrent review cycle.

(b) The department shall:

(i) Only review applications for which a letter of intent, as described in WAC 248-19-270, was mailed or delivered ((so that)) to the department ((receives it at least thirty days)) before the last day for receipt of ((initial applications)) letters of intent as indicated below(;;);

(ii) Begin screening all applications received during the initial application period on the first working day following the close of that period(;;); and

(iii) Return to the applicant any application received after the last day of the initial application receipt period.

(6) The schedules for the ((three)) annual nursing home bed concurrent review cycles shall be as follows:

(a) For those applications described in subsection (4)(a) of this section, the concurrent review cycle schedule shall be as follows:

(i) Period for receipt of letters of intent shall begin on the first working day of June and end on the first working day of July,

(ii) Period for receipt of initial applications shall begin on the first working day of July and end on the first working day of August,

(iii) End of initial application completeness screening period is the first working day of September,

(iv) End of final application receipt period is the first working day of October, and

(v) Beginning of concurrent review period is October 16 or first working day after that date.

(b) For competing applications submitted for nursing home beds available for the Chelan/Douglas, Clallam, Clark/Skamania, Cowlitz, Grant, Grays Harbor, Island excluding Camano, Jefferson, King, Kittitas, Klickitat, Okanogan, Pacific, San Juan, Skagit, Spokane, and Yakima nursing home planning areas, the concurrent review cycle schedule shall be as follows:

(i) Period for receipt of letters of intent shall begin on the first working day of July and end on the first working day of August,

(ii) Period for receipt of initial applications shall begin on the first working day of August and end on the first working day of September,
 (iii) End of initial application completeness screening period is the first working day of October,

(iv) End of final application receipt period is the first working day of November, and

(v) Beginning of concurrent review period is November 16 or first working day after that date.

(c) For competing applications submitted for nursing home beds available for the Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Kitsap, Lewis, Lincoln, Mason, Pend Oreille, Pierce, Snohomish including Camano, Stevens, Thurston, Wahkiakum, Walla Walla, Whatcom, and Whitman nursing home planning areas, the concurrent review cycle schedule shall be as follows:

(i) Period for receipt of letters of intent shall begin on the first working day of August and end on the first working day of September,

(ii) Period for receipt of initial applications shall begin on the first working day of September and end on the first working day of October,

(iii) End of initial application completeness screening period is the first working day of November,

(iv) End of final application receipt period is the first working day of December, and

(v) Beginning of concurrent review period is December 16 or first working day after that date.

(d) For those applications described in subsection (4)(c) of this section, the concurrent review cycle shall be as follows:

(i) Period for receipt of letters of intent shall begin on February 17, 1989, and end on March 3, 1989;

(ii) Period of receipt of initial applications shall begin on March 6, 1989, and end on March 20, 1989;

(iii) End of initial application completeness screening period is April 3, 1989;

(iv) End of final application receipt period is April 17, 1989;

(v) Beginning of concurrent review period is April 17, 1989;

(vi) End of the advisory review period is June 16, 1989; and

(vii) End of the final review period is July 14, 1989.

AMENDATORY SECTION (Amending Order 2591, filed 1/29/88)

WAC 248-19-373 DETERMINATION OF NURSING HOME BED NEEDS. (1) The department shall use the following rules in making decisions on certificate of need applications involving:

- (a) New nursing homes,
- (b) Nursing home bed additions,
- (c) Redistribution of beds from any of the following facility and service categories to skilled nursing care beds:

- (i) Acute care,
- (ii) Boarding home care, or
- (iii) Intermediate care for the mentally retarded((:));

(d) Redistribution of beds from any of the following facility and service categories to intermediate care facility beds:

- (i) Acute care, or
- (ii) Boarding home care; and
- (e) Relocation of nursing home beds from one nursing home planning area to another nursing home planning area.

(2) The secretary finds:

(a) That the nursing home bed projection method contained in the state health plan is the appropriate means for determining nursing home bed needs in this state; and

(b) That the state health plan nursing home bed need method and the resultant projections as contained in subsections (4), (5), (7), ((and)) (8), and (9) of this section are consistent with RCW 70.38.045 and 70.38.065.

(3) Consistent with the general provisions of the state health plan, the department shall apply the following nursing home bed need policies:

(a) The department shall use the state health plan nursing home bed projection method to calculate nursing home bed need projections for the three-year period ending in 1990 and for at least one subsequent longer range period((:));

(b) The department and the state health coordinating council shall review the bed need projection method during the last half of 1989, unless it is reviewed sooner under the provisions of subsection (3)(c) of this section((:));

(c) The department and the state health coordinating council shall revise the bed projection method if either determines that significant nursing home bed supply problems have developed((:));

(d) The department and the state health coordinating council shall not consider hospital swing beds, which are available to provide either acute care or nursing home care, as nursing home beds for the purpose of determining nursing home bed needs or available nursing home bed supply((:)); and

(e) The department shall use the following nursing home planning areas in its nursing home bed need projections:

- (i) Chelan/Douglas counties,
- (ii) Clark/Skamania counties,
- (iii) Snohomish County and Camano Island,
- (iv) Island County without Camano Island, and
- (v) The other thirty-three individual counties in the state.

(4) The following are the unallocated baseline nursing home bed need projections for 1990 listed by health service area and nursing home planning area.

(a) Puget Sound Health Service Area

Clallam	470
Island excluding Camano	221
((Island))	
Jefferson	128
King	9,023
Kitsap	1,099
Pierce	3,158
San Juan	75
Skagit	588
Snohomish including	
Camano Island	2,275
Whatcom	1,070

(b) Southwest Washington Health Service Area

Clark/Skamania	1,151
Cowlitz	581
Grays Harbor	663
Klickitat	108
Lewis	509
Mason	235
Pacific	195
Thurston	849
Wahkiakum	53

(c) Central Washington Health Service Area

Benton	390
Chelan/Douglas	582
Franklin	150
Grant	252
Kittitas	227
Okanogan	284
Yakima	1,440

(d) Eastern Washington Health Service Area

Adams	112
Asotin	209
Columbia	66
Ferry	25
Garfield	40
Lincoln	95
Pend Oreille	55
Spokane	2,782
Stevens	177
Walla Walla	500
Whitman	236

(5) The department shall calculate the total net nursing home beds needed within each nursing home planning area by changing the 1990 baseline nursing home bed need projection for each nursing home planning area, as follows:

(a) Subtracting from the 1990 baseline nursing home bed need projection, the total number of licensed nursing home beds within the nursing home planning area, excluding:

(i) Nursing home beds used as intermediate care for the mentally retarded (IMR); and

(ii) Only when the department amends the baseline nursing home bed projections in subsection (4) of this section, nursing home beds in type A CCRCs.

(b) Adding the total number of nursing home beds which the department has delicensed since the last recomputation of the total number of licensed nursing home beds within the nursing home planning area;

(c) Subtracting the total number of hospital beds, excluding designated swing beds, within the nursing home planning area which are used for long-term care from the 1990 baseline nursing home bed need projection;

(d) Subtracting the total number of nursing home beds approved by certificate of need, but not yet licensed from the 1990 baseline nursing home bed need projection; (~~and~~)

(e) Adding nursing home beds being reallocated from another nursing home planning area or areas to the 1990 baseline nursing home bed need projection; (~~and~~) or

(f) Subtracting nursing home beds being reallocated to another nursing home planning area or areas from the 1990 baseline nursing home bed need projection; and

(g) Reallocating thirty nursing home beds to King County nursing home planning area per the 1988 state health plan amendments under subsection (9) of this section, until whichever of the following occurs first:

(i) December 31, 1990; or

(ii) Issuance of a certificate of need for all or part of the available beds; and

(iii) The thirty beds reallocated to the King County nursing home planning area are redistributed from other nursing home planning areas as follows:

(A) Subtracting twenty nursing home beds from Jefferson County nursing home planning area;

(B) Subtracting seven nursing home beds from Klickitat County nursing home planning area; and

(C) Subtracting one nursing home bed from each of the following nursing home planning areas:

(I) Ferry County,

(II) Pend Oreille County, and

(III) Stevens County.

(6) Under the state health plan nursing home bed need method, area agencies on aging may submit reallocation plans to the department which:

(a) Reallocate net needed nursing home beds among two or more nursing home planning areas,

(b) Document the following:

(i) That all area agencies representing the geographic areas involved support each proposed reallocation, and

(ii) That the reallocation plan is consistent with the requirements contained in the state health plan, and

(c) Receive approval from the department's aging and adult services administration.

(7) Under the state health plan, the department shall limit to three hundred the total number of nursing home beds approved for all type A continuing care retirement communities which propose or are operating within a transition period as defined in WAC 248-19-328(3).

(a) These three hundred beds available for type A continuing care retirement communities shall be in addition to the net nursing home beds needed in all of the nursing home planning areas and the statewide CCRC allotment of described in subsection (8) of this section.

(b) All nursing home beds approved for type A continuing care retirement communities which propose or are operating within a transition period shall be counted as beds within this three hundred bed limitation unless and until the continuing care retirement community fully complies with all provisions of the state health plan type A continuing care retirement community performance standards.

(8) Under the state health plan, there is a statewide allotment of one hundred and (~~twenty~~) fifteen beds which shall be available only for applications sponsored by or on behalf of continuing care retirement communities as defined in WAC 248-19-328 (3)(b).

(9) Under the state health plan 1988 amendments, there is an additional King County allotment of thirty-five beds which shall be available for the specific purpose of establishing an AIDS long-term care facility pilot project, until whichever of the following occurs first:

(a) December 31, 1990; or

(b) Issuance of a certificate of need for all or part of the available beds;

(c) If a certificate of need is issued for less than the thirty-five nursing home beds available, the department shall redistribute the remaining beds as follows:

(i) Five beds or, if fewer, all remaining beds shall be added to the number of nursing home beds available for applications sponsored by or on behalf of continuing care retirement communities as defined under WAC 248-19-328 (3)(b); and

(ii) Any remaining beds shall be redistributed among the nursing home planning areas in accordance with calculations described in step five of the state health plan nursing home bed need projection method.

(10) The total statewide 1990 baseline nursing home bed need, including nursing home planning areas needs under subsection (4) of this section (~~and~~), the special continuing care retirement community bed allotment in subsection (8) of this section, and the additional King County bed allotment in subsection (9) of this section is thirty thousand one hundred ninety-three.

(~~(+)~~) (11) The department shall apply the following procedures in correcting the number of total net nursing home beds needed within a nursing home planning area as the result of changes in that area's bed supply as defined in subsection (5) of this section.

(a) When the number of licensed nursing home beds increases without a corresponding decrease in the number of certificate of need approved, but not yet licensed beds, the department shall reduce the number of net needed nursing home beds as defined in subsection (5) of this section.

(i) When this reduction can be made prior to the date of commencement of review for the concurrent review cycle, the department shall:

(A) Inform, in writing, all persons from whom the department has received an application and/or a valid letter of intent(~~(:)~~); and

(B) Explain to each person from whom the department has received an application the procedures for withdrawing or amending a certificate of need application.

(ii) When this reduction cannot be made prior to the date of commencement of review for the concurrent review cycle, the department shall not consider the correction in reaching a decision on each affected application.

(b) When the number of certificate of need approved, but not yet licensed, beds increases, the department shall reduce the number of net needed nursing home beds as defined in subsection (5) of this section.

(i) When this reduction can be made prior to the date of commencement of review for the concurrent review cycle, the department shall:

(A) Inform, in writing, all persons from whom the department has received an application and/or a valid letter of intent(~~(:)~~); and

(B) Explain to each person from whom the department has received an application the procedures for withdrawing or amending a certificate of need application.

(ii) When this reduction cannot be made prior to the date of commencement of review for the concurrent review cycle, the department shall not consider the correction in reaching a decision on each affected application.

(c) When the number of licensed nursing home beds or certificate of need approved, but not yet licensed beds, decreases, the department shall increase the number of net needed nursing home beds as defined in subsection (5) of this section.

(i) When this increase can be made prior to the department's initial decision on each affected application, the department shall:

(A) Notify all affected applicants in writing, and

(B) Explain to each affected applicant the procedures for amending a certificate of need application.

(ii) When this increase cannot be made prior to the date of the department's initial decisions on the affected applications, the department shall include the increase in the number of net needed nursing home beds in any subsequent decision on each affected application or the next concurrent review cycle for that nursing home planning area, whichever occurs first.

(~~(+)~~) (12) The department shall not issue certificates of need approving more than the number of additional beds indicated as(~~(:)~~) either available, under subsections (7) (~~(or)~~) (8), or (9) of this section, or as needed for a given nursing home planning area, unless:

(a) The department has consulted with the appropriate regional health council, if any(~~(:)~~); and

(b) The department finds (~~(that)~~) such additional beds are needed to further the projection method policy that nursing home beds should ordinarily be located reasonably close to the people they serve(~~(:)~~); and

(c) The department explains such approval in writing.

NEW SECTION

WAC 248-19-375 AIDS LONG-TERM CARE PILOT FACILITY PERFORMANCE STANDARDS. (1) The department shall use the following rules in making decisions on certificate of need applications involving the thirty-five beds which shall be available from the additional King County allotment for establishing an AIDS long-term care facility pilot project, until whichever of the following occurs first:

- (a) December 31, 1990; or
- (b) Issuance of a certificate of need for all or part of the available beds.
- (2) The department shall consider the following state health plan policies in reviewing certificate of need applications for an AIDS pilot facility project:
 - (a) The extraordinary growth of the AIDS epidemic will require some experimentation about ways to meet the long-term care needs of those people with AIDS and similar disabling conditions whose acuity of care needs can fluctuate rapidly, who do not require hospital care, but cannot live in their own homes;
 - (b) There is need in this state for a pilot long-term care facility which can deal with rapid changes in clinical needs without requiring patients to move physically from bed to bed or facility to facility. Experience gained from the pilot project will help in future efforts to plan appropriate care for people with AIDS and others with similar needs; and
 - (c) The AIDS long-term care pilot facility shall meet the following performance standards:
 - (i) The facility shall:
 - (A) Have no more than thirty-five nursing home beds;
 - (B) Be located in King County;
 - (C) Be located in reasonable proximity to a hospital, outpatient radiology services, and outpatient laboratory services; and
 - (D) Have admission policies which select patients with the following characteristics:
 - (I) Rapidly fluctuating care needs including at least some period of needing skilled nursing;
 - (II) Do not need acute hospitalization; and
 - (III) Need some level of twenty-four hour care, but cannot live at home.
 - (E) Be designated to provide a residential environment supporting people in living at the maximum level of independence possible.
 - (ii) The facility operators shall:
 - (A) Show how planning the facility includes input from community AIDS service organizations;
 - (B) Show how they will integrate the facility's services with the services provided by other public and private AIDS services documentations;
 - (C) Document their experience in the delivery of health care services to patients with AIDS;
 - (D) Express their intent to develop a policy advisory board after the facility is in operation, to include representatives from the groups served by the facility;
 - (E) Make a minimum of a five-year commitment to maintaining the project as described in the application; and
 - (F) Document their capability to evaluate the project and state their willingness to share the information with the state office on AIDS.
 - (iii) The applicant shall meet applicable state health plan nursing home services performance standards;
 - (iv) Once the facility is established as an AIDS long-term care pilot facility, the applicant may not exclude persons with fluctuating care needs similar to those of AIDS patients; and
 - (v) The department shall give preference to project applications that demonstrate substantial financial support from a combination of community, federal, and/or private foundation sources.

WSR 88-21-088
PROPOSED RULES
BOARD OF HEALTH
 [Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State

Board of Health intends to adopt, amend, or repeal rules concerning:

- Amd WAC 248-40-040 Handling and care of human remains.
- Amd WAC 248-40-050 Transportation of human remains;

that the agency will at 9:30 a.m., Wednesday, December 14, 1988, in the Seattle Room of the Sea-Tac West Coast Hotel, 18220 Pacific Highway South, Seattle, 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 43.20.050 (2)(e).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 14, 1988, 1112 South Quince, Building A, Mailstop ET-23, Olympia 98504, (206) 586-0399.

Dated: October 14, 1988

By: Thelma R. Struck
 Assistant Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 248-40-040 Handling and care of human remains and 248-40-050 Transportation of human remains.

Purpose of Rules: To amend existing rules to establish the State Board of Health standards for the handling, care and transportation of human remains.

Reason Rules are Necessary: To establish in rule the standard for containing, enclosing, or wrapping bodies to prevent leakage during transfer and transport from place of death to funeral home. To correct punctuation and grammar in WAC 248-40-050.

Statutory Authority: RCW 43.20.050 (2)(c).

Summary: WAC 248-40-040 and 248-40-050 are amended. Amendments include revision of previous rule requiring enclosure of all bodies in 4 mil, zippered bags. The amended rule [WAC 248-40-040] (2)(e) requires reasonable precautions to prevent spillage of body fluids. WAC 248-40-050 is amended only to correct punctuation and grammar.

Person Responsible for Drafting and Implementation: Jean Ullom, Section Supervisor, Health Information/Policy Development, ET-24, phone 753-5824.

The rules are proposed by DSHS for adoption by the State Board of Health.

These rules are not necessary as a result of a federal law, federal court decision, or state court decision.

AMENDATORY SECTION (Amending Order 312, filed 6/16/88)

WAC 248-40-040 HANDLING AND CARE OF HUMAN REMAINS. (1) Definitions applicable to WAC 248-40-040 and 248-40-050.

(a) "Barrier precaution" means protective attire or equipment or other physical barriers worn to protect or prevent exposure of skin and mucous membranes of the wearer to infected or potentially infected blood, tissue, and body fluids.

(b) "Burial transit permit" means a form, approved and supplied by the state registrar of vital statistics as described in chapter 43.20A RCW, identifying the name of the deceased, date and place of death, general information, disposition and registrar and sexton information.

(c) "Common carrier" means any person transporting property for the general public for compensation as defined in chapter 81.80 RCW.

(d) "Department" means the Washington state department of social and health services.

(e) "Embalmer" means a person licensed as required in chapter 18.39 RCW and engaged in the profession or business of disinfecting, preserving, or preparing dead human bodies for disposal or transportation.

(f) "Funeral director" means a person licensed as required in chapter 18.39 RCW and engaged in the profession or business of conducting funerals and supervising or directing the burials and disposal of human remains.

(g) "Health care facility" means any facility or institution licensed under:

- (i) Chapter 18.20 RCW, boarding homes;
- (ii) Chapter 18.46 RCW, maternity homes;
- (iii) Chapter 18.51 RCW, nursing homes;
- (iv) Chapter 70.41 RCW, hospitals; or

(v) Chapter 71.12 RCW, private establishments, or clinics, or other settings where one or more health care providers practice.

(h) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care or medical care including persons licensed in Washington state under Title 18 RCW to practice medicine, podiatry, chiropractic, optometry, osteopathy, nursing, midwifery, dentistry, physician assistant, and military personnel providing health care within Washington state regardless of licensure.

(i) "Local registrar of vital statistics" means the health officer or administrator who registers certificates of birth and death occurring in his or her designated registration district as defined in chapter 70.58 RCW.

(2) Funeral directors, medical examiners, coroners, health care providers, health care facilities, and their employees directly handling or touching human remains shall:

(a) Wash hands and other exposed skin surfaces with soap and water or equivalent immediately and thoroughly after contact with human remains, blood, or body fluids;

(b) Use barrier precautions whenever a procedure involves potential contact with blood, body fluids, or tissues of the deceased;

(c) Not eat, drink, or smoke in areas where handling of human remains or body fluids take place;

(d) Use reasonable precautions to prevent spillage of body fluids during transfer and transport of human remains including, when necessary:

(i) Containing, wrapping, or pouching with materials appropriate to the condition of the human remains; and

(ii) Obtaining approval from the coroner or medical examiner prior to pouching any human remains under their jurisdiction.

(e) Wash hands immediately after gloves are removed;

~~((f))~~ (f) Take precautions to prevent injuries by needles, scalpels, instruments, and equipment during use, cleaning, and disposal;

~~((g))~~ (g) Properly disinfect or discard protective garments and gloves immediately after use;

~~((h))~~ (h) Properly disinfect all surfaces, instruments, and equipment used if in contact with human remains, blood, or body fluids;

~~((i))~~ (i) Provide appropriate disposal of body fluids, blood, tissues, and wastes including:

(i) Equipping autopsy rooms, morgues, holding rooms, preparation rooms, and other places with impervious containers;

(ii) Lining containers with impervious, disposable material;

(iii) Equipping disposal containers with tightly fitting closures;

(iv) Destroying contents of disposal containers by methods approved by local ordinances and requirements related to disposal of infectious wastes;

(v) Immediately disposing of all fluids removed from bodies into a sewage system approved by the local health jurisdiction or by the department; and

(vi) Disinfecting immediately after use all containers and cans used to receive solid or fluid material taken from human remains.

~~(3) (Health care facilities, health care providers, medical examiners, coroners, and their employees shall place human remains in a lightweight, heat-sealed, zippered, disposable body pouch of at least four mils to prevent leakage.~~

~~((4))~~ Funeral directors, embalmers, and others assisting in preparation of human remains shall refrigerate or embalm the remains within twenty-four hours of receipt. If remains are refrigerated, they shall remain so until final disposition or transport as permitted under WAC 248-40-050.

~~((5))~~ (4) Persons responsible for transfer or transport of human remains shall clean and disinfect equipment and the vehicle if body fluids are present and as necessary.

~~((6))~~ (5) Persons disposing of human remains in Washington state shall comply with requirements under chapter 68.50 RCW.

AMENDATORY SECTION (Amending Order 312, filed 6/16/88)

WAC 248-40-050 TRANSPORTATION OF HUMAN REMAINS. (1) Persons handling human remains shall:

(a) Use effective hygienic measures consistent with handling potentially infectious material;

(b) Obtain and use a burial-transit permit from the local health officer or local registrar of vital statistics when transporting human remains by common carrier;

(c) Enclose the burial-transit permit in a sturdy envelope; and

(d) Attach the permit to the shipping case.

(2) Prior to transporting human remains by common carrier, persons responsible for preparing and handling the remains shall:

(a) Enclose the casket or transfer case in a tightly closed, securely constructed outer box;

(b) Transport human remains pending final disposition more than twenty-four hours after receipt of human remains by the funeral director only if:

(i) The remains are thoroughly embalmed, or

(ii) The remains are prepared by:

(A) Packing orifices with a material saturated with a topical preservative;

(B) Wrapping the remains in absorbent material approximately one inch thick and saturated with a preservative or ~~((coated+))~~ coating the remains ~~((+))~~ with heavy viscosity preservative gel;

(C) Placing the remains in a lightweight, disposable burial pouch; and

(D) Placing the disposable burial pouch inside a heavy canvas rubberized pouch and appropriately sealing along the zippered area with a substance such as collodion.

(3) Persons responsible for human remains routed to the point of final destination on a burial-transit permit shall:

(a) Allow temporary holding of remains at a stopover point within the state of Washington for funeral or other purposes without an additional permit ~~((+))~~; and

(b) Surrender the burial-transit permit to the sexton or crematory official at the point of interment or cremation.

(4) Sextons and cremation officials shall accept the burial-transit permit as authority for interment or cremation anywhere within the state of Washington.

WSR 88-21-089

PROPOSED RULES

BOARD OF HEALTH

[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning:

New WAC 248-100-072 Notification.

Amd WAC 248-100-209 HIV pretest and post-test counseling.

Amd WAC 248-100-036 Responsibilities of local health officers;

that the agency will at 9:30 a.m., Wednesday, December 14, 1988, in the Seattle Room, Sea-Tac West Coast Hotel, 18220 Pacific Highway South, Seattle, 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 70.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency before December 14, 1988, 1112 South Quince, Building A, ET-23, Olympia, WA 98504.

Dated: October 18, 1988

By: Sharon Stewart Johnson
for Thelma Struck
Assistant Secretary, DSHS

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

WAC 248-100-072 Rules for notification of partners at risk of HIV infection; 248-100-036 Responsibilities and duties of local health officers; and 248-100-209 Counseling standards for HIV pretest and post-test.

Purpose of Rules: To establish State Board of Health rules specifying circumstances when a private health care provider may report identity of an HIV infected person to a local public health officer; to establish a counseling message informing individuals prior to HIV testing that, under specified circumstances, identity may be reported to a local public health officer; and to establish a requirement for health officers to destroy identifying information on HIV infected individuals within three months of its receipt.

Reason Rules are Necessary: To obtain assistance from public health officer in finding and counseling exposed partners of HIV infected persons who are unable or unwilling to notify partners of risk; to let people know in pretest counseling of the requirement to notify exposed partners of their risk of HIV infection and the need to seek counseling and testing; and to provide confidentiality and privacy in the handling of information collected under WAC 248-100-072.

Statutory Authority: RCW 70.24.022, 70.24.125 and 70.24.380.

Summary: These sections contain a description of circumstances when reporting the identity of an HIV infected person is allowed. Pretest counseling messages are added to advise individuals of the necessity of notification of exposed partners. A requirement is added for health officers to destroy documentation within three months of collection.

Person Responsible for Drafting and Implementation: Jean Ullom, Section Head, Health Information/Policy Development, ET-24, phone 753-5824.

The rules are proposed by DSHS for adoption by the State Board of Health.

These rules are not necessary as a result of a federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 308, filed 3/16/88)

WAC 248-100-036 RESPONSIBILITIES AND DUTIES—LOCAL HEALTH OFFICERS. (1) The local health officer shall review and determine appropriate action for:

- (a) Each reported case or suspected case of a reportable disease or condition;
 - (b) Any disease or condition considered a threat to public health;
 - (c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary; and
 - (d) Instituting disease prevention and infection control, isolation, detention, and quarantine measures necessary to prevent the spread of communicable disease, invoking the power of the courts to enforce these measures when necessary.
- (2) Local health officers shall:

(a) Submit reports to the state health officer as required in chapter 248-100 WAC;

(b) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned disease case reports consistent with WAC 248-100-016;

(c) Notify health care providers within the health district regarding requirements in this chapter;

(d) Distribute appropriate report forms to persons responsible for reporting; (~~and~~)

(e) Notify the (~~principle~~) principal health care provider, if possible, prior to initiating a case investigation by the local health department;

(f) Make HIV testing, AIDS counseling, and pretest and post-test counseling, as defined in this chapter, available for anonymous, voluntary, and mandatory testing and counseling as required by RCW 70.24.400;

(g) Make information on anonymous HIV testing, AIDS counseling, and pretest and post-test counseling, as described under WAC 248-100-208 and 248-100-209, available;

(h) Use identifying information on HIV-infected individuals provided according to WAC 248-100-072 only;

(i) For purposes of contacting the HIV-positive individual to provide post-test counseling; or

(ii) To contact sex and injection equipment-sharing partners; and

(i) Destroy documentation of referral information established in WAC 248-100-072 and this subsection containing identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months.

(3) Each local health officer has the authority to:

(a) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;

(b) Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition; and

(c) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary.

(4) Local health officers shall conduct investigations and institute control measures consistent with those indicated in the fourteenth edition (1985) of Control of Communicable Diseases in Man, edited by Abram S. Benenson, published by the American public health association, except:

(a) When superseded by more up-to-date measures, or

(b) When other measures are more specifically related to Washington state.

NEW SECTION

WAC 248-100-072 RULES FOR NOTIFICATION OF PARTNERS AT-RISK OF HIV INFECTION. (1) A health care provider may consult with the local health officer or an authorized representative about an HIV-infected individual without identifying the individual.

(2) Only under the specific circumstances listed below, a principal health care provider shall report the identity of sex or injection equipment-sharing partners of an HIV-infected individual to the local health officer or an authorized representative:

(a) The HIV-infected individual refuses or is unable to cooperate, after having been informed of the necessity for cooperation, in notifying sex and injection equipment-sharing partners that partners:

(i) May have been exposed to HIV; and

(ii) May have become carriers of HIV; and

(iii) Should seek HIV-pretest counseling and consider HIV testing.

(b) Cooperation as used in subsection (2)(a) of this section includes:

(i) Accepting assistance in notifying partners; or

(ii) Agreeing to referral to the local health officer as necessary for assistance in notifying partners; or

(iii) Referring partners for counseling and testing.

(3) Only in the specific circumstances listed under subsection (3)(a) and (b) of this section, a principal health care provider shall report the identity of an individual with a positive test result to the local health officer or an authorized representative:

(a) The principal health care provider provided pretest counseling as described in WAC 248-100-209(1); and

(b) The principal health care provider made efforts, but was unable to meet face-to-face with the individual, to notify the individual of the

HIV-test result and to provide post-test counseling as required in WAC 248-100-209 in order to assure partner notification.

(4) A health care provider shall not disclose the identity of an HIV-infected individual or the identity of sex and injection equipment-sharing partners at risk of HIV infection, except as authorized in RCW 70.24.105 and WAC 248-100-072.

(5) Local health officers and authorized representatives shall:

(a) Use identifying information provided on HIV-infected individuals only for contacting the HIV-infected individual to provide post-test counseling or to contact sex and injection equipment-sharing partners; and

(b) Destroy documentation of referral information established under this subsection, containing identities and identifying information on the HIV-infected individual and at-risk partners of that individual, immediately after notifying partners or within three months of the date information was received.

AMENDATORY SECTION (Amending Order 318, filed 8/17/88)

WAC 248-100-209 COUNSELING STANDARDS—HUMAN IMMUNODEFICIENCY VIRUS (HIV) PRETEST COUNSELING—HIV POST-TEST COUNSELING. (1) Health care providers and other persons providing pretest counseling shall:

(a) Assess the individual's risk of acquiring and transmitting HIV by evaluating information about the individual's possible risk-behaviors;

(b) Provide at least one individual counseling session prior to HIV testing;

(c) Inform any individual planning to be tested for HIV that:

(i) If the test result is positive, the tested individual needs to notify sex and injection equipment-sharing partners that:

(A) Partners may have been exposed to HIV; and

(B) Partners may have become carriers of HIV; and

(C) Partners should seek HIV pretest counseling and consider HIV testing; and

(ii) The principal health care provider, excluding those providing anonymous testing, is required to refer the identity of the individual to be tested and the identity of at-risk partners to the local health officer or authorized representative if:

(A) The principal health care provider has made efforts, but is unable to meet face-to-face with the individual, to notify the individual of the positive test result and provide post-test counseling as required in this section; or

(B) The HIV-infected individual refuses or is unable to cooperate, as defined in WAC 248-100-072, in notifying sex and injection equipment-sharing partners of exposure, possible carrier state, and need for pretest counseling and HIV testing; or

(C) The HIV-infected individual provides inaccurate information regarding the identity of sex and injection equipment-sharing partners.

(2) When an individual is assessed by a counselor or health care provider as "virtually no risk of HIV infection," as defined in WAC ~~((248-100-208 (3)(e)(iii)))~~ 248-100-208 (3)(e)(v) a counselor or the health care provider shall, in addition to subsection (1)(a) of this section:

(a) Maintain a nonjudgmental environment during counseling which:

(i) Considers the individual's particular circumstances; and

(ii) Is culturally, socially, linguistically, and developmentally appropriate to the individual being counseled.

(b) Explain the nature, purpose, value, and reason for the HIV tests;

(c) Explain the possible effect of HIV testing and a positive HIV test result related to employment, insurance, housing, and other potential legal, social, and personal consequences;

(d) Develop and maintain a system of referral and make referrals that:

(i) Are accessible and confidential for those counseled;

(ii) Are acceptable to and supportive of those counseled;

(iii) Provide assistance to those counseled in maintaining risk reduction behaviors.

(e) Provide at least one individual counseling session at the time HIV test results are disclosed to individuals testing positive; and

(f) Maintain disclosure and confidentiality requirements in WAC 248-100-016.

(3) If the individual is assessed by a health care provider to be other than "virtually no risk of HIV infection," as defined in WAC ~~((248-100-208 (3)(e)(iii)))~~ 248-100-208 (3)(e)(v), the person providing pretest counseling shall maintain requirements in subsection (1) and (2) of this section and:

(a) Focus counseling on behaviors increasing the risk of HIV acquisition and transmission;

(b) Provide personalized risk reduction education to individuals who:

(i) Are men engaging in unprotected intercourse with other men at any time since 1977;

(ii) Used intravenous substances at any time since 1977, especially those sharing injection equipment;

(iii) Engaged in sex for money or drugs at any time since 1977;

(iv) Have had sexual and/or injection equipment-sharing contacts at any time since 1977 with persons listed in subsection (3)(b)(i), (ii), and (iii) of this section;

(v) Have been exposed to or diagnosed with a sexually transmitted disease;

(vi) Are at increased risk of HIV infection by definition of United States Public Health Services, Centers for Disease Control;

(vii) Are required by ~~((chapter 70.24))~~ RCW 70.24.095 and 70.24-.340 to receive HIV counseling and testing.

(c) Inform any individual planning to be tested for HIV of the need to notify sexual and injection equipment-sharing partners if test results are positive;

(d) Advise individuals listed in subsection (3)(b)(i), (ii), and (iii) of this section not to donate or sell blood, blood products, semen, organs, or other body tissues; and

(e) Emphasize or re-emphasize the following counseling messages:

(i) The following will eliminate or decrease the risk of HIV infection:

(A) Sexual abstinence;

(B) A mutually monogamous relationship between uninfected people; and

(C) Following safer sex guidelines.

(ii) Do not share intravenous drugs and injection equipment;

(iii) Do not engage in behaviors in which blood, vaginal fluid, or semen is exchanged;

(iv) Condoms, even if used properly, do not supply absolute protection from HIV infection;

(v) Condoms may reduce risk of HIV infection if the condom is:

(A) Latex and used with a water-based lubricant rather than an oil-based lubricant, if a lubricant is used;

(B) Used in conjunction with spermicide during vaginal or anal intercourse; and

(C) Worn from start to finish of vaginal, oral, and anal intercourse.

(vi) Dental dams may reduce risk of HIV infection if the dental dam is:

(A) Latex; and

(B) Used from start to finish of oral intercourse.

(vii) The sexual behaviors having highest risk for HIV infection are those involving the exchange of blood or semen, especially receptive anal and vaginal intercourse;

(viii) Anal intercourse may increase the risk of condom failure and HIV infection;

(ix) Infected women should postpone pregnancy until more is known about how to prevent prenatal and perinatal transmission of HIV infection;

(x) Sexual negotiation skills can be learned to enhance risk reduction; and

(xi) Other sexually transmitted diseases, especially those causing genital ulcers, may increase the risk of acquiring or transmitting HIV infection.

(f) Make those counseled aware HIV retesting at a later date may be necessary or recommended.

(4) Persons providing post-test counseling shall:

(a) Follow requirements in subsection (1) of this section;

(b) Provide at least one individual counseling session at the time HIV test results are disclosed for individuals:

(i) Testing positive for HIV; or

(ii) Reporting practice of behaviors listed in (3)(b)(i), (ii), and (iii) of this section.

(c) If the individual being counseled tested positive for HIV infection:

(i) Provide assistance to persons in notifying partners; and/or

(ii) Offer to refer individuals to the local health officer as necessary for assistance in notifying partners; and/or

(iii) Offer to refer partners for counseling and testing; and

(iv) Develop or adopt a system to avoid documenting the names of referred partners in the permanent record of the individual being counseled; and

- (v) Offer referral for alcohol and drug and mental health counseling, including suicide prevention, if appropriate; and
- (vi) Refer for tuberculosis screening.

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 88-21-090
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed October 19, 1988]

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 notices to households, amending WAC 388-49-600;

that the agency will at 10:00 a.m., Tuesday, November 29, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1988.

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 November 29, 1988.

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

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 15, 1988. The meeting site is in a location which is barrier free.

Dated: October 17, 1988
 By: Rosemary Carr
 for Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-49-600.

Purpose of Rule Change: To bring the WAC into compliance with 7 CFR 273.13.

Statutory Authority: RCW 74.04.510.

Summary of Rule Change: Shows that individual notices of adverse action are not necessary under certain

circumstances and advance notice is not required if a recipient reports in writing a change that causes a decrease in benefit level.

Person Responsible for Rule Drafting and Implementation: Mac Trepanier, Community Services Program Manager, Division of Income Assistance, OB-31C, 234-4912 scan.

The rules are necessary as a result of federal law, 7 CFR 273.13.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-600 NOTICES TO HOUSEHOLDS. (1) The department shall notify a certified household of any changes in benefits:

- (a) At least ten days ~~((prior to))~~ before the change~~((:));~~ or
- (b) By the normal issuance date ~~((benefits are to be received))~~ for a monthly reporting household ((reporting changes on the monthly report)).
- (2) The department ~~((shall))~~ is not ~~((be))~~ required to provide ~~((advance))~~ individual notices of adverse action when:
 - (a) The federal or state government makes mass changes~~((:));~~
 - (b) ~~((The department determines))~~ All household members have died~~((:));~~
 - (c) The household moves from the state~~((:));~~
 - (d) ~~((The department restored))~~ Lost benefits have been restored and ~~((notified))~~ the household ~~((previously))~~ has been notified in writing when the increased allotment ~~((would terminate;))~~ ends;
 - (e) ~~((The department notified))~~ At the time of certification, the household ~~((at the time of certification that))~~ was notified:
 - (i) Allotments would vary ~~((from month to month;))~~; and
 - (ii) The amount of those allotments.
 - (f) The household experiences reduction in benefits upon approval of a public assistance grant~~((:));~~ or
 - (g) ~~((★))~~ The household ~~((member is disqualified for intentional program violation or the))~~ voluntarily requests, in writing or in the presence of a department employee, that its benefits ~~((of the remaining household members are reduced or terminated to reflect the disqualification of that household member))~~ end.
- (3) The department shall provide adequate notice of reduction or termination to the household no later than the date the household receives or would receive benefits if:
 - (a) The household reports the information causing the reduction or termination;
 - (b) The reported information is in writing and signed by the household; and
 - (c) The department can determine the allotment or ineligibility based solely on the information provided by the household.
- (4) The department shall comply with the requirements for notice to households disqualified for intentional program violation as described in WAC 388-49-670.

WSR 88-21-091
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed October 19, 1988]

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 WAC 388-81-060 Medical insurance "buy-in" and "cost sharing."
- New WAC 388-82-140 Individuals eligible for Medicare cost sharing;

that the agency will at 10:00 a.m., Tuesday, November 29, 1988, in the Auditorium, OB-2, 12th and

Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1988.

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 November 29, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 15, 1988. The meeting site is in a location which is barrier free.

Dated: October 18, 1988

By: Rosemary Carr
for Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-81-060 and new 388-82-140.

Purpose: To incorporate in WAC the rules for Medicare cost sharing for the qualified Medicare beneficiary.

Reason: Effective January 1, 1989, the Federal Medicare Catastrophic Coverage Act of 1988 requires the states to pay Medicare cost sharing and buy-in for the elderly and disabled individuals with incomes up to 85% of the federal poverty line.

Statutory Authority: RCW 74.08.090.

Summary: WAC 388-81-060 is amended to clarify the provision for payment of Medicare coinsurance and deductibles for otherwise eligible individuals; and WAC 388-82-140 is added to establish eligibility criteria for Medicare cost sharing.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bobbe Andersen, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-0529.

Rules are proposed by DSHS.

These rules are necessary as a result of a new state or federal law, Medicare Catastrophic Coverage Act of 1988.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-81-060 ((SUPPLEMENTARY)) MEDICAL INSURANCE "BUY IN" AND "COST SHARING." The department

((will purchase)) shall pay for, under Title XVIII of the Social Security Act for an otherwise eligible individual, subject to limitations in WAC 388-87-010:

(1) Premiums for medical insurance Part A and supplementary medical insurance Part B((under Title XVIII of the Social Security Act for an otherwise eligible individual));

(2) Coinsurance; and

(3) Deductibles.

NEW SECTION

WAC 388-82-140 INDIVIDUALS ELIGIBLE FOR MEDICARE COST SHARING. (1) The department shall provide only Medicare cost sharing under WAC 388-81-060 for individuals who:

- (a) Are not otherwise eligible for Medicaid; and
- (b) Meet the general nonfinancial requirements under chapter 388-83 WAC; and
- (c) Are eligible for Medicare hospital insurance benefits; and
- (d) Have resources not to exceed twice the maximum Supplemental Security Income (SSI) resource limits under chapter 388-92 WAC; and
- (e) Have a total family income not to exceed eighty-five percent of the poverty income guidelines as published and updated by the secretary of health and human services. Eighty-five percent of the 1988 poverty income guidelines is:

	Family Size	Monthly
(i)	One	\$ 409
(ii)	Two	548
(iii)	For family units with more than two members, add \$139.00 to the monthly income for each additional member.	

WSR 88-21-092
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed October 19, 1988]

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 Allocation of excess income—Spendedown, amending WAC 388-99-030;

that the agency will at 10:00 a.m., Tuesday, November 29, 1988, in the Auditorium, OB-2, 12th and Franklin, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1988.

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 November 29, 1988.

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

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by November 15, 1988. The meeting site is in a location which is barrier free.

Dated: October 18, 1988
By: Rosemary Carr
for Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
Re: Amending WAC 388-99-030.

Purpose: This amendment requires the department to consider incurred medical expenses paid by a public program of a state, county or city other than Medicaid towards an applicant's spenddown.

Reason: To include the change in the law.
Statutory Authority: RCW 74.08.090.

Summary: WAC 388-99-030 reflects the federal requirement to consider incurred medical expenses paid by a public program of a state, county or city other than Medicaid towards an applicant's spenddown.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Bobbe Andersen, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-0529.

Rules are proposed by DSHS.

These rules are necessary as a result of a new state or federal law, Omnibus Budget Reconciliation Act of 1987.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2409, filed 8/12/86)

WAC 388-99-030 ALLOCATION OF EXCESS INCOME—SPENDDOWN. (1) On initial or subsequent applications, the department shall deduct previously incurred medical expenses ~~((are deducted))~~ from excess countable income subject to the following restrictions(-):

(a) The medical expense must be a current liability of the ~~((individual))~~ applicant or financially responsible relative in the same household ~~((See WAC 388-92-025(4)))~~ or paid by a public program of the state, county, or city other than Medicaid;

(b) The medical ~~((expenses have))~~ expense shall not have been used at any other time to reduce excess countable income on a medical application which resulted in eligibility(-);

(c) The department shall not consider toward spenddown the portion of the medical expense paid or covered by third-party liability ~~((can not be considered toward spenddown))~~.

(i) The department shall disregard the possible payment as a resource and allow the entire expense for spenddown when a health insurer ~~((has failed))~~ fails to send either payment or notice of the portion of a medical services bill covered within forty-five days of the date of service or thirty days from the last day of the base period, whichever is sooner ~~((the department shall disregard the possible payment as a resource and allow the entire expense for spenddown))~~.

(ii) When Medicare is the only insurance available and the applicant is hospitalized, the department shall take the following action:

(A) Allow the Medicare deductible toward the spenddown, if there has not been a previous hospital stay within sixty days, and the client still owes the bill ~~((allow the Medicare deductible toward the spenddown:)); and~~

(B) Not allow the hospital deductible, and follow the procedure in subsection (1)(c)(i) of this section, if there has been a previous hospital stay within sixty days ~~((do not allow the hospital deductible, and follow the procedure for health insurance in (c)(i) of this subsection))~~.

(d) The department shall consider toward spenddown a medical expense incurred prior to the base period and paid for by a public program of the state, county, or city other than Medicaid; and

(e) The department shall consider only medical services provided by practitioners recognized under state law ~~((will be considered))~~.

(2) If the incurred medical bills equal or exceed the excess countable income at the time of application, the department shall certify the applicant is ~~((certified))~~ eligible.

(3) If the incurred medical bills are less than the excess countable income, the department shall not approve the application ~~((is not approved))~~ and shall require the ~~((individual is required))~~ applicant to spenddown the remaining excess countable income. The department shall certify the applicant ~~((is certified))~~ eligible only when excess countable income has been completely spenddown. The department shall deduct medical expenses incurred during the spenddown period ~~((are deducted))~~ in the following order:

(a) Medicare and other health insurance premiums, deductibles, co-insurance charges, enrollment fees, or copayments(-);

(b) Expenses for necessary medical and remedial care not covered by the limited casualty program(-);

(c) Expenses for necessary medical and remedial care covered by the limited casualty program which have been paid by the applicant(-) or by a public program of the state, county, or city other than Medicaid; and

(d) Expenses for necessary medical and remedial care covered by the limited casualty program which have not been paid.

(4) The applicant ~~((is responsible for providing))~~ shall provide complete documentation of incurred medical expenses within thirty days of the end of the base period. Once medical eligibility has been approved, the department shall not consider expenses which were not listed or which were omitted ~~((will not be considered))~~. The applicant may use such expenses ~~((may be used))~~ to reduce excess countable income on a subsequent application provided:

(a) ~~((For))~~ The expenses incurred prior to the certification date meets the conditions in subsection (1) of this section ~~((are met:)); and~~

(b) ~~((For))~~ Medical care or supplies received and paid for, on or after the certification date and prior to receiving medical coupons, meets the conditions in subsections (1)(b) through ~~((d))~~ (c) of this section ~~((are met))~~.

(5) The applicant is liable for any expenses incurred prior to the spenddown satisfaction date.

WSR 88-21-093

ADOPTED RULES

BOARD OF HEALTH

[Order 322—Filed October 19, 1988]

Be it resolved by the Washington State Board of Health, acting at the Spokane County Health District, Spokane, Washington, that it does adopt the annexed rules relating to:

Amd WAC 248-100-206 Sexually transmitted diseases.
Amd WAC 248-100-016 Confidentiality.

This action is taken pursuant to Notice Nos. WSR 88-18-102 and 88-18-103 filed with the code reviser on September 7, 1988. 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 70.24 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 October 12, 1988.

By John A. Beare, M.D., M.P.H.
Secretary

AMENDATORY SECTION (Amending Order 317, filed 8/17/88)

WAC 248-100-016 CONFIDENTIALITY. Identifying information about any individual with a reportable disease or condition pursuant to chapter 248-100 WAC shall be protected by persons with knowledge of such identity.

(1) Health care providers, employees of a health care facility or medical laboratory, and other individuals with knowledge of a person with sexually transmitted disease may disclose identity of a person or release identifying information only as specified in (~~chapter 70.24~~) RCW 70.24.105.

(2) Health care providers, employees of a health care facility or medical laboratory, and other individuals with knowledge of a person with a reportable disease or condition, other than those specified in subsection (1) of this section, shall release identifying information only to other individuals responsible for protecting the health and well being of the public through control of communicable and certain other diseases.

(3) Local and state health department personnel shall maintain individual case reports as confidential records consistent with WAC 248-100-091.

(4) The Washington state public health laboratory, other laboratories approved as public health referral laboratories, and any persons, institutions, or facilities submitting specimens or records containing patient identifying information shall maintain the identifying information accompanying submitted laboratory specimens as confidential records.

(5) Statistical summaries and epidemiologic studies based on individual case reports may be public information provided no individual is identified.

AMENDATORY SECTION (Amending Order 316, filed 8/17/88)

WAC 248-100-206 SPECIAL DISEASES—SEXUALLY TRANSMITTED DISEASES. (1) Definitions.

(a) "Behaviors presenting imminent danger to public health (BPID)" means the following activities, under conditions specified below, performed by an individual with a laboratory confirmed HIV infection:

- (i) Anal or vaginal intercourse without a latex condom; or
- (ii) Shared use of blood-contaminated injection equipment;
- (iii) Donating or selling HIV-infected blood, blood products, or semen; and
- (iv) Under the following specified conditions:

(A) The infected individual received post-test counseling as described in WAC 248-100-209 prior to repeating activities in subsection (1)(a)(i) and (ii) of this section; and

(B) The infected individual did not inform the persons, with whom activities described in subsection (1)(a)(i) and (ii) of this section occurred, of his or her infectious status.

(b) "Behaviors presenting possible risk" means:

(i) Actual actions resulting in "exposure presenting a possible risk" limited to:

(A) Anal, oral, or vaginal intercourse excluding conjugal visits; or

(B) Physical assault; or

(C) Sharing of injection equipment or sharp implements; or

(D) Throwing or smearing of blood ((or)), semen, or vaginal fluids; or

(ii) Threatened action if:

(A) The threatening individual states he or she is infected with HIV; and

(B) The threatened behavior is listed in subsection (1)(b)(i)(A), (B), (C), and (D) of this section; and

(C) The threatened behavior could result in "exposure presenting a possible risk."

(c) "Conduct endangering public health" means:

(i) Anal, oral, or vaginal intercourse for all sexually transmitted diseases;

(ii) For HIV and Hepatitis B:

(A) Anal, oral, or vaginal intercourse; and/or

(B) Sharing of injection equipment; and/or

(C) Donating or selling blood, blood products, body tissues, or semen; and

(iii) Activities described in subsection (1)(d)(i) and (ii) of this section resulting in introduction of blood, semen, and/or vaginal fluids to:

(A) Mucous membranes;

(B) Eyes;

(C) Open cuts, wounds, lesions; or

(D) Interruption of epidermis.

(d) "Exposure presenting possible risk" means one or more of the following:

(i) Introduction of blood, semen, or vaginal fluids into:

(A) A body orifice or a mucous membrane;

(B) The eye; or

(C) An open cut, wound, lesion, or other interruption of the epidermis.

(ii) A needle puncture or penetrating wound resulting in exposure to blood, semen, and/or vaginal fluids.

(e) "Reasonably believed" or "reason to believe," in reference to a sexually transmitted disease, means a health officer's belief which:

(i) For the purpose of investigating the source and spread of disease, is based upon a credible report from an identifiable individual indicating another person is likely to have a sexually transmitted disease (STD) or to have been exposed to a STD; and

(ii) For the purpose of issuing a written order for an individual to submit to examination, counseling, or treatment is based upon:

(A) Laboratory test results confirming or suggestive of a STD; or

(B) A health care provider's direct observation of clinical signs confirming an individual has or is likely to have a STD; or

(C) Obtaining information directly from an individual infected with a STD about the identity of his or her sexual or needle-sharing contacts when:

(I) Contact with the infected individual occurred during a period when the disease may have been infectious; and

(II) The contact was sufficient to transmit the disease; and

(III) The infected individual is, in the health officer's judgment, credible and believable.

(f) "Substantial exposure" means physical contact resulting in exposure presenting possible risk, limited to:

(i) A physical assault upon the exposed person involving blood or semen;

(ii) Intentional, unauthorized, nonconsensual use of needles or sharp implements to inject or mutilate the exposed person;

(iii) An accidental parenteral or mucous membrane or nonintact skin exposure to blood (~~when the blood source meets one of the following criteria:~~

~~(A) A man engaging in unprotected sex with other men at any time since 1977;~~

~~(B) A person using intravenous substances and sharing injection equipment at any time since 1977;~~

~~(C) A person engaging in sex for money or drugs at any time since 1977;~~

~~(D) A sexual or injection equipment-sharing partner of a person specified in subsection (1)(f)(iii)(A), (B), and (C) of this section)), semen, or vaginal fluids.~~

(2) Health care providers shall:

(a) Report each case of sexually transmitted disease as required in chapter 248-100 WAC, and

(b) Instruct each patient regarding:

(i) Communicability of the disease, and

(ii) Requirements to refrain from acts that may transmit the disease to another.

(c) Ensure completion of a prenatal serologic test for syphilis in each pregnant woman pursuant to RCW 70.24.090 including:

(i) Submission of a blood sample for syphilis to a laboratory approved to perform prenatal serologic tests for syphilis, as required in RCW 70.24.090, at the time of the first prenatal visit, and

(ii) Decide whether or not to omit the serologic test for syphilis if the test was performed elsewhere during the current pregnancy.

(3) Laboratories, health care providers, and other persons shall deny issuance of a certificate or statement implying an individual is free from sexually transmitted disease.

(4) Local health officers, health care providers, and others, in addition to requirements in chapter 248-100 WAC, shall comply with the provisions in chapter 70.24 RCW.

(5) Prevention of ophthalmia neonatorum.

(a) Health care providers diagnosing or caring for a patient with gonococcal or chlamydial ophthalmia

neonatorum shall report the case to the local health officer or local health department in accordance with the provisions of this chapter.

(b) The principal health care provider attending or assisting in the birth of any infant or caring for an infant after birth, shall ensure instillation of a department-approved prophylactic ophthalmic agent into the conjunctival sacs of the infant within the time frame established by the department in policy statement of ophthalmia agents approved for the prevention of ophthalmia neonatorum in the newborn, issued June 19, 1981.

(6) State and local health officers or their authorized representatives shall:

(a) Have authority to conduct or cause to be conducted an interview and investigation of persons infected or reasonably believed to be infected with a sexually transmitted disease; and

(b) Use procedures and measures described in WAC 248-100-036(4) in conducting investigations.

(7) State and local health officers and their authorized representatives shall have authority to:

(a) Issue written orders for medical examination, testing, and/or counseling under chapter 70.24 RCW, only after:

(i) All other efforts to protect public health have failed, including reasonable efforts to obtain the voluntary cooperation of the person to be affected by the order; and

(ii) Having sufficient evidence to "reasonably believe" the individual to be affected by the order:

(A) Has a sexually transmitted disease; and

(B) Is engaging in "conduct endangering public health"; and

(iii) Investigating and confirming the existence of "conduct endangering public health" by:

(A) Interviewing sources to assess their credibility and accuracy; and

(B) Interviewing the person to be affected by the order; and

(iv) Including in a written order all information required in (~~chapter 70.24~~) RCW 70.24.024.

(b) Issue written orders for treatment under (~~chapter 70.24~~) RCW 70.24.022 only after laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease;

(c) Issue written orders to cease and desist from specified activities, under (~~chapter 70.24~~) RCW 70.24.024 only after:

(i) Determining the person to be affected by the order is engaging in "conduct endangering public health"; and

(ii) Laboratory test results, or direct observation of clinical signs or assessment of clinical data by a physician, confirm the individual has, or is likely to have, a sexually transmitted disease; and

(iii) Exhausting procedures described in subsection (7)(a) of this section; and

(iv) Enlisting, if appropriate, court enforcement of the orders described in subsections (7)(a) and (b) of this section; and

(d) Seek court orders for detainment under (~~chapter 70.24~~) RCW 70.24.034, only for persons infected with HIV and only after:

(i) Exhausting procedures described in subsection (7)(a), (b), and (c) of this section; and

(ii) Enlisting, if appropriate, court enforcement of orders to cease and desist; and

(iii) Having sufficient evidence to "reasonably believe" the person is engaging in "behaviors presenting an imminent danger to public health."

(8) Conditions for detainment of individuals infected with sexually transmitted disease.

(a) A local health officer may notify the state health officer if he or she determines:

(i) The criteria for "behaviors presenting imminent danger to public health (BPID)" are met by an individual; and

(ii) Such individual fails to comply with a cease and desist order affirmed or issued by a court.

(b) A local or state health officer may request the prosecuting attorney to file an action in superior court to detain an individual specified in subsection (8)(a) of this section.

(c) The requesting local or state health officer or authorized representative shall:

(i) Notify the department prior to recommending the detainment setting where the individualized counseling and education plan may be carried out consistent with subsections (8)(d), (e), and (f) of this section;

(ii) Make a recommendation to the court for placement of such individual consistent with subsections (8)(d) and (f) of this section; and ((fii)) (iii) Provide to the court an individualized plan for education and counseling consistent with subsection (8)(e) of this section.

(d) State board of health requirements for detainment of individuals demonstrating BPID:

(i) Sufficient number of staff, caregivers, and/or family members to:

(A) Provide round-the-clock supervision, safety of detainee, and security; and

(B) Limit and restrict activities to prevent BPID; and

(C) Make available any medical, psychological, or nursing care when needed; and

(D) Provide access to AIDS education and counseling; and

(E) Immediately notify the local or state health officer of unauthorized absence or elopement; and

(ii) Sufficient equipment and facilities to provide:

(A) Meals and nourishment to meet nutritional needs; and

(B) A sanitary toilet and lavatory; and

(C) A bathing facility; and

(D) Bed and clean bedding appropriate to size of detainee; and

(E) A safe detention setting appropriate to chronological and developmental age of detainee; and

(F) A private sleeping room; and

(G) Prevention of sexual exploitation.

(iii) Sufficient access to services and programs directed toward cessation of BPID and providing:

(A) Linguistically, socially, culturally, and developmentally appropriate ongoing AIDS education and counseling; and

(B) Psychological and psychiatric evaluation and counseling; and

(C) Implementation of court-ordered plan for individualized counseling and education consistent with subsection (8)(e) of this section.

(iv) If required, provide access to isolation and/or restraint in accordance with restraint and seclusion rules in WAC 275-55-263 (2)(c);

(v) Maintain a safe, secure environment free from harassment, physical danger, and sexual exploitation.

(e) Washington state board of health standards for an individualized counseling and education plan for a detainee include:

(i) Consideration of detainee's personal and environmental characteristics, culture, social group, developmental age, and language;

(ii) Identification of habitual and addictive behavior and relapse pattern;

(iii) Identification of unique risk factors and possible cross-addiction leading to behavior presenting imminent danger to public health;

(iv) Identification of obstacles to behavior change and determination of specific objectives for desired behavior;

(v) Provision of information about acquisition and transmission of HIV infection;

(vi) Teaching and training of individual coping skills to prevent relapse to BPID;

(vii) Specific counseling for chemical dependency, if required;

(viii) Identification of and assistance with access to community resources, including social services and self-help groups appropriate to provide ongoing support and maintenance of behavior change; and

(ix) Designation of a person primarily responsible for counseling and/or education who:

(A) Completed pretest and post-test counselor training approved by the office on AIDS; and

(B) Received training, as approved by the office on AIDS, focused on facilitating behavior change related to preventing BPID; and

(C) Has a post-graduate degree in social work, psychology, counseling, psychosocial nursing, or other allied profession; and

(D) Completed at least one year clinical experience after post-graduate education with a primary focus on individualized behavior change; and

(E) Is a certified counselor under chapter 18.19 RCW.

(x) Designation and provision of a qualified counselor under WAC 275-19-145 when the detainee is assessed to have a drug or alcohol problem.

(f) The state board of health designates the following settings appropriate for detainment provided a setting meets requirements in subsection (8)(d)(i), (ii), (iii), (iv), and (v) of this section:

(i) Homes, care facilities, or treatment institutions operated or contracted by the department;

(ii) Private homes, as recommended by the local or state health officer;

(iii) Boarding homes licensed under chapter 18.20 RCW;

(iv) Nursing homes licensed under chapter 18.51 RCW;

(v) Facilities licensed under chapter 71.12 RCW, including:

(A) Psychiatric hospitals, per chapter 248-22 WAC;

(B) Alcoholism treatment centers if certified for substance use under chapter 275-19 WAC;

(C) Adult residential rehabilitation centers, per chapter 248-25 WAC;

(D) Private adult treatment homes, per chapter 248-25 WAC;

(E) Residential treatment facilities for psychiatrically impaired children and youth, per chapter 248-23 WAC;

(vi) A hospital licensed under chapter 70.41 RCW.

(9) Jail administrators may order pretest counseling, post-test counseling, and HIV testing of persons detained in jail according to (~~chapter 70.24~~) RCW 70.24.360 only under the following conditions:

(a) The jail administrator (~~has written documentation of incidents related~~) documents and reports to the local health officer, within seven days after the incident, any incident perceived to be actual or threatened "behaviors presenting possible risk;" and

(b) The local health officer (~~determines~~):

(i) Determines the documented behavior or behaviors meet the criteria established in the definition of "behaviors presenting a possible risk;" and

(ii) (~~Jail administrator~~) Interviews the detained individual to evaluate the factual basis for alleged actual or threatened behavior; and

(iii) Makes a fact determination, based upon the documented behavior, the interview with the detained individual, and/or dependent investigation, that sufficient factual evidence exists to support the allegation of actual or threatened "behaviors presenting possible risk;" and

(iv) Arranges for testing of the individual who is the source of the behavior to occur within seven days of the request from the jail administrator; and

(v) Reviews with the detained individual who is the source of the behavior the documentation of the actual or threatened behavior (~~was reviewed with the person detained to explain and try~~) to try to assure understanding of the basis for HIV testing; and

(~~The local health officer~~) (vi) Provides written approval of the jail administrator's order prior to HIV testing in accordance with subsection (7)(a)(i) of this section.

(c) The jail administrator maintains HIV test results and identity of the tested individual as a confidential, nondisclosable record, as provided in RCW 70.24.105.

(10) When an individual experiences a substantial exposure to another (~~person's~~) individual's body fluids and requests HIV testing of that other (~~person~~) individual, the state and local health officers have authority to order pretest counseling, HIV testing, and post-test counseling of that other (~~person~~) individual providing:

(a) The (~~exposed~~) alleged exposure occurred when the individual was employed or acting as an authorized volunteer in one of the following employment categories:

(i) Law enforcement officer;

(ii) Firefighter;

(iii) Health care provider;

(iv) Staff of health care facilities; and

(b) The alleged substantial exposure occurred on the job; and

(c) The (~~local~~) request to the health officer (~~determines "substantial"~~) for testing and counseling of the individual was made within seven days of the occurrence of the alleged exposure(~~"occurred"~~); and

(d) The (~~person to be tested, or a legal representative, received pretest counseling~~) local health officer:

(i) Determines that the alleged exposure meets the criteria established in the definition of "substantial exposure;" and

(ii) Ensures that pretest counseling of the individual to be tested, or a legal representative, occurs; and

(iii) Arranges for testing of the individual who is the source of the exposure to occur within seven days of the request from the person exposed; and

(e) The exposed individual agrees to be tested for HIV if such testing is determined appropriate by the health officer; and

(f) Records on HIV testing ordered by a health officer are maintained only by the ordering health officer.

(11) For the purpose of RCW 49.60.172 concerning the absence of HIV infection as a bona fide occupational qualification only, "significant risk" means a job qualification which requires person-to-person contact likely to result in direct introduction of blood into the eye, an open cut or wound, or other interruption of the epidermis, when:

(a) No adequate barrier protection is practical; and

(b) Determined only on case-by-case basis consistent with RCW 49.60.180.

WSR 88-21-094

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2714—Filed October 19, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to suspension of grant, amending WAC 388-33-355.

This action is taken pursuant to Notice No. WSR 88-18-105 filed with the code reviser on September 7, 1988. 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 October 18, 1988.

By Rosemary Carr
for Leslie F. James, Director
Administrative Services

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-33-370 TERMINATION OF SUSPENDED GRANT.

WSR 88-21-095

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Institutions)

[Order 2715—Filed October 19, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to schedule of charges, amending WAC 275-16-030.

This action is taken pursuant to Notice No. WSR 88-18-051 filed with the code reviser on September 1, 1988. 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 43.20B.335.

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 October 18, 1988.

By Rosemary Carr
for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2531, filed 9/10/87)

WAC 275-16-030 SCHEDULE OF CHARGES. Pursuant to RCW 43.20B.325, the department shall base hospitalization charges for clients in state hospitals on the actual operating costs of such hospitals for the previous year. Hospitalization charges ~~((shall be))~~ are due and payable on or before the tenth day of each calendar month for services rendered to clients of the department during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Child Study and Treatment Center	Western State Hospital	Eastern State Hospital
Child Study and Treatment Center			
Western State Hospital			
Eastern State Hospital			

(a) INPATIENT SERVICES -

Hospital Costs Per Day	\$((132.07 208.02 156.00))
Physician Costs	140.12 229.75 169.86
	* ((7.15) 8.79) *

*The department shall bill the client for physician costs ~~((will be billed))~~ on a fee-for-service basis.

AMENDATORY SECTION (Amending Order 2369, filed 5/1/86)

WAC 388-33-355 SUSPENSION OF GRANT.

(1) ~~((A suspension action is taken))~~ The department shall suspend a grant when:

(a) ~~((A general assistance recipient has income sufficient to meet his or her maintenance requirements for more than one but not to exceed two months, or~~

~~(b)))~~ The amount of the monthly grant following the budgeting of income is less than ten dollars per month((;)); or

~~((c)))~~ (b) The recipient ((has entered or)) is in an institution and ((his or her)) has income ((is equal to or)) that exceeds ((his or her)) grant requirements, but is less than ((his or her)) grant requirements plus medical, nursing home, or intermediate care costs ((and/or nursing home or intermediate care;)); or

(c) The department has reason to believe ineligibility would be for one month only and caused by income or circumstances in the report month; or

~~((d))~~ ((An AFDC or RA recipient receives an extra paycheck in a month which makes them ineligible for one month, or

~~(e)))~~ A general assistance ((grant)) recipient ((has entered)) enters a state mental hospital; ~~((Western State Hospital, Eastern State Hospital, or PORTAL program;)) or~~

~~((f)))~~ (e) ((The department has knowledge of, or reason to believe, ineligibility would be for only one month and was caused by income or circumstance in the report month)) A general assistance recipient's income exceeds the payment standard for more than one month, but less than two months.

(2) The department shall determine eligibility for the month following the month of suspense according to WAC 388-28-483.

(3) The department shall reinstate a suspended grant ((shall be reinstated)) when:

(a) The conditions in subsection (1) of this section cease to exist; and

(b) The recipient completes a department-initiated review of eligibility; and

(c) The recipient is otherwise eligible.

~~((3)))~~ (4) The department shall terminate a suspended grant ~~((shall be terminated as provided in WAC 388-33-370))~~ when:

(a) The individual dies while the grant is suspended;

(b) The individual does not request reinstatement of grant within:

(i) Fifteen days after leaving an institution; or

(ii) Fifteen days of completing restitution of overpayment by monthly grant deduction; or

(iii) The suspense month for all other suspense cases.

(c) The individual becomes ineligible for some other reason.

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
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(b) OUTPATIENT SERVICES - Per diem

Outpatient	—	—	—
Day Care Per Day	—	((69-89)) 72.48	—
Per Hour	—	((11-65)) 12.91	—

(c) ANCILLARY SERVICES - Per relative value unit ^{1/}

Radiology	((4.64) 5.88	4.64 5.88	2.24) 4.50
Pathology	((.42) .32	.42 .32	.23) .18
Medical Clinics	((2.38) 2.15	2.38 2.15	3.12) 5.79
Electrocardiogram	((.24) .22	.24 .22	.44) .44
Physical Therapy	((2.19) 3.48	2.19 3.48	2.99) 3.96
Occupational Therapy	—	—	((11.42)) 19.15
Speech Therapy	—	—	((11.35)) 18.32
Dental	22.54	22.54	((27.16)) 17.09
Podiatry	1.28	1.28	1.00

(2) Services required by the ((patient that cannot be)) client, not provided by hospital staff ((are)), shall be purchased by the department from private sources and the client shall be charged at actual cost.

^{1/}California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

WSR 88-21-096
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2716—Filed October 19, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Income—Exclusions, amending WAC 388-49-470.

This action is taken pursuant to Notice No. WSR 88-18-054 filed with the code reviser on September 1, 1988. 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 74.04.510 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 October 18, 1988.

By Rosemary Carr
 for Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2617, filed 4/6/88)

WAC 388-49-470 INCOME—EXCLUSIONS.

(1) The department shall exclude the following income:

(a) Money withheld from an assistance payment, earned income, or other income source used to repay a prior overpayment from that same income source((-));

(b) Any income specifically excluded by any other federal statute from consideration as income in the food stamp program((-));

(c) The earned income of children who are:

- (i) Members of the household,
- (ii) Under eighteen years of age, and
- (iii) Attending school at least half time.

(d) Infrequent or irregular income received during a three-month period that:

- (i) Cannot be reasonably anticipated as available, and
- (ii) Shall not exceed thirty dollars for all household members.

(e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred((-));

(f) Nonrecurring lump sum payments((-);

(g) The cost of producing self-employment income((-);

(h) Financial aid received under Title IV of the Higher Education Act designated by the school for:

- (i) Tuition,
- (ii) Fees (including equipment and material),
- (iii) Books,
- (iv) Supplies,
- (v) Transportation, and
- (vi) Miscellaneous personal expenses as determined by the institution.

(i) Other federal financial aid designated by the school for:

- (i) Tuition, and
- (ii) Mandatory fees.

(j) Nonfederal financial aid designated by the school for:

(i) Tuition and mandatory fees at any school beyond high school or a school at any level for the physically or mentally handicapped; and

(ii) Other earmarked educational expenses such as transportation, supplies, textbooks, and child care.

(k) Reimbursements for past or future expenses to the extent the reimbursements do not:

- (i) Exceed the actual expense, and
- (ii) Represent a gain or benefit to the household.

(l) Any gain or benefit not in money((-);

(m) Vendor payments as defined in WAC 388-49-020((-);

(n) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member((-);

(o) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs((-));

(p) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.

((f)) _____

Number in Grant Assistance Unit	Energy Exclusion
1	\$30
2	39
3	46
4	56
5	63
6	72
7	84
8 or more	92

_____ ((f))

(q) Money specified by court order or other legally binding agreement to go directly to a third-party beneficiary rather than to the household((-);

(r) Support payments not required by a court order or other legally binding agreement paid directly to a third party rather than to the household((-);

(s) Payments from the individual and family grant program((-);

(t) Public assistance payments when they are:

- (i) Over and above the regular warrant amount; and
- (ii) Not normally a part of the regular warrant; and
- (iii) Paid directly to a third party on behalf of the household.

(u) Earnings from on-the-job training programs under the Job Training Partnership Act by household members:

(i) Under 19 years of age; and

(ii) Under parental control.

(v) Cash donations based upon need:

(i) Received directly by the household;

(ii) From one or more private, nonprofit, charitable organizations; and

(iii) Not exceeding three hundred dollars in any federal fiscal year quarter.

(2) When a child's earnings or amount of work performed cannot be differentiated from the earnings or work performed by other household members, the department shall:

(a) Prorate the earnings equally among the working members, and

(b) Exclude the child's pro rata share.

(3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the excluded amount shall be:

(a) Any identifiable portion intended and used for the care and maintenance of the person out of the household, or

(b) If the portions are not readily identified as:

(i) An even pro rata share; or

(ii) The amount actually used for the care and maintenance of the person out of the household, whichever is less.

WSR 88-21-097
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2717—Filed October 19, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Allocation of excess income—Spendedown, amending WAC 388-99-030.

I, Leslie F. James, 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 require that medical bills paid by public programs, other than Medicaid, be used to reduce spenddown per the Omnibus Budget Reconciliation Act of 1987.

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 October 18, 1988.

By Rosemary Carr
for Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2409, filed 8/12/86)

WAC 388-99-030 ALLOCATION OF EXCESS INCOME—SPENDDOWN. (1) On initial or subsequent applications, the department shall deduct previously incurred medical expenses ((are deducted)) from excess countable income subject to the following restrictions((-):

(a) The medical expense must be a current liability of the ((individual)) applicant or financially responsible relative in the same household((-See WAC 388-92-025(4).)) or paid by a public program of the state, county, or city other than Medicaid;

(b) The medical ((expenses have)) expense shall not have been used at any other time to reduce excess countable income on a medical application which resulted in eligibility((-);

(c) The department shall not consider toward spenddown the portion of the medical expense paid or covered by third-party liability ((can not be considered toward spenddown)).

(i) The department shall disregard the possible payment as a resource and allow the entire expense for spenddown when a health insurer ((has failed)) fails to send either payment or notice of the portion of a medical services bill covered within forty-five days of the date of

service or thirty days from the last day of the base period, whichever is sooner (~~(, the department shall disregard the possible payment as a resource and allow the entire expense for spenddown)~~).

(ii) When Medicare is the only insurance available and the applicant is hospitalized, the department shall take the following action:

(A) Allow the Medicare deductible toward the spenddown, if there has not been a previous hospital stay within sixty days, and the client still owes the bill (~~(, allow the Medicare deductible toward the spenddown)~~); and

(B) Not allow the hospital deductible, and follow the procedure in subsection (1)(c)(i) of this section, if there has been a previous hospital stay within sixty days (~~(, do not allow the hospital deductible, and follow the procedure for health insurance in (c)(i) of this subsection)~~).

(d) The department shall consider toward spenddown a medical expense incurred prior to the base period and paid for by a public program of the state, county, or city other than Medicaid; and

(e) The department shall consider only medical services provided by practitioners recognized under state law (~~(will be considered)~~).

(2) If the incurred medical bills equal or exceed the excess countable income at the time of application, the department shall certify the applicant is (~~(certified)~~) eligible.

(3) If the incurred medical bills are less than the excess countable income, the department shall not approve the application (~~(is not approved)~~) and shall require the (~~(individual is required)~~) applicant to spenddown the remaining excess countable income. The department shall certify the applicant (~~(is certified)~~) eligible only when excess countable income has been completely spentdown. The department shall deduct medical expenses incurred during the spenddown period (~~(are deducted)~~) in the following order:

(a) Medicare and other health insurance premiums, deductibles, coinsurance charges, enrollment fees, or copayments (-);

(b) Expenses for necessary medical and remedial care not covered by the limited casualty program (-);

(c) Expenses for necessary medical and remedial care covered by the limited casualty program which have been paid by the applicant (-) or by a public program of the state, county, or city other than Medicaid; and

(d) Expenses for necessary medical and remedial care covered by the limited casualty program which have not been paid.

(4) The applicant (~~(is responsible for providing)~~) shall provide complete documentation of incurred medical expenses within thirty days of the end of the base period. Once medical eligibility has been approved, the department shall not consider expenses which were not listed or which were omitted (~~(will not be considered)~~). The applicant may use such expenses (~~(may be used)~~) to reduce excess countable income on a subsequent application provided:

(a) (~~(For)~~) The expenses incurred prior to the certification date meets the conditions in subsection (1) of this section (~~(are met)~~); and

(b) (~~(For)~~) Medical care or supplies received and paid for, on or after the certification date and prior to receiving medical coupons, meets the conditions in subsections (1)(b) through (~~(d)~~) (e) of this section (~~(are met)~~).

(5) The applicant is liable for any expenses incurred prior to the spenddown satisfaction date.

WSR 88-21-098

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1989—Filed October 19, 1988]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to use of pesticides on blossoming alfalfa, clover and mint, chapter 16-230 WAC; use of pesticides on alfalfa seed crop, chapter 16-228 WAC; and restricted use herbicide use in Walla Walla County, chapter 16-232 WAC.

This action is taken pursuant to Notice No. WSR 88-17-121 filed with the code reviser on August 24, 1988. 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 chapters 17.21 and 15.58 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 October 19, 1988.

By C. Alan Pettibone
Director

NEW SECTION

WAC 16-228-600 USE OF PESTICIDES ON SEED ALFALFA. (1) For purposes of pesticide registration, all alfalfa seed crop fields are considered non-food and nonfeed sites of pesticide use, and the following conditions shall be met:

(a) All seed screenings shall be disposed of in such a way that they cannot be distributed or used for food or feed. The seed conditioner shall keep records of screening disposal for three years from the date of disposal and shall furnish the records to the director forthwith upon request. Disposal records shall consist of documentation from a controlled dump site, incinerator, or other equivalent disposal site and shall show the lot numbers, amount of material disposed of, its grower(s), and the date of disposal.

(b) No portion of the seed alfalfa plant, including but not limited to green chop, hay, pellets, meal, whole seed, and cracked seed, may be used or distributed for food or feed purposes.

(c) All alfalfa seed grown or conditioned in this state shall bear a tag or container label which forbids use of the seed for human consumption or animal feed.

(d) No alfalfa seed grown or conditioned in this state may be distributed for human consumption or animal feed.

(2) Violation of any condition listed in subsection (1) of this section is declared to be a violation of chapters 17.21 and 15.58 RCW.

(3) Alfalfa seed crop certified under provisions of RCW 15.86.070, the Organic Food Products Act, shall be exempt from the requirements of this section.

AMENDATORY SECTION (Amending Order 1818, filed 4/10/84)

WAC 16-230-010 RESTRICTED USE PESTICIDES ON BLOSSOMING ALFALFA, CLOVER AND MINT—AREA UNDER ORDER. (1) The following agricultural pesticides are declared to be restricted use pesticides in all counties of the state of Washington:

COMMON CHEMICAL NAME **ALSO KNOWN AS***

acephate	Orthene
azinphos-methyl	Guthion
carbaryl	Sevin
carbofuran	Furadan
carbophenothion	Trithion
chlorpyrifos	Lorsban
demeton	Systox
diazinon	
dimethoate	Cygon, Rebelate
disulfoton	Di-Syston
endosulfan	Thiodan
fenthion	Baytex
fluvalinate	Spur
formetanate hydrochloride	Carzol
malathion	Cythion
methidathion	Supracide
methomyl	Lannate, Nudrin
methoxychlor	Marlate
methyl parathion	
mevinphos	Phosdrin
naled	Dibrom
oxamyl	Vydate
oxydemeton-methyl	Metasystox-R
parathion	
phorate	Thimet
phosmet	Imidan
trichlorfon	Dylox

*This column is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) Area under order. All counties of the state of Washington.

AMENDATORY SECTION (Amending Order 1971, filed 4/4/88)

WAC 16-230-030 ALFALFA AND CLOVER—CHEMICAL RESTRICTIONS. (1) The use or application of any formulation (except where the formulation is specified) of the following listed pesticides shall be prohibited on blossoming alfalfa and clover crops within seven days to blossoming: PROVIDED, That

methidathion (Supracide) when used in Kittitas County on timothy hay mixed with alfalfa and/or clover shall only be prohibited within three days to blossoming. See WAC 16-230-076 and 16-230-078 for additional restrictions in certain areas of Walla Walla County.

- (a) Azinphos-methyl (Guthion)
- (b) Carbaryl (Sevin)
- (c) Carbofuran (Furadan)
- (d) Dimethoate (Cygon or Rebelate)
- (e) Methidathion (Supracide)

(2) The use or application of liquid formulations of chlorpyrifos (Lorsban), mevinphos (Phosdrin), wettable powder formulations of naled (Dibrom), and liquid or wettable powder formulations of malathion and phorate (Thimet) applied as sprays on blossoming alfalfa or clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight of the same day.

(3) The use or application of any formulation (except where the formulation is specified) of the following pesticides shall be prohibited on blossoming alfalfa and clover crops:

- (a) Carbaryl (Sevin) see number (1) above
- (b) Diazinon
- (c) Fenthion (Baytex)
- (d) Malathion dust and ULV
- (e) Methyl parathion
- (f) Mevinphos (Phosdrin) dust
- (g) Naled (Dibrom) dust
- (h) Parathion
- (i) Phosmet (Imidan)

(4) The use or application of the following listed pesticides or any formulation thereof (except where the formulation is specified) on blossoming alfalfa and clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning: PROVIDED, That methomyl (Lannate or Nudrin) shall only be applied to blossoming clover crops pursuant to this rule, and its application to blossoming alfalfa is further restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight the same day: PROVIDED FURTHER, That the application of the following restricted use pesticides on blossoming alfalfa in Walla Walla County is further restricted to applications only within the period beginning at sunset and ending at two hours after midnight the following morning:

- (a) Carbophenothion (~~(Thrithion))~~ (Trithion)
- (b) Formetanate hydrochloride (Carzol)
- (c) Demeton (Systox)
- (d) Naled (Dibrom) emulsifiable concentrate
- (e) Disulfoton (Di-Syston)
- (f) Endosulfan (Thiodan)
- (g) Oxydemeton-methyl (Metasystox-R)
- (h) Methomyl (Lannate or Nudrin)
- (i) Methoxychlor (Marlate)
- (j) Phorate (Thimet) granular
- (k) Trichlorfon (Dylox)
- (l) Oxamyl (Vydate)
- (m) Fluvalinate (Spur)

AMENDATORY SECTION (Amending Order 1818, filed 4/10/84)

WAC 16-230-075 BLOSSOMING MINT—CHEMICAL RESTRICTIONS. The use or application of (~~Malathion~~) malathion dust(;) on blossoming mint is prohibited. The use or application of malathion liquid, oxydemeton-methyl (Metasystox-R), and methomyl (Lannate or Nudrin) liquid on blossoming mint is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning. The use or application of any formulation of acephate (Orthene) on blossoming mint is restricted to applications only within the period beginning at two and one-half hours prior to sunset and ending at midnight of the same day.

AMENDATORY SECTION (Amending Order 1818, filed 4/10/84)

WAC 16-230-076 PESTICIDE USE ON BLOSSOMING ALFALFA, CLOVER AND MINT—AREA 1. (1) Area 1 description. South central Walla Walla County – all lands lying within a line starting at the junction of the Washington-Oregon border and the Rainville Road; thence north along the Rainville Road to the Frog Hollow Road; thence west along the Frog Hollow Road to the McDonald Road; thence north along the McDonald and Bridge Road to State Highway 12; thence west along Highway 12 to the Woodward Canyon Road; thence north and west along the Woodward Canyon Road to the northeast corner of Section 24, T7N, R33E; thence west along the section lines to the northwest corner of Section 23, T7N, R32E; thence south along the section lines to the Walla Walla River; thence southerly along the Walla Walla River to its intersection with the west section line of Section 7, T6N, R33E; thence south along the section lines to the Washington-Oregon border; thence east along the border to the point of beginning.

(2) Area 1 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of azinphos-methyl (Guthion), carbofuran (Furadan), phosmet (Imidan), chlorpyrifos (Lorsban), and methidathion (Supracide) on alfalfa and clover crops, shall be prohibited after May 23 of each year, and the use or application of dimethoate (Cygon or Rebelate) on alfalfa and clover crops shall be prohibited after May 30 of each year.

AMENDATORY SECTION (Amending Order 1818, filed 4/10/84)

WAC 16-230-078 AREA 2. (1) Area 2 description. South central Walla Walla County – All lands lying within a line starting at the junction of the Rainville Road and the Washington-Oregon border; thence north to the Frog Hollow Road; thence east along the Frog Hollow Road to the Valley Chapel Road; thence south along the Valley Chapel Road to the Washington-Oregon border; thence west along the border to the point of beginning.

(2) Area 2 restrictions. In addition to the restrictions in WAC 16-230-030, the use or application of

azinphos-methyl (Guthion), carbofuran (Furadan), phosmet (Imidan), chlorpyrifos (Lorsban), and methidathion (Supracide) on alfalfa and clover crops, shall be prohibited after May 30 of each year, and the use or application of dimethoate (Cygon or Rebelate) on alfalfa and clover crops shall be prohibited after June 6 of each year.

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

WAC 16-232-015 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—AREA 2. (1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas.) Those areas lying within a one mile radius from the center of the town of Dixie and within one mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the intersection of the common boundary line between Sections 15 and 16, T6N, R36E and the Washington-Oregon state line; thence north along the section line one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east along the section lines two miles to the southeast corner of Section 2, T6N, R36E; thence north along the section lines three miles to the southwest corner of Section 24, T7N, R36E; thence east along the section line one mile to the southeast corner of Section 24, T7N, R36E; thence north along the section line one mile to the southwest corner of Section 18, T7N, R37E; thence east along the section line one mile to the southeast corner of Section 18, T7N, R37E; thence north along the section line one mile to the northeast corner of Section 18, T7N, R37E; thence west along the section lines nine miles to the northwest corner of Section 14, T7N, R35E; thence south along the section line one mile to the northeast corner of Section 22, T7N, R35E; thence west along the section line one mile to the northwest corner of Section 22, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, including the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, including the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, including the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, including the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, including the right of way, one mile more or less to the Washington-Oregon state line; thence east along the state line eight miles more or less to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications shall be prohibited on and after April 15 through October 31: PROVIDED, That:

(i) The aerial application of MCPA shall be allowed using warning area restrictions (see WAC 16-230-675)(~~(-PROVIDED FURTHER, That)~~).

(ii) Aerial applications of nonvolatile formulations of restricted use herbicides from one-half to one mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the Washington state department of agriculture.

(iii) Those portions of the city of Walla Walla which fall within Sections 13, 14, 22, 23 and 24, T7N, R35E of Walla Walla County shall not be considered as part of the city limits of Walla Walla for purposes of issuing permits by the department for aerial application of non-volatile formulations of restricted use pesticides.

(d) Restrictions on the use of airstrips. The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield or any location within Area 2: PROVIDED, That the municipal airport located north-east of Walla Walla shall not be subject to this provision.

WSR 88-21-099
PROPOSED RULES
PRODUCTIVITY BOARD
[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Productivity Board intends to adopt, amend, or repeal rules concerning state employee's eligibility for cash awards from suggestions promoting state government efficiency;

that the agency will at 9:15 a.m., Thursday, December 1, 1988, in the Office of the Secretary of State, 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 general rule-making authority as provided in RCW 41.60.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 23, 1988.

Dated: October 19, 1988
By: Ernie LaPalm, Jr.
Executive Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 383-06-110(3) Eligibility for cash awards.

Description of Purpose: Amendatory language to chapter 383-06 WAC, would eliminate known barriers to employees receiving legitimate awards.

Statutory Authority: RCW 41.60.020.

Reasons Supporting the Proposed Action: Present rule discourages state employees from submitting ideas. The state potentially loses benefit of cost efficient ideas and, in fact, have recent examples of ideas being precluded and withdrawn by employees. There is no statutory requirement for this rule.

Responsible Agency Personnel: Mr. Ernie LaPalm, Jr., Executive Director, Productivity Board.

Name of Organization Proposing the Rule: Productivity Board.

Agency Comments: None.

Rule is not necessary as a result of federal law.

Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 85-1, filed 1/30/86)

WAC 383-06-110 ELIGIBILITY FOR CASH AWARDS. Qualified employees are eligible for awards for adopted suggestions, except that awards shall not be made for:

(1) Suggestions which are within the scope of an employee's assigned responsibilities.

(2) Suggestions submitted more than sixty days after the idea is implemented. Implementation means the time the idea becomes operational. When the decision of the agency to adopt the suggestion is withheld until the close of a trial period, the board may in its discretion provide for a certificate of award.

(3) Suggestions (~~wherein the suggester, either directly or indirectly, has a proprietary interest in the suggestion~~) where the primary motivation in the development of the underlying idea is to benefit an outside employer, business, or a private or public entity, other than the state of Washington.

WSR 88-21-100
PROPOSED RULES
HIGHER EDUCATION PERSONNEL BOARD
[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-08-110 Salary—Promotion.
- New WAC 251-10-070 Separation due to mental or physical incapacity.
- New WAC 251-10-080 Reasonable accommodation—Reemployment.
- New WAC 251-10-090 Reasonable accommodation—Probationary period.
- Amd WAC 251-17-090 Examination—Eligibility.
- Amd WAC 251-18-180 Eligible lists—Definition—Composition.
- Amd WAC 251-24-030 Training and development programs—Contents;

that the agency will at 9:00 a.m., Thursday, December 1, 1988, in the Board Room, The Evergreen State College, Olympia, Washington, 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 28B.16.100.

The specific statute these rules are intended to implement is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 30, 1988.

Dated: October 19, 1988

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on October 19, 1988, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-08-110 Salary—Promotion.

Description of Purpose: To change the way in which promotional salary increases are calculated.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100.

Summary of Rule: The rule modification is intended to specify a more consistent method for calculating promotion salary increases.

Reasons Supporting Proposed Action: The rule modification is intended to achieve a more consistent promotional salary increase of approximately 5%. As the salary schedule has evolved and increases of varying amounts (2.65% or \$50 and comparable worth increases) have been applied to the salary schedule, promotional increases calculated as the rule currently specifies result in increases anywhere from 1% to 6%.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John A. Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, 234-3730 scan or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: This change is not a result of federal law or state or federal court action.

Description of Purpose: For purposes of reasonable accommodation, to provide past permanent classified employees access to reemployment, when possible, after separation due to mental or physical incapacity.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Title: WAC 251-10-070 Separation due to mental or physical incapacity.

Summary of Rule: To provide an avenue for employers to separate an employee due to mental or physical incapacity to perform the work of his/her class after all efforts to reasonably accommodate the employee have been unsuccessful.

Title: WAC 251-10-080 Reasonable accommodation—Reemployment.

Summary of Rule: To provide a process for both the employer and employee to follow when reemployment is requested for purposes of reasonable accommodation.

Title: WAC 251-10-090 Reasonable accommodation—Probationary period.

Summary of Rule: To provide conditions of a probationary period for past permanent employees returning from separation due to mental or physical incapacity.

Title: WAC 251-17-090 Examination—Eligibility.

Summary of Rule: To provide for the addition of past permanent employees returning from a disability within three years of separation from the institution for purposes of reasonable accommodation into the promotional examination process.

Title: WAC 251-18-180 Eligible lists—Definition—Composition.

Summary of Rule: To provide for the addition of past permanent employees separated from the organization unit or the institution due to disability, who have submitted an application for reemployment within three years from the date of separation and who have passed the examination for the class, provided that during their previous employment with the institution they were not demoted, reverted, or dismissed from the class, into the organizational unit promotional lists and the institution-wide promotional lists.

Title: WAC 251-24-030 Training and development programs—Contents.

Summary of Rule: To provide for the addition of past permanent employees returning from a disability within three years of separation for purposes of reasonable accommodation.

Reasons Supporting Proposed Action: The Washington State Supreme Court has stated that employers have an obligation to reasonably accommodate employees who are mentally or physically incapacitated due to injury or illness (on or off the job) before any separation action is taken. Failure to reasonably accommodate a handicapped employee constitutes discrimination. The proposed rules provide for past employees to return to employment, when possible, after separation due to mental or physical incapacity and also provide special considerations and assistance to these individuals relating to reemployment.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504-3611, 234-3730 scan or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is the result of state court action, case law *Dean vs. Metropolitan Seattle*, 104 Wn.2d 627, 1985; *Holland vs. Boeing*, 90 Wn.2d at 367-89; *Reese vs. Sears, Roebuck and Company*, 107 Wn.2d 563 (Jan., 1987); *Cheeks vs. Chelan County*, SPED-0295-

85-6; and *Phillips vs. Seattle*, 51 Wn. App. 415 (May, 1988).

AMENDATORY SECTION (Amending Order 160, filed 9/30/87)

WAC 251-08-110 SALARY—PROMOTION. An employee who is promoted shall be paid at the salary step which represents at least a two step increase over the salary received immediately prior to the promotion, rounded to the nearest step, as determined by the personnel officer. ~~((The increase shall be calculated by moving up to the standard range on the current step, moving to that dollar amount on the new standard range, moving over two steps, and down to the salary range for the class.))~~ All promotional increases must be within the salary range for the class.

NEW SECTION

WAC 251-10-070 SEPARATION DUE TO MENTAL OR PHYSICAL INCAPACITY. When an employee is unable to adequately perform the work of his/her position/class due to mental or physical incapacity sustained from illness or injury (on or off the job) while in the employ of the institution, the institution may separate the employee from service. Prior to separation, the institution shall:

- (1) Make good faith efforts to reasonably accommodate the employee;
- (2) Inform the employee in writing of his/her options to return to employment when he/she is capable of working;
- (3) Provide a written document to the employee which includes requirements established in WAC 251-10-080.

NEW SECTION

WAC 251-10-080 REASONABLE ACCOMMODATION—REEMPLOYMENT. Each institution shall provide access to reemployment for former permanent classified employees of the institution who have requested reemployment within three years of separation due to disability.

- (1) The former employee will have the responsibility for communicating his/her availability for reemployment in writing to the personnel officer;
- (2) The former employee will submit a physician's statement to the personnel officer affirming the individual's physical/sensory/mental ability to adequately perform the work of the class;
 - (a) The physician's statement must directly reference the duties specified in the job description for the position/class;
 - (b) If the institution has any questions regarding the physician's statement, the former employee will;
 - (i) Provide a release to the institution to communicate directly with the physician regarding the disabling condition as it relates to employment;
 - (ii) Have the responsibility of providing any requested clarifying information if further question remains as to whether the individual is capable of adequately performing the work of the position/class.
- (3) The institution will provide assistance, such as the following, to the individual seeking reemployment:
 - (a) Assessment of job classes for which he/she is qualified;
 - (b) Assistance regarding the employment/application process;
 - (c) Notification of specific job openings;
 - (d) Placement on appropriate eligible lists through the competitive process;
 - (e) Access to institution staff training programs relevant to job categories for which he/she might become qualified.
- (4) The former employee must meet the minimum qualifications and pass the examination for the class.

NEW SECTION

WAC 251-10-090 REASONABLE ACCOMMODATION—PROBATIONARY PERIOD. Former permanent employees returning from separation as set forth in WAC 251-10-070 will serve a probationary period upon appointment.

- (1) Upon successful completion of the probationary period, the time between separation and reemployment will be treated as leave without pay and not be considered a break in service.
- (2) If an employee is terminated during the probationary period then;
 - (a) He/she will be put back on the register for other positions within that class and the provisions provided in WAC 251-10-080 will apply;

(b) The individual may also apply for other classes for which he/she is qualified and the provisions provided in WAC 251-10-080 will apply;

AMENDATORY SECTION [(Amending Order 165, filed 12/30/87, effective 2/1/88)]

WAC 251-17-090 EXAMINATION—ELIGIBILITY. (1) Open-competitive examinations shall be open to all persons who apply according to the provision of these rules and meet the minimum qualifications for the class.

(2) Promotional examinations shall be limited to those current permanent employees of the classified service at the institution, and those past permanent employees returning from separation as set forth in WAC 251-10-070, who apply according to the provisions of these rules and meet the minimum qualifications for the class. The personnel officer may open promotional examinations on either an organizational unit or institutional-wide basis, whichever the personnel officer determines to be in the interest of the service.

(3) When the number of qualified applicants for a class in the competitive service is expected to result in an eligible list in excess of the institution's current needs, the personnel officer may limit the applications to be admitted to the intermediate and/or final phase(s) of the examination to those most qualified, based on an assessment of qualifications in the initial and/or intermediate phase(s) of the examination. Such limitation must be specified in the recruitment notice. If no such limitation is specified, all applicants who pass the entire examination shall be placed on the eligible list for the class.

(4) The personnel officer may add members of under-utilized groups to all eligible lists, except layoff lists, at anytime in accordance with the institution's affirmative action program as provided in WAC 251-23-040 (7)(b), provided such persons pass the examination for the class.

(5) The personnel officer may add employees who complete institution-approved training programs to the appropriate eligible list at any time, provide such employees meet the minimum qualifications and pass the examination for the class.

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

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 165, filed 12/30/87, effective 2/1/88)]

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; This list may also contain the names of past employees separated from the organizational unit per WAC 251-10-070 who have submitted an application for reemployment pursuant to WAC 251-10-080, provided that during their previous employment with the institution they were not demoted, reverted, or dismissed from the class. This list shall be 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; This list may also contain the names of past employees separated from the institution per WAC 251-10-070 who have submitted an application for reemployment pursuant to WAC 251-10-080, provided that during their previous employment with the institution they were not demoted, reverted, or dismissed from the class. This list shall be ranked in order of their final examination scores.

- (4) Special employment program layoff lists shall contain
- (5) State-wide layoff lists shall contain

- (6) Interinstitutional employee lists shall contain
- (7) Intersystem employee lists shall contain
- (8) Open competitive lists shall contain
- (9) Noncompetitive lists shall contain

(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 inter-institutional 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 and individuals eligible to return to work pursuant to WAC 251-10-080 shall have a five percent credit added to their final passing scores.

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

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: 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 61, filed 8/30/77, effective 10/1/77)]

WAC 251-24-030 TRAINING AND DEVELOPMENT PROGRAMS—CONTENTS. Each institution will develop and maintain on file with the board (subject to approval by the director) an employee training and development plan that provides as a minimum:

- (1) The policy and objectives of the institution concerning training and development programs;
- (2) The institution's policy regarding training program expenses;
- (3) Identification of the person(s) responsible for employee training and development programs;
- (4) Provision for the identification and appraisal of training and development needs;
- (5) The identification of proposed training activities in the following areas:
 - (a) New employee orientation;
 - (b) Functional training, such as in accounting, data processing, office administration and job skills;
 - (c) System training, such as affirmative action, labor relations and safety;
 - (d) Professional/technical training;
 - (e) Management and organizational development;
 - (f) The institution's off-hour training or continuing education program;
- (6) Provision specifying the manner of selecting employees for training or development programs;
- (7) Provision for training records or employee participation;
- (8) Provision for training and upgrading of skills of women, past permanent employees returning from separation as set forth in WAC 251-10-070 and members of racial or ethnic minority groups as part of the institution's affirmative action program, including special training programs to achieve corrective action for underutilization of minority or female employees;
- (9) Involvement of a representative group of employees in the development of the institution's training policy and plans;
- (10) Provision for evaluation of training and development programs;
- (11) The criteria by which the institution may provide employees the opportunity to attend class instruction in academic session during regular working hours;
- (12) The institution's policy regarding release time during work hours for training course attendance.

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

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 88-21-101
EMERGENCY RULES
STATE BOARD OF EDUCATION
 [Order 19-88—Filed October 19, 1988]

Be it resolved by the State Board of Education, acting at the Great Northern Room, Ellensburg Inn, Ellensburg, Washington, that it does adopt the annexed rules relating to certificate of educational competence, chapter 180-96 WAC.

We, the State Board of Education, 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 a change in the format of the general education test required revision and clarification of the rules to continue uninterrupted administration of the exam.

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

This rule is promulgated pursuant to RCW 28A.04-.135 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 September 30, 1988.
 By Monica Schmidt
 Secretary

Chapter 180-96 WAC
CERTIFICATE OF EDUCATIONAL COMPETENCE

- | | |
|--|--|
| <p>WAC
 180-96-005
 180-96-010
 180-96-015

 180-96-020

 180-96-025

 180-96-030

 180-96-035
 180-96-040

 180-96-045

 180-96-050</p> | <p><i>Authority.</i>
 <i>Purpose.</i>
 <i>Certificate of educational competence—Definition.</i>
 <i>General educational development test—Definition.</i>
 <i>Minimum proficiency level—Definition.</i>
 <i>Official GED testing center—Definition.</i>
 <i>Designated employee—Definition.</i>
 <i>Regular high school education program—Definition.</i>
 <i>Substantial and warranted reason for leaving the regular high school education program—Definition.</i>
 <i>Right to appeal.</i></p> |
|--|--|

- 180-96-055 Eligibility to take GED test.
 180-96-060 Eligibility for award of certificate of educational competence.
 180-96-065 Identification necessary to take the GED exam.
 180-96-070 Application form for certificate of educational competence.
 180-96-075 Effect of certificate of educational competence.

NEW SECTION

WAC 180-96-005 **AUTHORITY.** The authority for this chapter is RCW 28A.04.135 which authorizes the state board of education to adopt regulations governing the conditions by and under which a certificate of educational competence may be issued.

NEW SECTION

WAC 180-96-010 **PURPOSE.** The purpose of this chapter is to set forth policies and procedures governing the issuance of certificates of educational competence to persons who have not completed requirements for a regular high school diploma.

NEW SECTION

WAC 180-96-015 **CERTIFICATE OF EDUCATIONAL COMPETENCE—DEFINITION.** As used in this chapter, the term "certificate of educational competence" means a certificate issued by the superintendent of public instruction which indicates that the holder thereof has attained standard scores at or above the minimum proficiency level prescribed by the state board of education on the general educational development (GED) test, which measures a person's level of achievement in specified areas of the high school curriculum.

NEW SECTION

WAC 180-96-020 **GENERAL EDUCATIONAL DEVELOPMENT TEST—DEFINITION.** As used in this chapter, the term "general educational development test" means the most recent general educational development test of the American Council on Education.

NEW SECTION

WAC 180-96-025 **MINIMUM PROFICIENCY LEVEL—DEFINITION.** As used in this chapter, the term "minimum proficiency level" means a standard score of at least forty on each of the portions on the general educational development test and an average standard score of at least forty-five on the entire test.

NEW SECTION

WAC 180-96-030 **OFFICIAL GED TESTING CENTER—DEFINITION.** As used in this chapter, the term "official GED testing center" means public or private agencies which have agreed to comply with the provisions of this chapter and which have been designated by the superintendent of public instruction to administer the general educational development test.

NEW SECTION

WAC 180-96-035 **DESIGNATED EMPLOYEE—DEFINITION.** As used in this chapter "designated employee" means that individual or individuals empowered by the board of directors of the district to determine eligibility to take the GED test.

NEW SECTION

WAC 180-96-040 **REGULAR HIGH SCHOOL EDUCATION PROGRAM—DEFINITION.** As used in this chapter the term "regular high school education program" means a secondary education program operated pursuant to chapters 180-50 and 180-51 WAC leading to the issuance of a high school diploma.

NEW SECTION

WAC 180-96-045 **SUBSTANTIAL AND WARRANTED REASON FOR LEAVING THE REGULAR HIGH SCHOOL EDUCATION PROGRAM—DEFINITION.** As used in this chapter, the term "substantial and warranted reason for leaving the regular high school education program" means one or more of the following:

(1) Personal problems which seriously impair the student's ability to make reasonable progress toward high school graduation.

(2) A financial crisis which directly affects the student and necessitates the student's employment during school hours.

(3) The lack of curriculum and instruction which constitutes appropriate learning experiences for the student.

(4) The inability or failure of the school of attendance to adjust its program for the individual or otherwise make arrangements for enrollment in an educational program in a manner which enables the student to advance toward graduation with reasonable progress and success.

(5) A determination by the designated employee that it is in the "best interest" of the student to drop the regular high school program for one of the following purposes:

(a) Enter a postsecondary institution.

(b) Enter the military.

(c) Engage in employment.

(6) **PROVIDED,** That no person under eighteen years of age (i.e., minor), shall be adjudged to have a substantial and warranted reason for leaving school unless the minor's parents, guardian, or legal custodian, if available, agrees that dropping school is in the best interest of the minor.

NEW SECTION

WAC 180-96-050 **RIGHT TO APPEAL.** The following shall govern the finality of decisions of the designated employee:

(1) If the decision of the designated employee is that the applicant has a substantial and warranted reason for leaving the regular high school education program, the decision of such designated employee shall be final.

(2) If the decision of the designated employee is to deny the existence of a substantial and warranted reason for leaving the regular high school education program, the applicant shall have the right to appeal the decision to such board of directors in accordance with procedures adopted by the board of directors. The board of directors shall issue a decision within thirty calendar days of receipt of any appeal.

(3) If a decision has been made by the board of directors of the district, such decision shall be final subject to an appeal to a court of law pursuant to RCW 28A.88.010.

NEW SECTION

WAC 180-96-055 ELIGIBILITY TO TAKE GED TEST. The following individuals shall be eligible to take the general educational development test in official GED testing centers:

(1) Any adult, i.e., person age nineteen or over, who has not graduated from high school.

(2) Any person between the ages of fifteen and nineteen who has not graduated from high school and who has been adjudged by a school district to have a substantial and warranted reason for leaving the regular high school education program.

(3) Any student in a certified educational clinic upon completion of an individual student program in accordance with the provisions of chapter 392-185 WAC.

NEW SECTION

WAC 180-96-060 ELIGIBILITY FOR AWARD OF CERTIFICATE OF EDUCATIONAL COMPETENCE. The certificate of educational competence shall be awarded by the superintendent of public instruction to persons who achieve the minimum proficiency level on the general educational developmental test and who meet the following:

(1) Are residents of Washington state; and

(2) Are nineteen years of age or older on the date of issuance; or

(3) Have been adjudged by a district as possessing a substantial and warranted reason for leaving the regular high school education program.

NEW SECTION

WAC 180-96-065 IDENTIFICATION NECESSARY TO TAKE THE GED EXAM. All persons taking the GED test must provide picture identification utilizing one of the following:

(1) State-issued driver's license or a state-issued identification card with a photograph.

(2) United States passport.

(3) Certificate of United States citizenship.

(4) Certificate of naturalization.

(5) Unexpired foreign passport.

(6) Alien registration card with photograph.

(7) Court-approved identification.

NEW SECTION

WAC 180-96-070 APPLICATION FORM FOR CERTIFICATE OF EDUCATIONAL COMPETENCE. The superintendent of public instruction shall supply each official GED testing center with forms for applicants to request certificates of educational competence. Such forms shall request data necessary for processing of the application, including the applicant's score on the general educational development test, certified by an appropriate official of the GED testing center, the applicant's Social Security number and such additional information as the superintendent of public instruction deems necessary for any authorized research project associated with the implementation or administration of this chapter.

NEW SECTION

WAC 180-96-075 EFFECT OF CERTIFICATE OF EDUCATIONAL COMPETENCE. Issuance by the superintendent of public instruction of a certificate of educational competence shall not preclude such persons from returning to high school to obtain a regular high school diploma if changes in the person's personal situation allow completion of a regular high school education program.

WSR 88-21-102

EMERGENCY RULES

STATE BOARD OF EDUCATION

[Order 20-88—Filed October 19, 1988]

Be it resolved by the State Board of Education, acting at the Great Northern Room, Ellensburg Inn, Ellensburg, Washington, that it does adopt the annexed rules relating to secondary education, chapter 180-56 WAC.

We, the State Board of Education, 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 a change in the format of the general education test required revision and clarification of the rules to continue uninterrupted administration of the exam. New chapter 180-96 WAC replaces WAC 180-56-400 through 180-56-435.

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

This rule is promulgated pursuant to RCW 28A.04-.135 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 September 30, 1988.
By Monica Schmidt
Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-56-400 BASIC POLICY.
WAC 180-56-405 PURPOSES.
WAC 180-56-410 DEFINITIONS.
WAC 180-56-415 APPLICATIONS—ESTABLISHMENT OF SUBSTANTIAL AND WARRANTED REASON—ADMINISTRATION BY SCHOOL DISTRICTS.
WAC 180-56-420 APPEALS.
WAC 180-56-425 APPLICATIONS—TESTING—AWARD OF CERTIFICATES OF EDUCATIONAL COMPETENCE.
WAC 180-56-430 ISSUANCE OF CERTIFICATES—MINIMUM TEST SCORES.
WAC 180-56-435 STATE COMMITTEE.

WSR 88-21-103
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning kindergarten through grade three students to classroom teacher ratio requirement, WAC 180-16-210;

that the agency will at 9:00 a.m., Thursday, December 1, 1988, in the Windward Room, Seattle Hilton, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, December 1 [2], 1988.

The authority under which these rules are proposed is RCW 28A.41.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 1, 1988.

Dated: October 19, 1988

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-16 WAC, State support of public schools.

Rule Section(s): WAC 180-16-210 Kindergarten through grade three students to classroom teacher ratio requirement.

Statutory Authority: RCW 28A.41.130.

Section Analysis: WAC 180-16-210, repeal of outdated subsection of WAC 180-16-210 regarding the definition of a small school district.

Purpose of Rule(s): To provide flexibility for small school districts in meeting the student/teacher ratio requirement by law.

Summary of New Rules(s) and/or Amendments: The rule repeals an outdated subsection of WAC 180-16-210 regarding the definition of a small school district.

Reasons Which Support Proposed Action(s): Repeal of outdated subsection.

Person or Organization Proposing Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Marcia Costello, Basic Education Approval, 3-6710.

Rule(s) is (are) Necessary as a Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 12-87, filed 6/1/87)

WAC 180-16-210 KINDERGARTEN THROUGH GRADE THREE STUDENTS TO CLASSROOM TEACHER RATIO REQUIREMENT. The ratio of the FTE students enrolled in a school district in kindergarten through grade three to kindergarten through grade three FTE classroom teachers shall not be greater than the ratio of the FTE students to FTE classroom teachers in grades four through twelve. For the purpose of this section "classroom teacher" shall mean any instructional employee who possesses a valid teaching certificate or permit issued by the superintendent of public instruction, but not necessarily employed as a certificated employee, and whose "primary" duty is the daily educational instruction of students.

((+)) Computation of ratios. The FTE student to FTE classroom teacher ratios shall be computed as follows:

((a)) (1) For the purpose of this section exclude that portion of the time teachers and students participate in vocationally approved programs, traffic safety and special education programs from the above computations (i.e., programs hereby deemed to be "special programs").

((b)) (2) Exclude preparation and planning times from the computations for all FTE classroom teachers.

((c)) (3) Include in the above computations only the time certificated employees are actually instructing students on a regularly scheduled basis.

((d)) (4) Calculations:

((i)) (a) The kindergarten FTE October enrollment plus the October FTE enrollment in grades 1-3 divided by the FTE classroom teachers whose "primary" duty is the daily instruction of pupils in grades K through 3.

((ii)) (b) The October FTE enrollment in grades 4 and above divided by the FTE classroom teachers whose "primary" duty is the daily instruction of pupils in grades 4 and above(:

(2) Exemptions:

(i) For the 1987-88 school year, districts that are nonhigh school districts or have a student enrollment of two hundred fifty or less in grades nine through twelve are exempt from the FTE students to FTE classroom teachers ratio requirement of this subsection:

(ii) Commencing with the 1988-89 school year,): PROVIDED, That any district with three hundred or fewer FTE students in grades K-3 and an average K-3 classroom ratio of twenty-five or fewer FTE classroom students to one FTE classroom teacher shall be exempt from the FTE students to FTE classroom teachers ratio requirement of this subsection.

WSR 88-21-104
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning secondary education, chapter 180-56 WAC;

that the agency will at 9:00 a.m., Thursday, December 1, 1988, in the Windward Room, Seattle Hilton, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, December 2, 1988.

The authority under which these rules are proposed is RCW 28A.04.135.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 1, 1988.

Dated: October 19, 1988

By: Monica Schmidt
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-56 WAC.

Rule Section(s): WAC 180-56-400, 180-56-405, 180-56-410, 180-56-415, 180-56-420, 180-56-425, 180-56-430 and 180-56-435.

Statutory Authority: RCW 28A.04.135.

Purpose of Rule(s): Repeal of outdated sections.

Summary of New Rule(s) and/or Amendments: Repeal of outdated sections.

Reasons Which Support Proposed Action(s): Change in format of GED requires repeal of rules.

Person or Organization Proposing Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; and Implementation: Jan Carlson, SPI, 3-1066.

Rule(s) is (are) Necessary as a Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 180-56-400 BASIC POLICY.
- WAC 180-56-405 PURPOSES.
- WAC 180-56-410 DEFINITIONS.
- WAC 180-56-415 APPLICATIONS—ESTABLISHMENT OF SUBSTANTIAL AND WARRANTED REASON—ADMINISTRATION BY SCHOOL DISTRICTS.
- WAC 180-56-420 APPEALS.
- WAC 180-56-425 APPLICATIONS—TESTING—AWARD OF CERTIFICATES OF EDUCATIONAL COMPETENCE.
- WAC 180-56-430 ISSUANCE OF CERTIFICATES—MINIMUM TEST SCORES.
- WAC 180-56-435 STATE COMMITTEE.

WSR 88-21-105
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Professional certification—General provisions, chapter 180-75 WAC;

that the agency will at 9:00 a.m., Thursday, December 1, 1988, in the Windward Room, Seattle Hilton, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, December 2, 1988.

The authority under which these rules are proposed is RCW 28A.70.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 1, 1988.

Dated: October 19, 1988

By: Monica Schmidt
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-75 WAC.

Rule Section(s): WAC 180-75-017, 180-75-047, 180-75-048, 180-75-055, 180-75-061, 180-75-087, 180-75-088 and 180-75-090.

Statutory Authority: RCW 28A.70.005.

Section Analysis: WAC 180-75-017 Denial for certification or endorsement by approved professional preparation training institutions, eliminates cross reference to a section which has no additional substantive requirement; WAC 180-75-047 Uniform expiration date, establishes uniform expiration date for certificates issued for stated number of years; WAC 180-75-048 Validity date, clarifies that actual date of issuance is validity date of certificate; WAC 180-75-055 Types of certificates, clarifies that more is necessary for certification than completion of an approved program; WAC 180-75-061 Application for certification, clarifies that applicants who apply for certificates must meet standards in effect at the time of application and not standards in effect at some prior date when the applicant previously qualified—i.e., eliminates reinstatement of expired certificates; WAC 180-75-087 Reinstatement of certificates, states that any continuing certificate may be reinstated but only within five years of lapsing, surrender, or revocation and that the alternative to reinstatement is to seek a new certificate under current standards; WAC 180-75-088 Renewal of certificate, clarifies that renewal of a certificate is subject to conditions in effect at the time of renewal and that the alternative to renewal is to seek a new certificate subject to the conditions in effect at the time of issuance; and WAC 180-75-090 Temporary permits, extends the validity of temporary permits and establishes a process for cancellation of such permits under stated conditions. Also establishes a good faith standard for reissuance of permits.

Purpose of Rule(s): Elimination, established and revisions of certification rules to ensure uniform application and in interpretation.

Summary of New Rule(s) and/or Amendments: Classification of existing rules and extension, including application with, for reimbursement of and renewal of certificates and temporary permits.

Reasons Which Support Proposed Action(s): Certification needed to ensure uniform application and interpretation. Clarification needed to ensure uniform application and interpretation.

Person or Organization Proposing the Rule(s): SBE, government.

Agency Personnel Responsible for Drafting: Ralph Julnes, SPI, 3-2298; Implementation: Lillian Cady, SPI, 3-2751; and Enforcement: Charles Marshall, SPI, 3-1880.

Rule(s) is (are) Necessary as a Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 6-86, filed 6/10/86)

WAC 180-75-017 DENIAL OF RECOMMENDATION FOR CERTIFICATION OR ENDORSEMENT BY APPROVED PROFESSIONAL PREPARATION TRAINING INSTITUTIONS. Any person whose application for certification or for an endorsement is denied for recommendation to the superintendent of public instruction by an institution of higher education within the state with an approved professional preparation program, after exhausting any appeal procedures established (~~pursuant to WAC 180-78-050 (4)(b)(vi)~~) by such institution, may apply directly to the superintendent of public instruction for such certificate or endorsement.

NEW SECTION

WAC 180-75-047 UNIFORM EXPIRATION DATE. All certificates issued for one or more stated years shall expire on August 31 of the stated year and shall be calculated as follows:

(1) Certificates issued prior to October 1 of a calendar year shall have the expiration date of the certificate calculated on the basis such certificate was issued on September 1 of the same calendar year regardless of the date of issuance.

(2) Certificates issued October 1 or later in the calendar year shall have the expiration date of the certificate calculated on the basis such certificate was issued on September 1 of the next calendar year regardless of the date of issuance.

(3) All such certificates issued prior to the effective date of this section and scheduled to expire prior to August 31 of a given year, regardless of such stated expiration date, shall be valid until August 31 of the stated year of expiration.

NEW SECTION

WAC 180-75-048 VALIDITY DATE. The validity date of a certificate or permit shall be the actual date of issuance.

AMENDATORY SECTION (Amending Order 6-86, filed 6/10/86)

WAC 180-75-055 TYPES OF CERTIFICATES. Four types of certificates shall be issued:

(1) Teacher. The teacher certificate, including alien permits as provided in chapter 392-193 WAC, authorizes service as a classroom teacher.

(2) Administrator.

(a) The administrator certificate endorsed "principal" authorizes services as a building administrator or vice principal.

(b) The administrator certificates endorsed "superintendent" or "program administrator" will be issued to persons who (~~have completed~~) meet state board of education ((approved preparation programs)) certification standards for service in the roles of ((district administrator, administrative staff, and)) superintendent or program administrator.

(3) Educational staff associate. The educational staff associate certificate authorizes service in endorsed roles of communication disorders specialists, counselors, school nurses, occupational therapists, physical therapists, psychologists, social workers, and reading resource specialists (~~as those roles are defined in WAC 180-79-175 through 180-79-210~~): PROVIDED, That nothing within chapter 180-79 WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(4) Vocational. The vocational certificate authorizes service in vocational instruction in accordance with the provisions of chapter 180-77 WAC.

AMENDATORY SECTION (Amending Order 8-80, filed 6/2/80)

WAC 180-75-061 APPLICATION FOR CERTIFICATION. An individual who (~~completes a state board of education approved preparation program in Washington state and is, thereby, eligible to apply~~) applies for a Washington state certificate, unless seeking reinstatement pursuant to WAC 180-75-087 or renewal pursuant to WAC 180-75-088, must ((apply for such certificate within twelve calendar months after completion of the approved program. Provisions of WAC 180-79-060(2) and 180-79-065(1) relative to length of validity, lapse, renewal and reinstatement of the initial certificate shall apply twelve calendar months after completion of the approved program whether or not the individual has made application for an initial certificate)) meet the standards in effect at the time of application. Effective August 31, 1993, unless the candidate is applying for a limited certificate pursuant to WAC 180-79-230, an initial certificate pursuant to the reciprocity provisions of WAC 180-79-245, or a vocational certificate pursuant to WAC 180-77-040 or 180-77-095 or unless the candidate holds a valid Washington state certificate, the candidate must have passed the applicable parts of the admission to practice examination within one calendar year of the date of application.

AMENDATORY SECTION (Amending Order 2-87, filed 4/3/87)

WAC 180-75-087 REINSTATEMENT OF CERTIFICATES. Only a continuing certificate may be reinstated. A holder((s)) of ((expired;)) a lapsed, surrendered, or revoked continuing professional certificate((s)) at the time of application for reinstatement of such certificate((s)) must submit the following:

(1) Character evidence as required by WAC 180-75-085(2) for candidates for certification.

(2) An affidavit that ~~((they have))~~ he or she has not intentionally and knowingly practiced with an expired, lapsed, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the state board of education or the submission of a statement why such practice, if conducted, should not reflect on such applicant's good moral character or personal fitness at the time of application.

(3) In accordance with RCW 28A.70.180, a revoked certificate may not be reinstated within one calendar year from the date of revocation.

(4) PROVIDED, That no certificate may be reinstated if more than five calendar years has passed since the date of lapsing, surrender, or revocation; however, such applicants may apply pursuant to WAC 180-75-061 for a new certificate under standards in effect at the time of application.

NEW SECTION

WAC 180-75-088 RENEWAL OF CERTIFICATE. A holder of a certificate subject to expiration may renew such certificate subject to the rules in effect at the time of such renewal. If such certificate has expired, the candidate may apply for a new certificate pursuant to WAC 180-75-061.

AMENDATORY SECTION (Amending Order 14-87, filed 12/21/87)

WAC 180-75-090 TEMPORARY PERMITS. Temporary permits may be issued by the superintendent of public instruction under the following conditions:

(1) Temporary permits may be issued under this section to those persons who have filed an application for a certificate; who, based on available documentation, including affidavits or other evidence that appears reliable which substantiates the existence of missing documentation, appear to have completed all requirements for certification; and who do not disclose any information which indicates that such applicant fails to meet the character requirement of WAC 180-75-085(2).

(2) An individual may apply for a permit directly to the superintendent of public instruction: PROVIDED, That in the case of an individual completing requirements for certification in a Washington state institution of higher education the request may also be made to that institution.

(3) A permit entitles the holder to serve as a teacher, educational staff associate or administrator consistent with the endorsement(s) on his/her permit.

(4) A permit is valid for ~~((ninety))~~ one hundred twenty consecutive calendar days commencing with the date following the date of issuance ~~((and is not renewable))~~ unless prior to such date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement. In such cases, the temporary permit shall expire on the date notice of cancellation is received by the applicant and/or the employer. The temporary permit may be reissued only upon demonstration that the applicant has made a good faith effort to secure the missing documentation.

(5) Issuing authority. The superintendent of public instruction either directly or through a designated agent shall issue all permits and provide institutions of higher education with forms and instructions relevant to application for a permit.

WSR 88-21-106
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Professional certification—Approved preparation programs by colleges and universities, chapter 180-78 WAC;

that the agency will at 9:00 a.m., Thursday, December 1, 1988, in the Windward Room, Seattle Hilton, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, December 2, 1988.

The authority under which these rules are proposed is RCW 28A.70.005 and 28A.04.120 (1),(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 1, 1988.

Dated: October 19, 1988

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-78 WAC.

Rule Section(s): WAC 180-78-005, 180-78-008, 180-78-010, 180-78-028, 180-78-029, 180-78-033, 180-78-047, 180-78-057, 180-78-063, 180-78-073,

180-78-075, 180-78-125, 180-78-140, 180-78-145, 180-78-150, 180-78-160, 180-78-165, 180-78-170 and 180-78-193.

Statutory Authority: RCW 28A.70.005 and 28A.04.120 (1) (2).

Section Analysis: WAC 180-78-005 Purpose, eliminates cross reference stated in authority section and makes a technical correction; WAC 180-78-008 Public policy purposes of SBE approval of professional preparation program, sets forth clarifying amendments; WAC 180-78-010 Definition of terms, sets forth clarifying amendments and adds definition of field experience which previously was stated in chapter 180-79 WAC; WAC 180-78-028 Procedures for initial approval of a professional preparation program, sets forth cross reference; WAC 180-78-029 Annual reapproval process, corrects cross reference; WAC 180-78-033 Probationary status, sets forth clarifying amendment; WAC 180-78-047 Annual report by colleges and universities, changes date for submission of annual report and sets forth clarifying amendment; WAC 180-78-057 Approval of courses offered by an out-of-state college or university applicable to certification, eliminates reference to chapter 28B.05 RCW because it is redundant with the former subsection (2). Clarifies current policy regarding regional accreditation. Eliminates reference to nonexistent standards; WAC 180-78-063 Responsibilities of deans, directors, or other designated administrator, sets forth clarifying amendments and establishes a new counseling requirement; WAC 180-78-073 Qualification to be appointed to professional education advisory boards, substitutes "written agreement" for "contract"; WAC 180-78-075 Professional education advisory board for teacher preparation programs, corrects drafting error; WAC 180-78-125 Responsibilities of professional education advisory boards, sets forth clarifying amendments; WAC 180-78-140 Program approval standards for approved preparation programs, sets forth clarifying amendments; WAC 180-78-145 Evidence of compliance with professional education advisory board approval standard, sets forth clarifying amendments; WAC 180-78-150 Evidence of compliance with separate administrative unit program approval standard, sets forth clarifying amendments; WAC 180-78-160 Evidence of compliance with candidate admission and retention policies program standard, sets forth clarifying amendments; WAC 180-78-165 Evidence of compliance with candidate knowledge and skills policies program approval standard, sets forth requirement to advise students regarding course of study for endorsement and certification; WAC 180-78-170 Evidence of compliance with candidate field experience policies program approval standard, sets forth clarifying amendments; WAC 180-78-193 Exit examination requirement—Mandatory topics, sets forth clarifying and cross reference amendments; and repealing WAC 180-78-045 Annual reports, which is no longer applicable.

Purpose of Rule(s): To revise and clarify procedures, standards and criteria used in the development and approval of preparation programs offered by institutions of higher education.

Summary of New Rule(s) and/or Amendments: Sets forth clarifying amendments regarding approved preparation programs offered by colleges and universities.

Reasons Which Support Proposed Action(s): Needed to correct drafting errors, clarify specific sections and update language.

Person or Organization Proposing Rule(s): SBE, government.

Agency Personnel Responsible for Drafting: Ralph Julnes, SPI, 3-2298; **Implementation:** Lillian Cady, SPI, 3-2751; and **Enforcement:** Charles Marshall, SPI, 3-1880.

Rule(s) is (are) Necessary as a Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 3-87, filed 4/3/87)

WAC 180-78-005 **PURPOSE.** The purposes of this chapter are to (~~implement RCW 28A.04.120 (1) and (2) and to~~) establish the procedures, standards, and criteria to be used in the development and approval of preparation programs offered by institutions of higher education in Washington state leading to teacher, administrator, (~~and administrator,)~~) and educational staff associates certification.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-008 **PUBLIC POLICY PURPOSES OF SBE APPROVAL OF PROFESSIONAL PREPARATION PROGRAM.** The public policy purposes of state board of education approval of professional preparation programs are:

(1) To ensure that representatives of recognized professional associations and local school districts regularly participate in decisions related to professional preparation programs.

(2) To ensure that responsibilities for the management of the professional preparation program are clearly assigned and that an organizational structure exists that defines the accountability for decision making regarding the professional preparation program by the college or university.

(3) To ensure that the resources necessary to develop and maintain quality professional preparation programs are available and being used appropriately.

(4) To ensure that procedures for selecting and retaining candidates for the professional preparation program are consistent with the goals and objectives of the state board of education.

(5) To ensure that all candidates in the professional preparation program complete a planned program and demonstrate the knowledge and skills described in the state board of education's standards.

(6) To ensure that all candidates in the professional preparation program have ongoing opportunities to participate in school-based learning activities throughout their professional preparation program.

(7) To ensure that the professional preparation program is based on a theoretical and research-based framework, reviewed regularly, and revised on the basis of the evaluation of the program and relevant new knowledge in the field.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-010 **DEFINITION OF TERMS.** The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops professional programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach or serve as an administrator or educational staff associate.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.93.010 and 28A.93.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of a professional preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-028 **PROCEDURES FOR INITIAL APPROVAL OF A PROFESSIONAL PREPARATION PROGRAM.** Each college or university desiring to establish a professional preparation program shall comply with the following:

(1) Advise the superintendent of public instruction of the desire to establish the professional preparation program.

(2) Establish, pursuant to WAC 180-78-065, the appropriate professional education advisory board.

(3) Develop, with the assistance of the professional education advisory board and designated officials of the superintendent of public instruction, a written plan which provides timelines for the implementation of all applicable program approval standards during the first year of the professional preparation program and submit such report to the superintendent of public instruction for review and comment and, if requested, resubmit such plan to the superintendent of public instruction.

(4) Present the written plan to the state board of education which shall approve such written plan and grant initial approval status if the state board of education is satisfied that the college or university intends to meet all program approval standards in accordance with reasonable and practical timelines and that the college or university has made the needed commitments, specifically personnel and other resources, to implement the plan: PROVIDED, That prior to making a judgment on the college or university's request for approval, the state board of education shall review, if provided, written and oral evidence presented by the following:

(a) The designated college or university official.

(b) The superintendent of public instruction.

(c) The chair of the applicable professional education advisory board.

(d) Any other official deemed by the state board of education to have a legitimate interest in the approval status of the college or university.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-029 **ANNUAL REAPPROVAL PROCESS.** Colleges and universities with professional preparation programs approved by the state board of education shall request reapproval on an annual basis. Such reapproval shall be granted if the college or university provides the superintendent of public instruction with the following:

(1) An affidavit from the dean or director of the college, school, or other designation of the administrative unit required by WAC 180-78-150(5) that he or she has determined, to the best of his or her knowledge, that the professional preparation program is in compliance with the program approval rules for the professional preparation program or that the college or university has adopted a compliance plan which, in the opinion of the superintendent of public instruction, will bring the program into compliance as soon as reasonably practicable.

(2) The annual report as required by WAC (~~(180-78-045)~~) 180-78-047.

(3) PROVIDED, That if the college or university is unable to provide the assurances required in subsection (1) of this section or if the superintendent of public instruction—after notice to the affected college or university and a reasonable opportunity for such college or university to resubmit—notifies the state board of education that the report required by WAC (~~(180-78-045)~~) 180-78-047 is not in compliance, such college or university may make its request for reapproval directly to the state board of education. The state board of education shall make its determination regarding approval or disapproval on the basis of written and oral evidence, if provided, presented by the following:

(a) The designated official of the college or university.

(b) The superintendent of public instruction.

(c) The chair of the affected professional education advisory board.
 (d) Any other official deemed by the state board of education to have a legitimate interest in the approval status of the college or university.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-033 **PROBATIONARY STATUS.** Colleges and universities with approved professional preparation programs shall not lose official approval status until the superintendent of public instruction formally notifies the college or university that the state board of education has taken final action to disapprove the professional preparation program: **PROVIDED**, That colleges or universities shall be permitted for the current and one additional academic year following receipt of the formal notice of disapproval to continue as an approved professional preparation program on probationary status for the sole purpose of completing the professional preparation program for those candidates for certification currently enrolled in the professional preparation program and who are scheduled to complete such professional preparation program within such academic years and for the purpose, if elected, to regain state board of education approval.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-047 **ANNUAL REPORT BY COLLEGES AND UNIVERSITIES.** Each college or university offering an approved professional preparation program shall submit by ~~((June 30th))~~ **July 31** of each year, an annual report containing the following:

- (1) The minutes of each professional education advisory board.
- (2) The number of candidates recommended for initial and continuing certificates by type of certificate and endorsement areas.
- (3) Other material related to the professional preparation programs requested by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-057 **APPROVAL OF COURSES OFFERED BY AN OUT-OF-STATE COLLEGE OR UNIVERSITY APPLICABLE TO CERTIFICATION.** In order for any education course offered by an out-of-state college or university within the state of Washington to be applicable to Washington state certification, prior approval must be obtained by the out-of-state college or university from the state board of education or its designee within the office of the superintendent of public instruction.

A course offered under such circumstances must comply with the following requirements to qualify for approval:

- (1) ~~((Be offered by a college or university which has met the provisions of chapter 28B.05 RCW or be exempt therefrom;~~
- ~~((2))~~ Be offered by a college or university which is accredited in its respective region by the regional accrediting association ~~((and accredited by the Northwest Regional Accrediting Association to offer courses or programs in Washington state));~~
- (2) Be offered by a college or university which has had its Washington based course offerings reviewed and approved during the accreditation process required in subsection (1) of this section;
- (3) Be offered by a college or university which is approved in its respective home state for purposes of preparing personnel for certification to serve in the common schools;
- (4) ~~((Meet the "state board of education standards for off-campus offerings in education;"~~
- ~~((5))~~ File an application and provide evidence to the state board of education that the preceding requirements are met:

~~((6))~~ **(5) PROVIDED**, That no college or university within the state of Washington having an approved professional education program shall be required to accept such course work as part of a certificate program: **AND PROVIDED FURTHER**, That no out-of-state college or university shall offer a program of courses within Washington state for purposes of Washington state certification without meeting all program approval requirements set forth in this chapter.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-063 **RESPONSIBILITIES OF DEANS, DIRECTORS, OR OTHER DESIGNATED ADMINISTRATOR.** Each college or university operating an approved professional preparation program shall require the dean, director, or other designee of the administrative unit required by WAC 180-78-150(5) to coordinate the following college or university responsibilities:

- (1) Formation of professional education advisory boards.
- (2) Management of operations and resources for each professional preparation program.
- (3) Filing of affidavits and reports required by this chapter and chapter 180-75 WAC.
- (4) Dissemination of information relative to initial and continuing certification procedures and requirements.
- (5) The application process for professional certification.
- (6) Establishing and administering a certification office to counsel and assist applicants in the processing of applications for initial and continuing certificates and endorsements thereon: PROVIDED, That colleges and universities need not provide such assistance to applicants who have completed less than fifteen quarter (ten semester) hours of course work at the respective college or university.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-073 **QUALIFICATION TO BE APPOINTED TO PROFESSIONAL EDUCATION ADVISORY BOARDS.** Except as otherwise provided in WAC 180-78-074, appointees to service on professional education advisory boards from required agencies, other than the designee of the college or university president, at the time of their appointment must be employed in or reside in a school district with which the college or university has a current ~~((contract))~~ written agreement to provide field experiences for students involved in the professional preparation program for which the professional education advisory board has responsibility. The purpose of this section is to ensure that the interest of such districts are considered in the deliberative process of the respective professional education advisory board.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-075 **PROFESSIONAL EDUCATION ADVISORY BOARD FOR TEACHER PREPARATION PROGRAMS.** The professional education advisory board for the teacher preparation program shall consist of the following:

- (1) One-half or more of classroom teachers appointed by the president of the Washington education association from nominations submitted by the presidents of local units of the association: **PROVIDED**, That a private college or university that has placed more than fifty percent of its graduates of the teacher certification program within the previous three academic years in private schools may appoint up to one-half of the classroom teachers required by this subsection from nominations from faculties of private schools in which the college or universities places student teachers or teachers.
- (2) One or more principals appointed by the president of the ~~((Washington))~~ association of Washington school ~~((administrators))~~ principals.
- (3) One or more administrators appointed by the president of the ~~((association of))~~ Washington association of school ~~((principals))~~ administrators.
- (4) One or more college or university faculty or administrators appointed by the college or university president including the chief administrator for the teacher preparation program at the college or university, as designated by the college or university president. Such chief administrator shall serve as the executive officer of the board and shall be responsible for administering all board activities, including liaison with faculty: **PROVIDED**, That if the college or university elects to have such chief administrator or faculty or administrators serve as a nonvoting member, such membership shall not count for the purpose of compliance with subsection (1) of this section.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-125 **RESPONSIBILITIES OF PROFESSIONAL EDUCATION ADVISORY BOARDS.** Professional education advisory boards shall perform the following responsibilities:

- (1) Elect a chair of the professional education advisory board.
- (2) Adopt bylaws which are consistent with the provisions of this chapter.
- (3) Meet at the call of the chair of the professional education advisory board or as provided in the bylaws of the professional education advisory board which, in either case, shall be at least four meetings per calendar year.
- (4) Advise the college or university regarding the development, implementation, and revision of the professional preparation program for the area represented by the professional education advisory board.

(5) Review, evaluate, and make recommendations for each of the specific requirements of WAC 180-78-145 (2)((b)).

(6) Advise the superintendent of public instruction of needed changes in the administrative code affecting the professional preparation program for which the professional education advisory board has responsibility.

(7) Review each year one or more program approval standards of WAC 180-78-140 and, as needed, formally notify the college or university in writing of changes the professional education advisory board believes are necessary or required to bring the college or university into compliance with the program approval standards for the professional preparation program and, based upon such review, provide formal recommendations pursuant to subsection (4) of this section.

(8) Advise the quality review team as provided in WAC 180-78-190(3).

(9) Perform any other function which has the mutual written approval of the college or university and the professional education advisory board.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-140 PROGRAM APPROVAL STANDARDS FOR APPROVED PREPARATION PROGRAMS. The program approval standards for an approved preparation program are as follows:

(1) PROFESSIONAL EDUCATION ADVISORY BOARDS: The college or university, in conformance with the provision of WAC 180-78-145, has established and maintained a professional education advisory board to participate in and cooperate with the college or university on decisions related to the development, implementation, and revision of each professional preparation program—i.e., teacher, administrator, and affected educational staff associates.

(2) SEPARATE ADMINISTRATIVE UNIT: A separate college, school, department, or other administrative unit within the college or university, in conformance with the provision of WAC 180-78-150, has been established and maintained as responsible for professional preparation programs, including development of professional preparation programs, including curriculum, admission standards, and other matters related to the professional preparation programs.

(3) ADEQUATE RESOURCES: Adequate resources, in conformance with the provision of WAC 180-78-155, have been committed and are available to the professional preparation program in the areas of personnel, finance, learning resources, physical facilities, equipment, materials, and supplies that permit the offering of quality professional preparation programs.

(4) CANDIDATE ADMISSION AND RETENTION POLICIES: Policies, in conformance with the provision of WAC 180-78-160, have been established and maintained for admission to and retention in the professional preparation program.

(5) CANDIDATE KNOWLEDGE AND SKILLS POLICIES: Policies, in conformance with the provision of WAC 180-78-165, have been established and maintained requiring all candidates for certification to demonstrate knowledge and skills required (~~in the state's requirements~~) for the particular certificate and areas of endorsement.

(6) CANDIDATE FIELD EXPERIENCE POLICIES: Policies, in conformance with the provision of WAC 180-78-170, have been established and maintained requiring all candidates for certification to complete a field experience required (~~in the state's requirements~~) for the particular certificate.

(7) PROGRAM DEVELOPMENT: The college or university, in conformance with the provision of WAC 180-78-175, has based the components of the professional preparation program on a theoretically sound and research-based framework, has established procedures for the review of such theory and research regularly, and has made a commitment to revise the professional preparation program based on evaluation of the program and relevant new knowledge in the field.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-145 EVIDENCE OF COMPLIANCE WITH PROFESSIONAL EDUCATION ADVISORY BOARD APPROVAL STANDARD. The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the program (~~board~~) approval standard of WAC 180-78-140(1).

(1) The professional education advisory board has been established in accordance with WAC 180-78-075 through 180-78-120.

(2) The professional education advisory board has carried out its responsibilities under WAC 180-78-125. In determining compliance

with this subsection, the following written documentation must be available for review:

(a) Documentation is available that the professional education advisory board has participated in a review of and made recommendations about:

(i) The plan to provide all candidates for certification with field experiences with (~~culturally diverse~~) ethnic, racial, and cultural populations and with special education and highly capable students.

(ii) Proposed revisions in the professional preparation program to reflect local district policies related to changing demographics, curriculum, organization, and federal and state laws, including administrative rules and case law.

(iii) The policies used to develop agreements between the college/universities and agencies providing field sites for field experiences.

(iv) Alternative professional preparation programs, if developed.

(v) The curriculum materials and media collection.

(vi) The evaluation data, including course, field, and follow-up data, on the professional preparation program's effectiveness.

(vii) The extent to which the college or university addresses the state board of education standards.

(viii) Recent professional developments which may impact the design of the professional preparation program.

(b) Written minutes are available for each meeting of each professional education advisory board including: Attendance by individuals and the agencies they represent, agenda items, substantive issues discussed, actions taken, and a list of all recommendations for change.

(c) Documentation from the college or university is available showing that each recommendation from each professional education advisory board during each academic year has been considered and acted upon by faculty committees or administrators—depending upon college or university governance—and, if delayed, modified, or not adopted, a rationale provided to the professional education advisory board as to why a recommendation was delayed, modified, or not adopted. All recommendations from professional education advisory boards shall be forwarded to appropriate faculty committees or administrators within two months of formal receipt by the chief administrator of the professional preparation program.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-150 EVIDENCE OF COMPLIANCE WITH SEPARATE ADMINISTRATIVE UNIT PROGRAM APPROVAL STANDARD. The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the separate administrative unit program approval standard of WAC 180-78-140(2):

(1) The composition and organization of the separate administrative unit is clearly described in writing, including the relationship of the unit to the total administrative and decision-making structure of the institution.

(2) The structure for maintaining effective two-way communications between the separate education unit and other affected departments within the college or university is described in writing.

(3) A clear, well-established, comprehensive set of written policies and procedures related to administration and operations exists and are made available to affected parties.

(4) Policy actions are accurately reported in the written records of the administrative unit. There is evidence that policies are reviewed, revised when necessary, implemented, and enforced.

(5) An officially designated administrator is responsible for the management of operations and resources for each professional preparation program.

(6) Specific staff members are assigned responsibility for advising applicants for certification and endorsements and (~~maintain~~) for maintaining accurate certification records.

(7) The decision-making structure for the separate administrative unit ensures participation of affected professional education advisory boards, faculty, and students.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-160 EVIDENCE OF COMPLIANCE WITH CANDIDATE ADMISSION AND RETENTION POLICIES PROGRAM STANDARD. The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the candidate admission and retention policies program standard of WAC 180-78-140(4):

(1) Incentives and affirmative action procedures have been established to recruit quality candidates from underrepresented groups including those from diverse economic, racial, and cultural backgrounds. Support programs are provided to assist such candidates in successfully completing the professional preparation program.

(2) Admission requirements to the professional preparation programs include:

(a) A minimum 2.5 college or university undergraduate grade point average (based upon a zero to four point scale).

(b) Evidence that the candidate is competent in the basic skills required for oral and written communication and computation.

(c) A combined score of not less than the state-wide median score for the prior school year scored by all persons taking the Washington Pre-College Test (WPCT) or an equivalent standard score on the comparable portions of the Scholastic Aptitude Test (SAT) American College Test (ACT), or the Graduate Record Examination (GRE). Equivalent standard scores shall be determined by the superintendent of public instruction and affected agencies shall be notified in official bulletins of the superintendent of public instruction.

(d) PROVIDED, That until June 30, 1989, college and universities with approved preparation programs may permit candidates to enter the professional preparation program with a minimum composite score of eighty or more on the verbal and quantitative subtests of the WPCT or an equivalent score on the comparable portion of the SAT, ACT, or GRE.

(e) PROVIDED FURTHER, That a candidate who does not meet one of the criteria within this subsection may be admitted on probationary status if the college or university provides individual tutorial assistance to such candidate and the candidate is required to meet the above stated criteria prior to participation in a field experience and exiting from the approved preparation program.

(3) Criteria for the selection and retention of candidates are relevant to the attainment of program outcomes and available for review by applicants, students, and faculty. These written criteria may include, but not be limited to, faculty recommendations, evidence of demonstrated competency in academic and professional work, and written recommendations from appropriate professionals in the schools.

(4) A written process exists describing the procedures for:

(a) Counseling and advising students about progress and retention in the professional preparation program.

(b) Supervision and evaluation relative to the completion of the professional preparation program.

(c) The appeal process for decisions relative to admission or retention in the professional preparation program.

(d) Providing information to candidates regarding supply and demand conditions in the candidate's field.

(e) Admission and retention of nontraditional candidates, such as midcareer candidates who wish to enter professional preparation programs, if established.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-165 EVIDENCE OF COMPLIANCE WITH CANDIDATE KNOWLEDGE AND SKILLS POLICIES PROGRAM APPROVAL STANDARD. The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the candidate's knowledge and skills policies program approval standard of WAC 180-78-140(5):

(1) The applicable program approval requirements of WAC 180-78-210 through 180-78-300 are incorporated into course and field experience requirements of all candidates in the professional preparation program.

(2) Courses and field experiences addressing the state standards are evaluated by the students as to the extent to which the required state standards have been covered and by the instructor as to the extent to which the candidates achieve and/or demonstrate mastery of the required standards.

(3) Candidates complete the professional preparation program approved by the state board of education.

(4) The programs of study for each endorsement area include the state's minimum essential areas of study. Any additional requirements for an endorsement are developed by using the national association of state directors of teacher education and certification (or other professional association) standards as guidelines. The recommended course of study, including alternatives, shall be available for students and evaluation pursuant to this section.

(5) Examples of test questions and answers, performance assessments, and other forms of evaluations used in courses, practica and

other aspects of the program, verify the demonstration of all minimum state standards, including the respective general and role-specific minimum state standards.

(6) The required programs of study in each professional preparation program are designed to provide for individual differences in learner rate and style. The required course of study, including alternatives, for each professional preparation program—i.e., teacher, educational staff associate, and administrator—shall be available for students and evaluation pursuant to this section.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-170 EVIDENCE OF COMPLIANCE WITH CANDIDATE FIELD EXPERIENCE POLICIES PROGRAM APPROVAL STANDARD. The following evidence shall be evaluated to determine whether each professional preparation program is in compliance with the candidate field experience policies program approval standard of WAC 180-78-140(6):

(1) Field experiences prior to student teaching, practicum, or internship requirements shall consist of no less than forty hours of structured observation of one or more professionals serving in the role for which the candidate is being prepared.

(2) Agreements exist between the college or university and the agencies providing field sites for field experiences which specify the role of the involved agencies and the responsibilities and contributions each will make to the field program.

(3) Candidates participate in structured experiences with ((culturally diverse)) ethnic, racial, and cultural populations and with special education and highly capable students. Such experiences provide opportunities for candidates to understand the unique contributions, similarities, differences, interdependencies, and special needs of students with particular emphasis on those from varying racial, cultural, linguistic, and socio-economic backgrounds.

(4) Field experiences integrate theory and practice and are documented by written records which describe:

(a) Specifications for selecting field sites and field personnel.

(b) Criteria for assigning students to field settings, including provisions for changes in assignments if necessary.

(c) Responsibilities of college and university supervisors and school personnel working with candidates in planning, instruction, observation, evaluation, and/or grading.

(d) ((Program outcomes, as described in the appropriate state standards)) Knowledge and skills relevant to the respective roles specified in WAC 180-78-205 through 180-78-325.

(5) ((College or university supervisors and)) School personnel working with candidates for the required eight weeks field experiences must have had three years experience in the role supervised (i.e., as a teacher, administrator, or ESA), have been oriented to their responsibilities, and have been given training by the college or university and/or school district in their role and responsibilities.

(6) Records of observations are maintained for each candidate in the professional preparation program. Such records shall document at least eight hours of observation by a college or university supervisor.

(7) Standards for evaluating the candidate's successful completion of the required student teaching, practicum, or internship shall include the following categories:

(a) The state's minimum criteria, as set forth in chapter 392-191 WAC, for the evaluation of certificated employees, if applicable to the role.

(b) The state's general and role specific skills as set forth in WAC 180-78-205 through 180-78-325.

(c) Current research findings as reported in relevant professional publications.

AMENDATORY SECTION (Amending Order 7-88, filed 3/3/88)

WAC 180-78-193 EXIT EXAMINATION REQUIREMENT—MANDATORY TOPICS. The examination shall be divided into three parts as follows:

(1) Part I shall address each of the general knowledge requirements specified in WAC 180-79-131 common to and required in the training of all candidates for professional certification—i.e., teachers, administrators, and educational staff associates.

(2) Part II shall address each of the general knowledge requirements specified in WAC 180-79-136 common to and required in the training of all candidates for teaching certificates.

(3) Part III shall address each of the general knowledge requirements as set forth in WAC 180-79-140 common to and required in the training of all candidates for administrative certificates.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-78-045 ANNUAL REPORTS.

WSR 88-21-107
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Professional certification—Preparation requirements, chapter 180-79 WAC;

that the agency will at 9:00 a.m., Thursday, December 1, 1988, in the Windward Room, Seattle Hilton, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, December 2, 1988.

The authority under which these rules are proposed is RCW 28A.70.005 and 28A.04.120(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 1, 1988.

Dated: October 19, 1988

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-79 WAC.

Rule Section(s): WAC 180-79-005, 180-79-010, 180-79-047, 180-79-060, 180-79-063, 180-79-065, 180-79-075, 180-79-086, 180-79-117, 180-79-120, 180-79-122, 180-79-125, 180-79-127, 180-79-128, 180-79-199, 180-79-300, 180-79-303, 180-79-305, 180-79-315, 180-79-317, 180-79-396 and repealing WAC 180-79-007.

Statutory Authority: RCW 28A.70.005 and 28A.04.120(3).

Section Analysis: WAC 180-79-005 Purpose, clarifies purpose section; WAC 180-79-010 Definitions, eliminates unnecessary definitions; WAC 180-79-047 Conversion to new standards, permits certain certificate holders to meet new standards; WAC 180-79-060 Levels of certificates, sets forth cross reference; WAC 180-79-063 Approved masters degree—Definition, clarifies definition of approved masters degree and recognizes undergraduate upper division credit; WAC 180-79-065 Initial and continuing certificates—Applicable conditions, eliminates reinstatement of certain certificates and clarifies applicable conditions; WAC 180-79-075 Certificate endorsement, clarifies that endorsement of principals' certificates applies only to initial certificates;

WAC 180-79-086 Minimum preparation for endorsement for teachers, eliminates reference to task completed in new WAC 180-79-303; WAC 180-79-117 Experience requirement for continuing certification—Teachers, includes college and/or university teaching experience and eliminates reference to full school year; WAC 180-79-120 Academic requirements for certification—Administrators, clarifies that certain course work is post baccalaureate; WAC 180-79-122 Experience requirement for initial endorsement—Principals, includes college and/or university teaching experience and eliminates reference to full school year; WAC 180-79-125 Academic requirements for certification—Educational staff associates (ESA), changes requirements for reading resource and nursing endorsements and clarifies other language; WAC 180-79-127 Experience requirement for continuing certification—ESAs, includes college and university experience and eliminates reference to full school year; WAC 180-79-128 Supervised experience requirement for continuing certification, establishes new requirement for college or university course which includes peer review; WAC 180-79-199 Internship study, establishes internship study; WAC 180-79-300 Subject area endorsement recommendations by colleges and universities, anticipates new WAC 180-79-303; WAC 180-79-303 Endorsement by examination, permits endorsement by examination and sets forth conditions; WAC 180-79-305 Subject area endorsements through SPI, adds affidavit requirement and eliminates specific requirements as to form that must be submitted; WAC 180-79-315 In-service in lieu of college and university credit hours, makes certain temporary requirements permanent; WAC 180-79-317 Evaluation of in-service in lieu of college and university credit hours by PEAC, changes date for report by PEAC; WAC 180-79-396 Special education—Subject area endorsement, eliminates specific requirement; and repealing WAC 180-79-007 Effective dates of specified sections, eliminates transition language.

Purpose of Rule(s): Revise rules determining eligibility for the certification of personnel employed in the common schools.

Summary of New Rule(s) and/or Amendments: Clarification of requirements for acquiring certification and elimination of unnecessary definitions and language.

Reasons Which Support Proposed Action(s): C;arofoes [Clarifies] requirements and adds new requirements relating to certification requirements including internship study and subject area endorsements.

Person or Organization Proposing Rule(s): SBE, government.

Agency Personnel Responsible for Drafting: Ralph Julnes, SPI, 3-2298; Implementation: Lillian Cady, SPI, 3-2751; and Enforcement: Charles Marshall, SPI, 3-1880.

Rule(s) is (are) Necessary as a Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 6-78, filed 5/26/78)

WAC 180-79-005 PURPOSE. The purposes of this chapter are to ~~((implement RCW 28A.04.120(3) and chapter 28A.70 RCW and))~~ establish the various certificates which must be held as a condition to employment in the Washington school system and establish the conditions and procedures governing issuance and retention of those and other certificates, including endorsements thereon.

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-010 DEFINITIONS. The following definitions shall apply to terms used in this chapter:

(1) The terms, ~~(("agency,"))~~ "program approval," ~~(("accreditation,"))~~ "endorsement," "interstate compact," and "college or university," as defined in WAC 180-78-010 shall apply to the provisions of this chapter.

(2) "Certificate" means the license issued by the superintendent of public instruction to teachers, administrators, and educational staff associates verifying that the individual has met the requirements set forth in this chapter.

(3) ~~(("Certificate reinstatement" means the process whereby the validity of a continuing certificate may be reestablished.))~~

~~((4)))~~ "Certificate renewal" means the process whereby the validity of an initial certificate may be continued.

~~((5)))~~ "Certificate revocation" means the process whereby an individual's certificate is rescinded.

~~((6)))~~ (4) "Classroom teaching" means instructing pupils in a classroom setting.

~~((7)))~~ "Educational setting" means any setting, the primary purpose for which is to instruct/teach or to provide services to children, youth, or adults or to administer education programs. This shall include but not be limited to state board of education approved in-state public and nonpublic schools, out-of-state K-12 schools, preschools, vocational schools, professional education associations, school board agencies, state and federal agencies or committees and private foundations primarily concerned with education programs, educational service districts, the office of the superintendent of public instruction, and institutions of higher education.

~~((8)))~~ "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical and laboratory settings. Such learning experiences are related to specified program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.))

NEW SECTION

WAC 180-79-047 CONVERSION TO NEW STANDARDS. Notwithstanding any provision of WAC 180-79-045 to the contrary, any person who holds a provisional or initial certificate issued under previous standards of the state board of education shall be eligible to apply for and receive a continuing certificate under standards in effect at the time of application.

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-060 LEVELS OF CERTIFICATES. Two levels of certification may be issued:

(1) Initial certificate. The initial teaching certificate is valid for two years and the initial administrator and educational staff associate certificates are valid for seven years. Initial teaching certificates shall be subject to renewal and reinstatement pursuant to WAC 180-79-065. Initial administrator and educational staff associate certificates shall not be subject to renewal but may be reinstated pursuant to WAC 180-79-065(4). PROVIDED, That initial teaching certificates issued or applied for, if the candidate is otherwise eligible, prior to August 31, 1992, shall be valid for four years.

(2) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 180-79-065(2).

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-063 APPROVED MASTERS DEGREE—DEFINITION. "Approved masters degree" for the purpose of this chapter means a masters or doctorate degree from a regionally accredited college or university in teaching ~~((or)),~~ arts, science, ~~((and))~~ or humanities: PROVIDED, That a candidate who holds a masters or doctorate

degree in another field will not be required to obtain ~~((a second))~~ the specified masters degree if the candidate provides evidence to the superintendent of public instruction that he or she has completed thirty upper division and/or graduate quarter hours (twenty semester hours) of post baccalaureate course work in one of the subject areas of the endorsements listed in WAC 180-79-080.

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-065 INITIAL AND CONTINUING CERTIFICATES ~~((LAPSE, RENEWAL, AND REINSTATEMENT))~~—APPLICABLE CONDITIONS. The following shall apply to initial and continuing certificates issued pursuant to this chapter:

(1) Initial certificate.

(a) An initial teacher certificate issued prior to August 31, 1992, and an initial educational staff associate or administrator certificate issued prior to August 31, 1988, may be renewed ~~((once))~~ for ~~((a))~~ an additional three-year period on application and verification that the individual has completed all course work requirements for continuing certification or has completed at least fifteen quarter hours (ten semester hours) of course work since the ~~((initial))~~ certificate was issued or renewed.

(b) An initial teaching certificate issued on or after August 31, 1992 may be renewed for a three-year period by the applicant providing proof that he or she is enrolled in an approved masters degree program. A second renewal for a two-year period shall be granted if the candidate provides the following information from the degree granting institution:

(i) That the candidate has made substantial—i.e., fifty percent or more—progress toward the completion of an approved masters degree;

(ii) That the candidate has made satisfactory progress in the approved masters degree program;

(iii) That the candidate has made satisfactory arrangements to complete the approved masters degree program during the two-year extension period.

(2) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987 and who applied for such certificates prior to July 1, 1988 or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement specified in chapter 180-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC.

(3) Recency of training. Prior to August 31, 1993, if an applicant for an initial certificate ~~((has not previously held a Washington or other state professional certificate and))~~ has not completed fifteen quarter (ten semester) hours of course work within the seven years immediately preceding application for such initial certificate, he/she will be required to complete fifteen quarter (ten semester) hours of course work prior to receipt of an initial certificate.

~~((4))~~ Reinstatement of initial certificates. Initial certificates may be reinstated pursuant to the provisions of WAC 180-75-087 and shall be subject to the same terms and conditions as renewal of an initial certificate.))

AMENDATORY SECTION (Amending Order 13-87, filed 6/16/87)

WAC 180-79-075 CERTIFICATE ENDORSEMENT. Professional education certificates shall be endorsed as follows:

(1) Teacher certificates shall specify endorsements in subject area(s) and grade level(s): PROVIDED, That notwithstanding provisions of this chapter to the contrary, applicants who have completed all requirements for continuing teaching certificates pursuant to WAC 180-79-060 prior to August 31, 1987, and whose certificates are applied for prior to July 1, 1988, and applicants who have completed all requirements except one of the three-year experience requirement for continuing teaching certificates pursuant to WAC 180-79-060 and who

complete such requirement and apply for such certificates prior to August 31, 1988, and applicants who complete the requirements for standard certificates or continuing certificates pursuant to WAC 180-80-705 shall receive no endorsements.

(2) Educational staff associate certificates shall identify the field of specialization by endorsement.

(3) Administrator certificates shall identify the field of specialization (principal, program administrator, superintendent) by endorsement.

Principals' initial certificates shall be endorsed for grades preschool-9, 4-12, or preschool-12 based on recommendations from the college or university in which the candidate completed an approved preparation program.

(4) In order to change or add an endorsement to any certificate, the candidate must complete an application, pay the certification fee specified in WAC 180-75-065, and submit verification of completion of the necessary requirements specified in this chapter.

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-086 MINIMUM PREPARATION FOR ENDORSEMENTS FOR TEACHERS. Endorsements granted teachers shall comply with the following:

(1) Endorsements—with the exception of the broad subject area endorsements of English/language arts, music, science, and social studies, which shall require the satisfactory completion of a minimum of forty-five quarter hours (thirty semester hours) of course work—shall require the satisfactory completion of a minimum of twenty-four quarter hours (sixteen semester hours) of course work—not including any practice teaching, internship, or other clinical or field laboratory experience courses—in the subject area in a regionally accredited institution of higher education or in a college or university with a professional preparation program approved by the state board of education pursuant to chapter 180-79 WAC.

(2) Reasonable flexibility shall be permitted in establishing equivalencies for specified subject area course work. The test for substitution of an equivalent course for a stated subject area course is a factual determination that the subject matter content of the equivalent course, or combination of courses, substantially complies with the generally recognized course content of the subject area course.

~~((3) The superintendent of public instruction shall present to the state board of education prior to January 1, 1988, recommendations for rule adoption which will authorize specific examinations and qualifying scores which will authorize the granting of endorsements in grade levels and subject areas in lieu of the course work prescribed in subsection (1) of this section.))~~

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-117 EXPERIENCE REQUIREMENT FOR CONTINUING CERTIFICATION—TEACHERS. In addition to the academic requirements specified in WAC 180-79-115, candidates for continuing teachers' certificates shall provide, as a condition for the issuance of a continuing certificate, documentation of two years of continuous half time or more ~~(, for the full school year,))~~ teaching experience with the same employer—~~((e.g.))~~ i.e., school district, state agency, college or university, private school, or private school system.

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-120 ACADEMIC REQUIREMENTS FOR CERTIFICATION—ADMINISTRATORS. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 180-75-085.

(1) Superintendent.

(a) Initial.

(i) The candidate who applies for an initial certificate on or before August 31, 1992, shall hold a master's degree and complete at least fifteen quarter hours (ten semester hours) of graduate study beyond the master's degree in education-related course work and shall hold or be eligible to hold a valid initial or continuing teacher or ESA certificate at the time he or she applies for the initial superintendent's certificate.

(ii) The candidate who applies for an initial certificate after August 31, 1992, shall hold an approved masters degree and have completed subsequent to the baccalaureate degree at least forty-five quarter hours (thirty semester hours) of graduate level course work in education.

(b) Continuing.

(i) The candidate who applies for a continuing certificate on or before August 31, 1992, shall have completed at least thirty quarter hours (twenty semester hours) of graduate work beyond the master's degree.

(ii) The candidate who applies after August 31, 1992, shall hold an approved masters degree and have completed subsequent to the baccalaureate degree at least sixty quarter hours (forty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(2) Principal.

(a) Initial.

(i) The candidate who applies on or before August 31, 1992, shall hold a valid initial or continuing teacher certificate at the time he or she applies for the initial principal's certificate and shall have completed at least thirty quarter hours (twenty semester hours) of work applicable to a graduate degree subsequent to receipt of a baccalaureate degree in an approved program for preparation of principals.

(ii) The candidate who applies after August 31, 1992, shall hold an approved masters degree and have completed subsequent to the baccalaureate degree at least thirty quarter hours (twenty semester hours) of graduate level course work in education.

(b) Continuing.

(i) The candidate who applies on or before August 31, 1992, shall hold a master's degree.

(ii) The candidate who applies after August 31, 1992, shall hold an approved masters degree and completed subsequent to the baccalaureate degree at least forty-five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(3) Program administrator.

(a) Initial.

(i) The candidate who applies on or before August 31, 1992, shall hold a valid initial or continuing teacher or educational staff associate certificate at the time he or she applies for the program administrator's initial certificate and shall hold a master's degree.

(ii) The candidate who applies after August 31, 1992, shall hold an approved masters degree, a masters degree required for an educational staff associate certificate, a masters degree in school nursing, occupational therapy or physical therapy, or a masters degree in public, education, or business administration and have completed subsequent to the baccalaureate degree at least twenty-four quarter hours (sixteen semester hours) of graduate level course work in education.

(b) Continuing.

(i) The candidate who applies on or before August 31, 1992, shall have completed at least fifteen quarter hours (ten semester hours) of graduate work subsequent to the master's degree relevant to educational administration or his or her subject matter field(s) or specialization(s).

(ii) The candidate who applies after August 31, 1992, shall hold an approved masters degree, a masters degree required for an educational staff associate certificate, a masters degree in school nursing, occupational therapy, physical therapy, or a masters degree in public, education, or business administration and have completed subsequent to the baccalaureate degree at least thirty quarter hours (twenty semester hours) of graduate level course work in education or shall hold a doctorate in education.

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-122 EXPERIENCE REQUIREMENT FOR INITIAL ENDORSEMENT—PRINCIPALS. In addition to the academic requirements specified in WAC 180-79-120(2), candidates for initial administrator's certificate with a principal's endorsement, as a condition for the issuance of such endorsement, documentation of two year~~(s)~~ of continuous half time or more ~~(, for the full school year,))~~ teaching experience with the same employer—~~((e.g.))~~ i.e., school district, state agency, college or university, private school, or private school system.

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-125 ACADEMIC REQUIREMENTS FOR CERTIFICATION—EDUCATIONAL STAFF ASSOCIATE (ESA). Candidates for ESA certification shall complete the following requirements in addition to those set forth in WAC 180-75-085: PROVIDED, That it shall not be necessary for any candidate who holds a master's or doctorate degree to obtain ~~((a second))~~ the specified master's degree if the candidate provides satisfactory evidence to the superintendent of public instruction that he or she has completed all course

work requirements relevant to the required masters degree and has satisfactorily completed a comprehensive written examination required in such masters degree program: PROVIDED, That if ~~((the))~~ any candidate has been awarded a masters degree without a comprehensive written examination, the candidate ~~((may))~~, as a condition for certification, shall arrange to take such an examination with any accredited college or university and provide the superintendent of public instruction with an affidavit from the chair of the department of such academic field that he or she has successfully completed the above noted comprehensive examination.

(1) Communication disorders specialist.

(a) Initial. The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major in speech pathology and/or audiology.

(b) Continuing. The candidate shall hold a master's degree with a major in speech pathology and/or audiology.

(2) School counselor.

(a) Initial. The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major in counseling.

(b) Continuing. The candidate shall hold a master's degree with a major in counseling.

(3) School occupational therapist.

(a) Initial.

(i) The candidate shall have completed an approved or accredited baccalaureate degree program in occupational therapy.

(ii) The candidate shall hold a valid license as an occupational therapist in Washington state.

(b) Continuing. The candidate shall have completed the requirements for an initial endorsement as a school occupational therapist and have completed at least fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in occupational therapy, other health sciences, or education.

(4) School physical therapist.

(a) The candidate shall hold a baccalaureate degree in physical therapy from a college or university having an approved or accredited school of physical therapy or the candidate shall hold a baccalaureate degree and a certificate in physical therapy from an accredited school of physical therapy.

(i) The candidate shall hold a valid license as a physical therapist in Washington state.

(b) Continuing. The candidate shall have completed the requirements for an initial endorsement as a school physical therapist and have completed at least fifteen quarter hours (ten semester hours) of course work beyond the baccalaureate degree in physical therapy, other health sciences, or education.

(5) School psychologist.

(a) Initial.

The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major or specialization in school psychology.

(b) Continuing. The candidate shall hold a master's degree with a major or specialization in school psychology.

(6) Reading resource specialist.

(a) Initial.

(i) The candidate shall have completed all requirements for the master's degree (except special projects or thesis) with a major or specialization in reading.

(ii) The candidate shall hold or have held a teaching certificate.

(b) Continuing. The candidate shall have completed the requirements for an initial certificate as a reading resource specialist and shall hold a master's degree with a major or specialization in reading.

(7) School nurse.

(a) Initial.

(i) The candidate shall hold a valid license as a registered nurse (RN) in Washington state.

(ii) The candidate shall hold a baccalaureate degree in nursing and have completed at least fifteen quarter hours (ten semester hours) of graduate work in education, nursing, or other health sciences.

(b) Continuing. The candidate shall have completed the requirements for an initial endorsement as a school nurse and have completed at least ~~((forty-five))~~ an additional thirty quarter hours ~~((thirty))~~ twenty semester hours of graduate work in education, ~~((community health, nursing or school))~~ nursing or other health sciences.

(8) School social worker.

(a) Initial.

The candidate shall have completed all requirements for a master's degree in social work except special projects or thesis.

(b) Continuing. The candidate shall hold a master's degree in social work.

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-127 EXPERIENCE REQUIREMENT FOR CONTINUING CERTIFICATION—ESAS. In addition to the academic requirements specified in WAC 180-79-179, candidates for continuing educational staff associate certificates shall provide, as a condition for issuance of a continuing certificate, documentation of two years of continuous half time or more ~~((for the full school year))~~ employment in the respective role with the same employer—~~((e.g.))~~ i.e., school district, educational service district, state agency, college or university, private school, or private school system.

NEW SECTION

WAC 180-79-128 SUPERVISED EXPERIENCE REQUIREMENT FOR CONTINUING CERTIFICATION. In order to obtain a continuing certificate, educational staff associates who hold initial ESA certificates must demonstrate their respective knowledges and skills while employed in that role by passing a one-quarter or one-semester college or university course that includes peer review. The college and university shall establish the procedures for the peer review with advice from the respective professional education advisory board.

NEW SECTION

WAC 180-79-199 INTERNSHIP STUDY. The superintendent of public instruction, after consultation with the professional education advisory committee, shall present to the state board of education by January 1, 1990, recommendations for an internship certificate.

AMENDATORY SECTION (Amending Order 4-87, filed 4/3/87)

WAC 180-79-300 SUBJECT AREA ENDORSEMENT RECOMMENDATIONS BY COLLEGES AND UNIVERSITIES. Applicants for subject area endorsements may apply directly to a Washington college or university with an approved preparation program in the particular subject area. Only applicants who have provided sufficient evidence of completion of the required course work and the essential areas of study for the particular subject area endorsement or who have passed written examinations pursuant to WAC 180-79-303 shall be recommended, by the college or university, to the superintendent of public instruction for an endorsement in such subject area: PROVIDED, That nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

NEW SECTION

WAC 180-79-303 ENDORSEMENT BY EXAMINATION. In lieu of completing the required number of credit hours and the essential areas of study, or any portion of such requirements, Washington colleges and universities with an approved preparation program for teachers may waive all or any portion of the requirement for a particular endorsement and recommend the candidate to the superintendent of public instruction for the particular endorsement if the following conditions are met:

(1) The candidate is required to demonstrate subject matter competency for all or a portion of the requirement waived through passage of one or more written examinations.

(2) In the case of waiver of an essential area of study, a faculty member regularly responsible for teaching a course which covers that essential area of study must attest to the fact that the proposed examination is of sufficient scope and depth to evaluate the candidate's knowledge of the essential area of study.

AMENDATORY SECTION (Amending Order 4-87, filed 4/3/87)

WAC 180-79-305 SUBJECT AREA ENDORSEMENTS THROUGH SPI. Applicants for subject area endorsements may apply directly to the superintendent of public instruction for a particular subject area endorsement. The application for a particular subject area endorsement shall include the following:

(1) A list of the essential areas of study for a particular subject area endorsement.

(2) Space (~~following each essential area of study~~) for the applicant to document (~~in narrative form~~) the college or university credit hours and/or approved in-service education programs which meet the credit hour requirements in the essential area of study.

(3) Space for the applicant to list all college or university credit hours and approved in-service education programs which are applicable to the minimum credit hour requirements and to indicate which type of evidence—i.e., college transcripts, in-service records, or other reliable documentation—will be forwarded to the superintendent of public instruction.

(4) An affidavit to be signed by the applicant that the information submitted is accurate.

AMENDATORY SECTION (Amending Order 4-87, filed 4/3/87)

WAC 180-79-315 IN-SERVICE IN LIEU OF COLLEGE AND UNIVERSITY CREDIT HOURS. The following shall govern the substitution of approved in-service education—i.e., sponsored by an approved in-service education provider pursuant to chapter 180-85 WAC—toward the minimum course work credit hours for a particular subject area endorsement and/or for meeting an essential area of study:

(1) The in-service education program must be offered by an in-service education agency approved pursuant to chapter 180-85 WAC.

(2) The in-service education program must be specifically designed by the in-service education agency to serve as a substitute for course work in the specified subject area or areas and/or as meeting a designated essential area of study. The criterion for determining whether the in-service education program is specifically designed for such purpose is whether the in-service program's content is recognized as equivalent in content to what is generally recognized as the content of an equivalent course in an accredited college or university.

(3) The length of the in-service education program is at least ten continuing education hours.

(4) The in-service education agency must hold the recipient accountable for successful completion of the in-service education program through evaluation by an examination or some other work product provided by the recipient.

(5) The in-service education agency must provide the recipient with a letter, certificate, or other written document which indicates the following:

(a) The in-service education agency has been approved by the state board of education.

(b) The subject area or areas and/or the designated essential area of study for which the in-service education program was specifically designed to meet.

(c) The number of continuing education hours awarded.

(d) A statement that the recipient received a passing mark on an examination or some other work product which was evaluated by the in-service education agency.

(6) (~~For the 1987-88 school year:~~) The in-service education agency must provide the superintendent of public instruction with the following fourteen calendar days prior to commencement of the in-service program:

(a) The dates and location of places where the in-service program will be offered.

(b) The names and qualification of the instructor or instructors who will be assisting in the in-service program.

(c) An outline of the topics to be covered within each in-service session and which college or university courses are deemed equivalent to the in-service program.

(d) A description of the examination or work product which will be used to evaluate the participants.

(e) An invitation for a representative of the superintendent of public instruction and representative of the professional education advisory committee to attend and observe the in-service program.

(7) Upon completion of an in-service education program (~~during the 1987-88 school year~~), the in-service education agency must provide the superintendent of public instruction the following:

(a) A copy of all program materials distributed to participants.

(b) A copy of the evaluation instrument and the results therefrom.

(8) Provided, that no more than one-third of the minimum course work credit hours required for a subject area endorsement may be met

through in-service based on ten hours of approved in-service education for one-quarter hour of credit.

AMENDATORY SECTION (Amending Order 4-87, filed 4/3/87)

WAC 180-79-317 EVALUATION OF IN-SERVICE IN LIEU OF COLLEGE AND UNIVERSITY CREDIT HOURS BY PEAC. The professional education advisory committee shall review materials submitted to the superintendent of public instruction pursuant to WAC 180-79-315, conduct an evaluation of such in-service programs, and report to the superintendent of public instruction and the state board of education its recommendation regarding the continuation of such program and/or the advisability of removing or modifying the limitation on number of in-service credit hours that may be applied to an endorsement. Such report shall be presented by January, (~~1989~~) 1992.

AMENDATORY SECTION (Amending Order 4-87, filed 4/3/87)

WAC 180-79-396 SPECIAL EDUCATION—SUBJECT AREA ENDORSEMENT. In order to receive an endorsement in special education, the candidate shall have completed the minimum course work credit hours in the subject area of special education, including, but not limited to, credit hours in each of the following essential areas of study:

- (1) Exceptionality.
- (2) Alternative delivery systems and strategies for special education.
- (3) Student assessment and evaluation.
- (4) Procedural and substantive legal issues in special education.
- (5) Instructional methods in special education.
- (~~6~~) Child growth and development.)

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-79-007 EFFECTIVE DATES OF SPECIFIED SECTIONS.

WSR 88-21-108 PROPOSED RULES STATE BOARD OF EDUCATION [Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Professional certification—Masters in teaching degree, chapter 180-81 WAC;

that the agency will at 9:00 a.m., Thursday, December 1, 1988, in the Windward Room, Seattle Hilton, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, December 2, 1988.

The authority under which these rules are proposed is RCW 28A.04.172.

The specific statute these rules are intended to implement is RCW 28A.04.172.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 1, 1988.

Dated: October 19, 1988

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-81 WAC.

Rule Section(s): WAC 180-81-003, 180-81-005, 180-81-010, 180-81-015, 180-81-020, 180-81-025, 180-81-030 and 180-81-035.

Statutory Authority: RCW 28A.04.172.

Section Analysis: WAC 180-81-003 Authority, cites authority of chapter; WAC 180-81-005 Purpose, states purpose of chapter; WAC 180-81-010 Compliance with this chapter necessary for certification, sets forth preapproval requirement for masters in teaching degree; WAC 180-81-015 Application for degree approval, sets forth application procedure; WAC 180-81-020 Admission standard—Program approval requirement, sets forth admission standard as program requirement; WAC 180-81-025 Certification standard—Program approval requirement, sets forth approved preparation program as program standard; WAC 180-81-030 Academic counseling—Program approval requirement, sets forth counseling requirement as program standard; and WAC 180-81-035 Program review—Program approval standard, sets forth review requirement as program standard.

Purpose of Rule(s): Sets forth standards for masters in teaching degree.

Summary of New Rule(s) and/or Amendments: Sets forth rules necessary for the establishment of an approved masters of teaching program.

Reasons Which Support Proposed Action(s): Compliance with legislative directive.

Person or Organization Proposing Rule(s): SBE, government.

Agency Personnel Responsible for Drafting: Ralph Julnes, SPI, 3-2298; Implementation: Lillian Cady, SPI, 3-2751; and Enforcement: Charles Marshall, SPI, 3-1880.

Rule(s) is (are) Necessary as Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

Chapter 180-81 WAC

PROFESSIONAL CERTIFICATION—MASTERS IN TEACHING DEGREE

WAC

- 180-81-003 Authority.
- 180-81-005 Purpose.
- 180-81-010 Compliance with this chapter necessary for certification.
- 180-81-015 Application for degree approval.
- 180-81-020 Admission standard—Program approval requirement.
- 180-81-025 Certification standard—Program approval requirement.
- 180-81-030 Academic counseling—Program approval requirement.
- 180-81-035 Comprehensive written examination—Program approval requirement.
- 180-81-040 Program review—Program approval standard.

NEW SECTION

WAC 180-81-003 AUTHORITY. The authority for this chapter is RCW 28A.04.172 which authorizes the state board of education to develop the standards for a masters in teaching degree.

NEW SECTION

WAC 180-81-005 PURPOSE. The purpose of this chapter is to set forth the standards for a masters in teaching degree.

NEW SECTION

WAC 180-81-010 COMPLIANCE WITH THIS CHAPTER NECESSARY FOR CERTIFICATION. From colleges and universities within the state of Washington, only masters in teaching degrees that are approved pursuant to the provisions of this chapter shall be recognized as masters in teaching degrees for the purpose of chapter 180-79 WAC.

NEW SECTION

WAC 180-81-015 APPLICATION FOR DEGREE APPROVAL. Any college or university operating an approved preparation program for teachers may apply to the state board of education for approval of its masters in teaching degree. Such approval shall be granted upon documentation that the program approval standards within this chapter are being met.

NEW SECTION

WAC 180-81-020 ADMISSION STANDARD—PROGRAM APPROVAL REQUIREMENT. The college or university shall establish admission requirements to its masters in teaching degree program. Such requirements shall be at least equal to the admission standards for the graduate school at such college or university and shall be approved by the governing board of the college or university.

NEW SECTION

WAC 180-81-025 CERTIFICATION STANDARD—PROGRAM APPROVAL REQUIREMENT. The masters in teaching degree shall be awarded only to candidates who have completed an approved professional preparation program for teachers in the state of Washington.

NEW SECTION

WAC 180-81-030 ACADEMIC COUNSELING—PROGRAM APPROVAL REQUIREMENT. The college or university shall establish a counseling program for masters in teaching candidates which, among other matters, advises the candidate of the certification requirements within chapters 180-75, 180-77, and 180-79 WAC. Such candidate shall be advised that such requirements are not necessarily fulfilled by the awarding of a masters in teaching degree.

NEW SECTION

WAC 180-81-035 PROGRAM REVIEW—PROGRAM APPROVAL STANDARD. Prior to submission of an application for approval of its proposed masters in teaching degree program, the college or university shall submit its proposed application, for review and comment, to its professional education advisory board for the teacher preparation program.

WSR 88-21-109

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Professional certification—Continuing education requirement, chapter 180-85 WAC;

that the agency will at 9:00 a.m., Thursday, December 1, 1988, in the Windward Room, Seattle Hilton, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, December 2, 1988.

The authority under which these rules are proposed is RCW 28A.70.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 1, 1988.

Dated: October 19, 1988

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-85 WAC.

Rule Section(s): WAC 180-85-020, 180-85-025, 180-85-030, 180-85-075, 180-85-080, 180-85-083, 180-85-085, 180-85-120, 180-85-200, 180-85-202 and 180-85-225.

Statutory Authority: RCW 28A.70.005.

Section Analysis: WAC 180-85-020 Effective date and applicable certificates, eliminates cross reference to repealed chapters and substitutes previous standards; WAC 180-85-025 Continuing Education—Definition, eliminates reference to approved programs that were not accredited and includes VTI course work; WAC 180-85-030 Continuing education credit hour—Definition, includes VTI course work and clarifies what is not included as credit hours; WAC 180-85-075 Continuing education requirement, clarifying amendment; WAC 180-85-080 College and university transcripts, clarifying amendment; WAC 180-85-083 VTI course hour verification, includes VTI course work; WAC 180-85-085 In-service education records, clarifying amendment; WAC 180-85-120 Appeal from determination of lapsed status, clarifying amendment; WAC 180-85-200 In-service education approval standards, clarifying amendments; WAC 180-85-202 Prior notice to SPI of sponsorship of an in-service program, eliminates reference to written objectives and changes reporting requirement to ten days in certain instance; and WAC 180-85-225 Appeal to State Board of Education, corrects cross reference.

Purpose of Rule(s): Sets forth policies and procedures for a program of continuing education.

Summary of New Rule(s) and/or Amendments: Eliminates unnecessary language and includes new section VTI references.

Reasons Which Support Proposed Action(s): Clarification and expansion of existing rules for effective operation.

Person or Organization Proposing Rule(s): SBE, government.

Agency Personnel Responsible for Drafting: Ralph Julnes, SPI, 3-2298, Implementation: Lillian Cady, SPI, 3-2751; and Enforcement: Charles Marshall, SPI, 3-1880.

Rule(s) is (are) Necessary as a Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 10-87, filed 6/1/87)

WAC 180-85-020 EFFECTIVE DATE AND APPLICABLE CERTIFICATES. The provisions of this chapter shall apply to the following certificates issued on or after August 31, 1987:

(1) Continuing certificates as provided in chapter 180-79 WAC.

(2) Standard certificates as provided (~~in chapters 180-80 and 180-84 WAC~~) under previous standards of the state board of education.

(3) PROVIDED, That applicants who have completed all requirements for a continuing or standard certificates prior to August 31, 1987, and who apply for such certificate prior to July 1, 1988, and applicants who have completed all requirements for a continuing or standard certificate except one of the three-years experience requirement prior to August 31, 1987, and who completes such requirement and applies prior to August 31, 1988, shall be exempt from the continuing education requirements of this chapter.

AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-025 CONTINUING EDUCATION—DEFINITION. As used in this chapter, the term "continuing education" shall mean:

(1) All college and/or university credit awarded by a regionally accredited institution of higher education (~~or by a college or university with a professional preparation program approved by the state board of education pursuant to chapter 180-78 WAC~~).

(2) All continuing education credit hours awarded by a vocational-technical institute pursuant to WAC 180-85-030(3) and 180-85-083 and all continuing education credit hours awarded in conformance with the in-service education procedures and standards specified in this chapter by an approved in-service education agency.

AMENDATORY SECTION (Amending Order 16-87, filed 12/21/87)

WAC 180-85-030 CONTINUING EDUCATION CREDIT HOUR—DEFINITION. As used in this chapter, the term "continuing education credit hour" shall mean:

(1) For each college or university semester hour credit, fifteen hours of continuing education credit hours shall be granted.

(2) For each college or university quarter hour credit, ten hours of continuing education credit hours shall be granted.

(3) For each sixty minutes of instruction in course work provided by a vocational-technical institute, one continuing education credit hour shall be granted.

(4) For each sixty minutes of approved in-service education including reasonable time for breaks(;) and passing time (~~and organized meals if such meals are included within the planned in-service education program~~), one continuing education credit hour shall be granted. In the application of this subsection, the in-service education provider shall determine what is reasonable (~~and what is within the planned in-service education program~~).

~~((4))~~ (5) In the application of this section, approved in-service credit hours shall not include:

(a) Routine staff meetings(;)—such as district, building, or area meetings within an agency, district, or building(;)—to discuss or explain operational policies or administrative practices within the agency, district, or building;

(b) Business meetings of professional associations to discuss operational policies or practices of the association;

(c) (~~Breaks, passing time, organized~~) Social hours, independent study, or actual meal time(~~or other recesses held within an in-service program if such time exceeds one hour per each five hours (i.e., twenty percent) of approved continuing education hours~~).

~~((5))~~ (6) In the application of this section, for the purpose of official records of the amount of in-service credit hours, the in-service provider or the superintendent of public instruction shall round continuing education credit hours down to the nearest half hour of credits

actually completed—i.e., .50, and .00—and in no case shall an applicant receive credit for an in-service program that was less than a total of three continuing education credit hours.

AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-075 CONTINUING EDUCATION REQUIREMENT. Each holder of a professional education certificate affected by this chapter shall be required to complete one hundred fifty credit hours of continuing education prior to his or her ~~((initial))~~ first lapse date and during each period between subsequent lapse dates.

AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-080 COLLEGE AND UNIVERSITY TRANSCRIPTS. Holders of certificates affected by this chapter, from time to time, shall cause the transmission ~~((to the superintendent of public instruction))~~ of official college or university transcripts by such college or university to the superintendent of public instruction which substantiate the completion of course work that the holder desires to have applied to his or her continuing education requirement. Such transcript shall be recorded by the superintendent of public instruction in the holder's certification file. However, the holder must notify the superintendent of public instruction that the transcript has been submitted to the superintendent of public instruction for application to his or her continuing education credit hours as a condition to receiving such credit hours.

NEW SECTION

WAC 180-85-083 VTI COURSE HOUR VERIFICATION. Holders of certificates affected by this chapter, from time to time, shall cause the transmission of official vocational-technical institute transcripts or other official documentation by such vocational-technical institute to the superintendent of public instruction which substantiate the completion of course work hours of instruction that the holder desires to have applied to his or her continuing education requirement. Such documentation shall be recorded by the superintendent of public instruction in the holder's certification file. However, the holder must notify the superintendent of public instruction that the transcript or other documentation has been submitted to the superintendent of public instruction for application to his or her continuing education credit hours as a condition to receiving such credit hours.

AMENDATORY SECTION (Amending Order 16-87, filed 12/21/87)

WAC 180-85-085 IN-SERVICE EDUCATION RECORDS. Holders of certificates affected by this chapter who do not claim credit pursuant to WAC 180-85-080 for the same in-service education program shall cause the transmission of the necessary information to claim continuing education credit hours by the in-service provider to the superintendent of public instruction, on forms provided or approved by the superintendent of public instruction and distributed to registrants by the in-service provider ~~((; of the necessary information to claim continuing education credit hours))~~. Such holders shall be notified on such form that the intentional misrepresentation of a material fact on such form subjects the holder to revocation of his or her certificate pursuant to chapter ~~((180-79))~~ 180-86 WAC and that a copy of such completed form should be retained by the holder for possible disputes arising under this chapter and for other purposes that may arise, including verification of in-service hours completed for a current or prospective employer.

AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-120 APPEAL FROM DETERMINATION OF LAPSED STATUS. Any certificate holder who contests the determination by the superintendent of public instruction that his or her certificate has lapsed shall be entitled to appeal such determination in accordance with the procedures specified in chapter 180-86 WAC ~~((180-75-020 through 180-75-033))~~. Any such appeal shall operate as a stay of lapsing until a final administrative level decision has been rendered.

AMENDATORY SECTION (Amending Order 16-87, filed 12/21/87)

WAC 180-85-200 IN-SERVICE EDUCATION APPROVAL STANDARDS. In-service education programs provided by approved in-service education agencies shall meet the following program standards:

(1) The objectives of the in-service program—i.e., intended outcomes—shall be written for each in-service education program.

(2) The content of the in-service education program shall be set forth in a program agenda which shall specify the topics to be covered, the days and times of each presentation, and the names and short description of qualifications of each instructor—e.g., degrees and current professional position.

(3) All in-service education instructors shall have academic and/or professional experience which specifically qualifies them to conduct the in-service education program—e.g., a person with expertise in a particular subject, field, or occupation.

(4) Program materials, including the program agenda, prepared, designed, or selected for the in-service education program shall be available to all attendees.

(5) The in-service education program shall be evaluated by the participants to determine the success of the program, including the following:

(a) The extent to which the written objectives—i.e., subsection (1) of this section—have been met;

(b) The quality of the physical facilities in which the program was offered;

(c) The quality of the oral presentation by each instructor;

(d) The quality of the written program materials provided by each instructor; and

(e) Suggestions for improving the in-service education program if repeated.

(6) The in-service education agency shall compile the evaluations required in subsection (5) of this section in summary form.

(7) The designated administrator of each in-service education program shall assess the value and success of such program and periodically report his or her findings to the governing or advisory board which authorized the in-service program.

(8) The standards for recordkeeping as provided in WAC 180-85-205 shall apply.

(9) The in-service education agency must permit a designated representative of the superintendent of public instruction to attend the in-service education program at no charge and permit such representative to receive a copy of the program materials required by subsection (4) of this section also at no charge.

(10) The in-service education agency must provide each registrant with appropriate forms for claiming continuing education credit hours.

(11) Note: The provisions of this section and WAC 180-85-202 do not apply to credit hours awarded by a college or university or course work continuing education hours awarded by a vocational-technical institute.

AMENDATORY SECTION (Amending Order 16-87, filed 12/21/87)

WAC 180-85-202 PRIOR NOTICE TO SPI OF SPONSORSHIP OF AN IN-SERVICE PROGRAM. Prior to the offering of an in-service education program by an approved in-service education agency, such agency shall submit to the superintendent of public instruction, at least thirty calendar days prior to such offering, a notice of sponsorship, on forms provided by the superintendent of public instruction. The notice of sponsorship shall contain such information as requested by the superintendent of public instruction and the following information attached:

~~((The written objectives of the in-service program as required by WAC 180-85-200(1):~~

~~((2))~~ The program agenda for the in-service program as required by WAC 180-85-200(2).

~~((3))~~ (2) The evaluation form as required by WAC 180-85-200(5).

~~((4))~~ (3) PROVIDED, That, if the in-service education program is also being offered for college or university credit hours, such agency need not submit the notice of sponsorship to the superintendent of public instruction until at least ten calendar days prior to the offering.

(4) PROVIDED, That a single application shall be sufficient for an in-service program that is held at different sites for different registrants during the same school year as long as such multiple offerings

are noted on the application form and any application may be amended to note an additional site if submitted to the superintendent of public instruction at least ten calendar days prior to such offering.

(5) PROVIDED FURTHER, That, if the superintendent of public instruction reviews such notice of sponsorship and advises the in-service education agency of deficiencies, such deficiencies must be remedied prior to the offering of the in-service program or the program offering shall be disapproved.

AMENDATORY SECTION (Amending Order 5-87, filed 4/3/87)

WAC 180-85-225 APPEAL TO STATE BOARD OF EDUCATION. Any finding of noncompliance by the superintendent of public instruction pursuant to WAC ((180-85-120)) 180-85-220 may be appealed to the state board of education for review. The filing of a notice of appeal shall cause a stay of any order by the superintendent of public instruction until the state board of education makes an independent determination on the issue of substantial compliance. If the state board of education concurs that the approved in-service education agency has failed to substantially comply with the applicable provisions of this chapter, the state board of education shall prescribe the corrective action necessary to achieve substantial compliance. Such agency or department or section within such agency, whichever is applicable, upon receipt of notice of action by the state board of education, shall be denied the authority to grant any continuing education credit hours for any subsequent in-service education program until the agency provides an assurance to the superintendent of public instruction that corrective action prescribed by the state board of education will be implemented.

WSR 88-21-110
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning minimum standards and certificate form, WAC 180-90-160;

that the agency will at 9:00 a.m., Thursday, December 1, 1988, in the Windward Room, Seattle Hilton, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, December 2, 1988.

The authority under which these rules are proposed is RCW 28A.02.240.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 1, 1988.

Dated: October 19, 1988

By: Monica Schmidt
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-90 WAC, Private schools.

Rule Section(s): WAC 180-90-160 Minimum standards and certificate form.

Statutory Authority: RCW 28A.02.240.

Section Analysis: WAC 180-90-160 amends existing rule to provide clarification to private schools regarding need to report deviations to SPI and notice to private school of consequence of noncompliance.

Purpose of Rule(s): To set forth procedures and standards for the approval of private schools.

Summary of New Rule(s) and/or Amendments: WAC 180-90-160 (3)(a) defines "religious" course for the purpose of identifying such a course as a course in religion not a course into which religion is infused; 180-90-160(11) provides clarification to private schools of the necessity to meet state standards on an ongoing basis and notifies them of the need to report to OSPI any deviations which occur after action for approval has been taken; and 180-90-160(12) provides notification to the private school of the consequences to the school in the event the school fails to maintain ongoing compliance with state standards.

Reasons Which Support Proposed Action(s): The new WACs will provide private school administrators with clarifying language to identify religious courses for purposes of employing noncertificated staff to teach such courses and to identify the responsibility of the school to maintain ongoing compliance with state standards.

Person or Organization Proposing Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Implementation: Barbara L. Mertens, SPI, 753-2562; and Enforcement: Judy A. Schrag, SPI, 586-6394.

Rule(s) is (are) Necessary as Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 7-87, filed 4/14/87)

WAC 180-90-160 MINIMUM STANDARDS AND CERTIFICATE FORM. The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE
 WITH STATE STANDARDS

 ESD/County/Public
 School District
 Private School/
 District Address

I,, do hereby certify that I am the principal or chief administrator of the above named school; that said school is located at the address listed above, and conducts grades through with a projected enrollment of; and that said school is scheduled to meet throughout the school year, the following standards with the exception only of such deviations, if any, as are set forth in an attachment to this certificate of compliance

or

I,, do hereby certify that I am the superintendent of the above named private school district; and that the private schools under my jurisdiction are scheduled to meet throughout the school year, the following standards with the exception only of such deviations as are set forth in an attachment to this certificate of compliance; and that a list of such schools, including the grades conducted and the projected enrollment for each school, accompanies this certificate:

(1) The minimum school year for instructional purposes consists of no less than 180 school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.58.754.

(2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and/or governing board; and that pupils are provided a total program

hour offering as prescribed in RCW 28A.58.754 except that the percentages for basic skills, work skills, and optional subjects and activities prescribed in RCW 28A.58.754 do not apply to private schools and that the total program hour offering, except as otherwise specifically provided in RCW 28A.58.754, made available is at least:

- (a) 2700 hours for students in grades one through three.
- (b) 2970 hours for students in grades four through six.
- (c) 1980 hours for students in grades seven and eight.
- (d) 4320 hours for students in grades nine through twelve.

(3) All classroom teachers hold appropriate Washington State certification except for:

(a) Teachers for religious courses or courses for which no counterpart exists in the public schools: **PROVIDED, That a religious course is a course of study separate from the courses of study defined in RCW 28A.02.201 including occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of the appreciation of art and music all in sufficient units for meeting state board of education graduation requirements; that is, it is a course in religion not a course into which religion is infused; and/or**

(b) A person of unusual competence who is not certified but who will teach students in an exceptional case under the general supervision of a certified teacher or administrator pursuant to WAC 180-90-125. The noncertified employee, the certified person who will supervise, and the exceptional circumstances are listed on the addendum to this certificate: **PROVIDED, That if a noncertified person is employed subsequent to the filing of this certificate, this same information shall be forwarded to the superintendent of public instruction within thirty days from the date of employment.**

(4) If the school operates an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody, the extension program meets the following requirements:

(a) The parent, guardian, or custodian is supervised by a person certified under chapter 28A.70 RCW and who is employed by the school;

(b) The planning by the certified person and the parent, guardian, or person having legal custody includes objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spends a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the extension program;

(d) Each student's progress is evaluated by the certified person; and

(e) The certified person does not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

(6) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

(7) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board of education graduation requirements, as set forth in chapter 180-51 WAC;

(8) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;

(9) The school does not engage in a policy of racial segregation or discrimination;

(10) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.

(11) Approval by the state board of education is contingent upon on-going compliance with the standards certified herein. The superintendent of public instruction shall be notified of any deviation from these standards which occurs after the action taken by the state board of education. Such notification shall be filed within thirty days of occurrence of the deviation.

(12) Failure to comply with the requirements of this chapter may result in the revocation of the approval of the private school and shall be considered in subsequent application for approval as a private school.

DATED this day of, 19...

.....
(signed)

.....
(title)

.....
(phone number)

WSR 88-21-111
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning certificate of educational competence, chapter 180-96 WAC;

that the agency will at 9:00 a.m., Thursday, December 1, 1988, in the Windward Room, Seattle Hilton, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, December 2, 1988.

The authority under which these rules are proposed is RCW 28A.04.135.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before Thursday, December 1, 1988.

Dated: October 19, 1988

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-96 WAC.

Rule Section(s): WAC 180-96-005, 180-96-010, 180-96-015, 180-96-020, 180-96-025, 180-96-030, 180-96-035, 180-96-040, 180-96-045, 180-96-050, 180-96-055, 180-96-060, 180-96-065, 180-96-070 and 180-96-075.

Statutory Authority: RCW 28A.04.135.

Section Analysis: WAC 180-96-005 sets forth authority; WAC 180-96-010 sets forth purpose; WAC 180-96-015 defines certificate of educational competence; WAC 180-96-020 defines general educational development test; WAC 180-96-025 defines minimum proficiency level; WAC 180-96-030 defines official GED testing center; WAC 180-96-035 defines designated employee; WAC 180-96-040 defines regular high school education program; WAC 180-96-045 defines substantial and warranted reason for leaving the regular high school education program; WAC 180-96-050 sets forth right to appeal; WAC 180-96-055 sets forth eligibility to take GED test; WAC 180-96-060 sets forth eligibility for award of certificate of educational competence;

WAC 180-96-065 sets forth identification necessary to take the GED exam; WAC 180-96-070 sets forth application form for certificate of educational competence; and WAC 180-96-075 sets forth effect of certificate of educational competence.

Purpose of Rule(s): Sets forth policies and procedures governing the issuance of certificates of educational competence.

Summary of New Rule(s) and/or Amendments: Codifies requirements for issuance of certificate of educational competence.

Reasons Which Support Proposed Action(s): Simplification of past rules.

Person or Organization Proposing Rule(s): SBE, government.

Agency Personnel Responsible for Drafting: Richard M. Wilson, SPI, 3-2298, **Implementation:** Jan Carlson, SPI, 3-1066; and **Enforcement:** Charles Marshall, SPI, 3-1880.

Rule(s) is (are) Necessary as a Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

Chapter 180-96 WAC
CERTIFICATE OF EDUCATIONAL COMPETENCE

WAC	
180-96-005	Authority.
180-96-010	Purpose.
180-96-015	Certificate of educational competence—Definition.
180-96-020	General educational development test—Definition.
180-96-025	Minimum proficiency level—Definition.
180-96-030	Official GED testing center—Definition.
180-96-035	Designated employee—Definition.
180-96-040	Regular high school education program—Definition.
180-96-045	Substantial and warranted reason for leaving the regular high school education program—Definition.
180-96-050	Right to appeal.
180-96-055	Eligibility to take GED test.
180-96-060	Eligibility for award of certificate of educational competence.
180-96-065	Identification necessary to take the GED exam.
180-96-070	Application form for certificate of educational competence.
180-96-075	Effect of certificate of educational competence.

NEW SECTION

WAC 180-96-005 **AUTHORITY.** The authority for this chapter is RCW 28A.04.135 which authorizes the state board of education to adopt regulations governing the conditions by and under which a certificate of educational competence may be issued.

NEW SECTION

WAC 180-96-010 **PURPOSE.** The purpose of this chapter is to set forth policies and procedures governing the issuance of certificates of educational competence to persons who have not completed requirements for a regular high school diploma.

NEW SECTION

WAC 180-96-015 **CERTIFICATE OF EDUCATIONAL COMPETENCE—DEFINITION.** As used in this chapter, the term "certificate of educational competence" means a certificate issued by the superintendent of public instruction which indicates that the holder

thereof has attained standard scores at or above the minimum proficiency level prescribed by the state board of education on the general educational development (GED) test, which measures a person's level of achievement in specified areas of the high school curriculum.

NEW SECTION

WAC 180-96-020 **GENERAL EDUCATIONAL DEVELOPMENT TEST—DEFINITION.** As used in this chapter, the term "general educational development test" means the most recent general educational development test of the American Council on Education.

NEW SECTION

WAC 180-96-025 **MINIMUM PROFICIENCY LEVEL—DEFINITION.** As used in this chapter, the term "minimum proficiency level" means a standard score of at least forty on each of the portions on the general educational development test and an average standard score of at least forty-five on the entire test.

NEW SECTION

WAC 180-96-030 **OFFICIAL GED TESTING CENTER—DEFINITION.** As used in this chapter, the term "official GED testing center" means public or private agencies which have agreed to comply with the provisions of this chapter and which have been designated by the superintendent of public instruction to administer the general educational development test.

NEW SECTION

WAC 180-96-035 **DESIGNATED EMPLOYEE—DEFINITION.** As used in this chapter "designated employee" means that individual or individuals empowered by the board of directors of the district to determine eligibility to take the GED test.

NEW SECTION

WAC 180-96-040 **REGULAR HIGH SCHOOL EDUCATION PROGRAM—DEFINITION.** As used in this chapter the term "regular high school education program" means a secondary education program operated pursuant to chapters 180-50 and 180-51 WAC leading to the issuance of a high school diploma.

NEW SECTION

WAC 180-96-045 **SUBSTANTIAL AND WARRANTED REASON FOR LEAVING THE REGULAR HIGH SCHOOL EDUCATION PROGRAM—DEFINITION.** As used in this chapter, the term "substantial and warranted reason for leaving the regular high school education program" means one or more of the following:

- (1) Personal problems which seriously impair the student's ability to make reasonable progress toward high school graduation.
- (2) A financial crisis which directly affects the student and necessitates the student's employment during school hours.
- (3) The lack of curriculum and instruction which constitutes appropriate learning experiences for the student.
- (4) The inability or failure of the school of attendance to adjust its program for the individual or otherwise make arrangements for enrollment in an educational program in a manner which enables the student to advance toward graduation with reasonable progress and success.
- (5) A determination by the designated employee that it is in the "best interest" of the student to drop the regular high school program for one of the following purposes:

- (a) Enter a postsecondary institution.
- (b) Enter the military.
- (c) Engage in employment.

(6) **PROVIDED,** That no person under eighteen years of age (i.e., minor), shall be adjudged to have a substantial and warranted reason for leaving school unless the minor's parents, guardian, or legal custodian, if available, agrees that dropping school is in the best interest of the minor.

NEW SECTION

WAC 180-96-050 **RIGHT TO APPEAL.** The following shall govern the finality of decisions of the designated employee:

- (1) If the decision of the designated employee is that the applicant has a substantial and warranted reason for leaving the regular high

school education program, the decision of such designated employee shall be final.

(2) If the decision of the designated employee is to deny the existence of a substantial and warranted reason for leaving the regular high school education program, the applicant shall have the right to appeal the decision to such board of directors in accordance with procedures adopted by the board of directors. The board of directors shall issue a decision within thirty calendar days of receipt of any appeal.

(3) If a decision has been made by the board of directors of the district, such decision shall be final subject to an appeal to a court of law pursuant to RCW 28A.88.010.

NEW SECTION

WAC 180-96-055 ELIGIBILITY TO TAKE GED TEST. The following individuals shall be eligible to take the general educational development test in official GED testing centers:

(1) Any adult, i.e., person age nineteen or over, who has not graduated from high school.

(2) Any person between the ages of fifteen and nineteen who has not graduated from high school and who has been adjudged by a school district to have a substantial and warranted reason for leaving the regular high school education program.

(3) Any student in a certified educational clinic upon completion of an individual student program in accordance with the provisions of chapter 392-185 WAC.

NEW SECTION

WAC 180-96-060 ELIGIBILITY FOR AWARD OF CERTIFICATE OF EDUCATIONAL COMPETENCE. The certificate of educational competence shall be awarded by the superintendent of public instruction to persons who achieve the minimum proficiency level on the general educational developmental test and who meet the following:

- (1) Are residents of Washington state; and
- (2) Are nineteen years of age or older on the date of issuance; or
- (3) Have been adjudged by a district as possessing a substantial and warranted reason for leaving the regular high school education program.

NEW SECTION

WAC 180-96-065 IDENTIFICATION NECESSARY TO TAKE THE GED EXAM. All persons taking the GED test must provide picture identification utilizing one of the following:

- (1) State-issued driver's license or a state-issued identification card with a photograph.
- (2) United States passport.
- (3) Certificate of United States citizenship.
- (4) Certificate of naturalization.
- (5) Unexpired foreign passport.
- (6) Alien registration card with photograph.
- (7) Court-approved identification.

NEW SECTION

WAC 180-96-070 APPLICATION FORM FOR CERTIFICATE OF EDUCATIONAL COMPETENCE. The superintendent of public instruction shall supply each official GED testing center with forms for applicants to request certificates of educational competence. Such forms shall request data necessary for processing of the application, including the applicant's score on the general educational development test, certified by an appropriate official of the GED testing center, the applicant's Social Security number and such additional information as the superintendent of public instruction deems necessary for any authorized research project associated with the implementation or administration of this chapter.

NEW SECTION

WAC 180-96-075 EFFECT OF CERTIFICATE OF EDUCATIONAL COMPETENCE. Issuance by the superintendent of public instruction of a certificate of educational competence shall not preclude such persons from returning to high school to obtain a regular high school diploma if changes in the person's personal situation allow completion of a regular high school education program.

WSR 88-21-112
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Sumas, city of, amending WAC 173-19-4507;

that the agency will at 6:00 p.m., Tuesday, November 22, 1988, in the City Council Chambers, 433 Cherry Street, Sumas, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Tuesday, January 3, 1989.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before December 1, 1988.

Dated: October 18, 1988

By: Fred Olson

Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-4507 City of Sumas.

Description of Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts a revision to the shoreline master program for the City of Sumas.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Wenger, (206) 459-6767, WDOE, Mailstop PV-11, Olympia, Washington 98504.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: [No information supplied by agency.]

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-4507 SUMAS, CITY OF. City of Sumas master program approved September 29, 1975. Revision approved January 3, 1989.

WSR 88-21-113
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed October 19, 1988]

approved May 14, 1981. Revision approved June 18, 1985. Revision approved January 3, 1989.

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

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.

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Mercer Island, City of, amending WAC 173-19-2515; that the agency will at 7:00 p.m., Tuesday, November 22, 1988, in the Community Center at Mercer View, 8236 S.E. 24th Street, Mercer Island, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Tuesday, January 3, 1989.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 30, 1988.

Dated: October 18, 1988
 By: Fred Olson
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2515 Mercer Island, City of.

Description of Purpose: Amendment to the Mercer Island master program map, reclassifying the environment designation of a waterfront lot, located at 2835 60th Avenue S.E. on Lake Washington, from urban residential to urban park.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts revisions of the shoreline master program for the City of Mercer Island.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Peter C. Skowlund, (206) 438-7430, WDOE, Mailstop PV-11, Olympia, WA 98504.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Ecology, state government.

Agency Comments or Recommendation Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: [No information supplied by agency.]

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 85-17 [DE 87-23], filed 6/18/85 [9/16/87])

WAC 173-19-2515 MERCER ISLAND, CITY OF. City of Mercer Island master program approved September 24, 1974. Revision

WSR 88-21-114
PROPOSED RULES
LOTTERY COMMISSION
 [Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery intends to adopt, amend, or repeal rules concerning:

- New WAC 315-11-380 Definitions for Instant Game Number 38 ("Jackpot").
- New WAC 315-11-381 Criteria for Instant Game Number 38.
- New WAC 315-11-382 Ticket validation requirements for Instant Game Number 38.
- New WAC 315-11-390 Definitions for Instant Game Number 39 ("Centennial Cash").
- New WAC 315-11-391 Criteria for Instant Game Number 39.
- New WAC 315-11-392 Ticket validation requirements for Instant Game Number 39;

that the agency will at 10:00 a.m., Friday, December 2, 1988, in the Lottery Regional Office, 5963 Corson Avenue South, Seattle, WA 98108, 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 December 2, 1988.

Dated: October 19, 1988
 By: Scott L. Milne
 Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 315-11-380 Definitions for Instant Game Number 38 ("Jackpot"); 315-11-381 Criteria for Instant Game Number 38; 315-11-382 Ticket validation requirements for Instant Game Number 38; 315-11-390 Definitions for Instant Game Number 39 ("Centennial Cash"); 315-11-391 Criteria for Instant Game Number 39; and 315-11-392 Ticket validation requirements for Instant Game Number 39.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rules are Intended to Implement: RCW 67.70.040.

Summary of Rule(s): WAC 315-11-380 provides definitions of the terms used in Instant Game Number 38 rules; WAC 315-11-381 sets forth criteria for Instant Game Number 38; WAC 315-11-382 states the

ticket validation requirements for Instant Game Number 38; WAC 315-11-390 provides definitions of the terms used in Instant Game Number 39 rules; WAC 315-11-391 sets forth criteria for Instant Game Number 39; and WAC 315-11-392 states the ticket validation requirements for Instant Game Number 39.

Reasons Supporting Proposed Rule(s): WAC 315-11-380, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-381 and 315-11-382; WAC 315-11-381, licensed retailers and players of Instant Game Number 38 need to know how the game will function. Specifying the criteria which apply to Instant Game Number 38 will provide this information; WAC 315-11-382, tickets for Instant Game Number 38 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; WAC 315-11-390, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-391 and 315-11-392; WAC 315-11-391, licensed retailers and players of Instant Game Number 39 need to know how the game will function. Specifying the criteria which apply to Instant Game Number 39 will provide this information; and WAC 315-11-392, tickets for Instant Game Number 39 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.

Agency Personnel Responsible for Drafting: Judith Giniger, Contract Specialist 3, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504, (206) 586-1088; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, Washington 98504, (206) 753-1412, Evelyn Y. Sun, Director, (206) 753-3330, Scott Milne, Deputy Director, (206) 753-3334, Roger Wilson, Assistant Director, (206) 586-1065 and Candice Bluechel, Assistant Director, (206) 753-1947.

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 Requirements: 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 retailers 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.

NEW SECTION

WAC 315-11-380 DEFINITIONS FOR INSTANT GAME NUMBER 38 ("JACKPOT"). (1) Play symbols: The following are the "play symbols": "❁"; "★"; "♠"; "♣"; "♣"; "♣"; and "♣". One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) 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 38, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
❁	CHRY
★	STAR
♠	BELL
♣	ORNG
♣	SVEN
♣	BARR

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The ten-digit number of the form 3800001-000 printed on the front of the ticket. The first two digits are the game identifier. The first seven digits of the pack-ticket number for Instant Game Number 38 constitute the "pack number" which starts at 3800001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 38, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
TEN	10.00

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

NEW SECTION

WAC 315-11-381 CRITERIA FOR INSTANT GAME NUMBER 38. (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 the following play symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three	❁	play symbols - Win \$	1.00
Three	★	play symbols - Win \$	2.00
Three	♠	play symbols - Win \$	4.00
Three	♣	play symbols - Win \$	10.00
Three	♣	play symbols - Win \$	50.00
Three	♣	play symbols - Win \$	500

(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 38 set forth in WAC 315-11-382, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

- (a) Vary the length of Instant Game Number 38 and/or
- (b) Vary the number of tickets sold in Instant Game Number 38 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-382 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 38. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 38 all of the following validation requirements apply.

- (a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.
- (b) Each of the six 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	Positive Archer Font
Captions	Positive 5 x 9 Font
Pack-Ticket Number	Positive 9 x 12 Font
Validation Number	Positive 9 x 12 Font
Retailer Verification Code	Positive Archer Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-380(1) and each of the captions must be exactly one of those described in WAC 315-11-380(2).

(2) 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.

NEW SECTION

WAC 315-11-390 DEFINITIONS FOR INSTANT GAME NUMBER 39 ("CENTENNIAL CASH"). (1) Play symbols: The following are the "play symbols": "\$1.00"; "10.00"; "\$100\$"; and "\$1000". One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) 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 39, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE DOL
10.00	TEN DOL
\$100\$	ONE HUN
\$1000	ONE THOU

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The ten-digit number of the form 3900001-000 printed on the front of the ticket. The first two digits are the game identifier. The first seven digits of the pack-ticket number for Instant Game Number 39 constitute the "pack number" which starts at 3900001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 39, the retailer verification codes are

three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TEN	10.00

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

NEW SECTION

WAC 315-11-391 CRITERIA FOR INSTANT GAME NUMBER 39. (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 the following play symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three	\$1.00 play symbols - Win	\$ 1.00
Three	10.00 play symbols - Win	\$ 10.00
Three	\$100\$ play symbols - Win	\$ 100
Three	\$1000 play symbols - Win	\$ 1000

(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 39 set forth in WAC 315-11-392, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

- (a) Vary the length of Instant Game Number 39 and/or
- (b) Vary the number of tickets sold in Instant Game Number 39 in a manner that will maintain the estimated average odds of purchasing a winning ticket.
- (6) There will be a bonus drawing held in conjunction with the Instant Game Number 39, however, this bonus drawing shall not be part of or included in the Instant Game Number 39 prize structure. It will be conducted at a time and place and pursuant to procedures to be established and announced by the director. The prizes awarded at the bonus drawing will be thirty (30) overnight vacations in the state of Washington.

(a) To be eligible for entry into the bonus drawing, an entrant must:

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

- (ii) Collect four non-winning tickets, each ticket depicting a different geographic location. Non-winning tickets must be from Instant Game Number 39, Centennial Cash.

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

- (iv) Place the non-winning tickets 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 player's brochure 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) An entry which contains one or more stolen tickets may be disqualified by the director.

- (d) A non-conforming 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 lottery. All mail not drawn will be incinerated unopened.

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

Dated: October 19, 1988
By: Paul Curl
Acting Secretary

NEW SECTION

WAC 315-11-392 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 39. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 39 all of the following validation requirements apply.

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

(b) Each of the six 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	Positive Archer Font
Captions	Positive 5 x 9 Font
Pack-Ticket Number	Positive 9 x 12 Font
Validation Number	Positive 9 x 12 Font
Retailer Verification Code	Positive Archer Font

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-390(1) and each of the captions must be exactly one of those described in WAC 315-11-390(2).

(2) 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 88-21-115 PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed October 19, 1988]

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 brokers and forwarders, WAC 480-12-100, 480-12-375 and 480-12-990. The proposed amendatory sections are shown below as Appendix A, Cause No. TV-2213. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments 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, November 23, 1988, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 30, 1988.

The authority under which these rules are proposed is RCW 80.01.040(4) and 81.80.290.

The specific statute these rules are intended to implement is chapter 31, Laws of 1988.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 18, 1988.

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-375 and 480-12-990; and repealing WAC 480-12-100 relating to brokers and forwarders.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040(4) and 81.80.290 which direct that the commission has authority to implement the provisions of chapter 31, Laws of 1988.

The rules proposed by the Washington Utilities and Transportation Commission are designed to deregulate brokers and forwarders, but require intrastate and interstate brokers to provide a surety bond or deposit to protect shippers, consignees, and carriers; and in the case of interstate brokers, register with the commission.

Paul Curl, Acting Secretary, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, phone (206) 753-6451, 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(4) and 81.80.290.

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

The rule changes 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-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-375 ~~BROKER—BOND REQUIRED—((BROKER—FORWARDER))~~ REGISTRATION. (1) Broker is a person engaged in the business of providing, contracting for, or undertaking to arrange for transportation of property by two or more intrastate or interstate common carriers.

(2) Each broker ((or forwarder)) shall file with the commission, and keep in effect, a surety bond, or deposit satisfactory security, ((in a sum to be determined by the commission)) in the amount of ten thousand dollars, conditioned upon such broker ((or forwarder)) making compensation to shippers, consignees and carriers for all moneys belonging to them and coming into ((his)) its possession in connection with such transportation service.

((2)) (3) It is unlawful for a broker to conduct business as such in this state without first securing appropriate authority from the Interstate Commerce Commission, if such authority is required, and registering with the Washington utilities and transportation commission. The commission shall grant such registration without hearing upon filing a uniform application for registration of operating authority issued by ICC and payment of a twenty-five dollar filing fee.

(4) Failure to file such bond or deposit such security ((shall be)) is sufficient ground for refusal of the commission to grant the application

for a permit(~~and~~). Failure to make promptly the remittances provided for (~~herein and in WAC 480-12-100 shall be deemed~~) in this rule and in rules of the commission is sufficient cause for cancellation of permit.

AMENDATORY SECTION (Amending Order R-124, Cause No. TV-985, filed 6/20/79)

WAC 480-12-990 APPENDIX A—CLASSIFICATION OF ~~((BROKERS, FORWARDERS AND))~~ MOTOR CARRIERS OF PROPERTY.

APPENDIX A Classification of ~~((brokers, forwarders and))~~ motor carriers of property

CLASSIFICATION CHART

The preceding page is a chart which outlines three steps taken in a breakdown of each motor carrier operation. These three steps are the analytical factors which are used to determine the carrier's classification. They include (1) type of carrier, (2) type of carrier's service, and (3) type of commodities transported. Each class is a composite of these three factors. The chart includes a symbol system through which class may be identified by code letter and number.

The first division of the chart identifies the type of operation, as fixed by chapter 81.80 RCW. There are five such types of property operators.

Common carrier of property
 Contract carrier of property
 (~~(Forwarder or broker of property transportation))~~
 Private carrier of property
 Exempt carrier

The second division on the chart identifies the type of service in which the carrier is engaged as determined by:

- (a) Regular route, scheduled service
- (b) Regular route, nonscheduled service
- (c) Irregular route, radial service
- (d) Irregular route, nonradial service
- (e) Local cartage service

The third division on the chart describes the type of commodities transported by the carrier. There are nineteen such commodity groups which are of sufficient importance at this time to warrant individual identification. Additional groups may be added as the need therefor is shown.

- (1) Carriers of general freight
- (2) Carriers of household goods
- (3) Carriers of heavy machinery
- (4) Carriers of liquid petroleum products
- (5) Carriers of refrigerated liquid products
- (6) Carriers of refrigerated solid products
- (7) Carriers engaged in dump trucking
- (8) Carriers of agricultural commodities
- (9) Carriers of motor vehicles
- (10) Carriers engaged in armored truck service
- (11) Carriers of building materials
- (12) Carriers of films and associated commodities
- (13) Carriers of forest products
- (14) Carriers of mine ores not including coal
- (15) Carriers engaged in retail store delivery service
- (16) Carriers of explosives or dangerous articles
- (17) Carriers of specific commodities, not subgrouped
- (18) Carriers of milk and cream
- (19) Carriers of livestock

The symbol system of code identification is derived from the foregoing three groups. Illustration: A common carrier may be engaged in transporting household goods over irregular routes in radial services. Such a carrier would be classed as a COMMON CARRIER Class C-2.

Appropriate definitions or explanations of each class or group appear on the following pages in the order shown above.

Types of carriers

DEFINITIONS

RCW Section 81.80.010 (of the "Motor Carrier Act") defines carriers by motor vehicle (~~and brokers and forwarders~~) as follows:

MOTOR CARRIER

The term "motor carrier" means and includes "common carrier," "contract carrier," "private carrier" and "exempt carrier," as herein defined.

COMMON CARRIER

The term "common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

CONTRACT CARRIER

The term "contract carrier" shall include all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined, and further shall include any persons who under special and individual contracts or agreements transport property by motor vehicle for compensation.

PRIVATE CARRIER

A "private carrier" is a person who, in his own vehicle, transports only property owned or being bought or sold by him in good faith and only when such transportation is purely an incidental adjunct to some established private business owned or operated by him in good faith.

~~((BROKER AND FORWARDER~~

~~The terms "common carrier" and "contract carrier" shall include persons engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders:))~~

EXEMPT CARRIER

The term "exempt carrier" means any person operating a vehicle exempted from certain provisions of the act under section RCW 81.80.040 thereof.

Interpretation of permits

Commodity descriptions and the right to serve certain routes or territories described in a carrier's permit where ambiguity exists shall be interpreted according to general custom and trade usage of the common carrier motor freight industry, and the usual Commission administrative practice.

Where the terms Olympic Peninsula, Eastern Washington, and Western Washington, and Southwest Washington are used in common or contract carrier permits, these terms shall define the territory embraced therein as follows:

OLYMPIC PENINSULA: The Olympic Peninsula area comprises all points in Clallam County, Jefferson County, Mason County (points north of an east-west line through Shelton only), Kitsap County, Vashon Island and the northern portion of Pierce County, north and west of Tacoma and Steilacoom.

EASTERN WASHINGTON AND WESTERN WASHINGTON: The dividing line between Eastern Washington and Western Washington is the summit of the Cascade Range, which is also the county boundary, starting at the Canadian border and running south as far as Mt. Adams; from Mt. Adams running south to the Columbia River the dividing line shall be between the eastern boundary of Skamania County and the western boundaries of Yakima and Klickitat Counties.

SOUTHWEST WASHINGTON: Southwest Washington shall comprise all of Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Lewis and Thurston Counties, and that portion of Pierce, Mason and Grays Harbor Counties lying south of a westerly extension of the King-Pierce County lines, extended directly west from Dash Point.

Types of property carrier service

EXPLANATION

(A) REGULAR ROUTE, SCHEDULED SERVICE

A regular route scheduled service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation between fixed termini and over a regular route or routes upon established or fixed schedules.

(B) REGULAR ROUTE, NONSCHEDULED SERVICE

A regular route nonscheduled service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation between fixed termini and over a regular route or routes at intermittent intervals and not upon an established or fixed schedule.

(C) IRREGULAR ROUTE, RADIAL SERVICE

An irregular route radial service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation over irregular routes from a fixed base point or points to points or places located within such radial area as shall have been fixed and authorized by the Commission, or from any point located within such radial area to such carrier's fixed base point or points.

(D) IRREGULAR ROUTE, NONRADIAL SERVICE

An irregular route nonradial service carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation over irregular routes between points or communities located within such general territory as shall have been defined geographically and authorized in a permit, and any other points or communities located within the same general territory without respect to a hub community or a fixed base point of operation.

(E) LOCAL CARTAGE SERVICE

A local cartage carrier is any person who or which undertakes to transport property or any class or classes of property by motor vehicle for compensation when such transportation is performed wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities.

Types or groups of commodities

EXPLANATION

(1) CARRIERS OF GENERAL FREIGHT

(a) This group comprises both common and contract carriers transporting general freight except such commodities as require special equipment or service.

(b) Common or contract carriers authorized to transport general freight prior to May 1, 1944 may transport any commodity without restriction as to type of equipment required or special service rendered.

(2) CARRIERS OF HOUSEHOLD GOODS AS A COMMODITY

Household goods carriers include carriers, both common and contract, engaged in the transportation of property commonly used in a household when a part of such household equipment or supply; furniture, fixtures, equipment, and the property usual in an office, museum, institution, hospital, or other similar establishment when a part of the stock, equipment, or supply of such office, museum, institution, hospital, or other similar establishment; furniture, fixtures, and equipment of a store; works of art, furniture, musical instruments, display exhibits, and articles requiring the specialized handling and special equipment usually employed in moving household goods.

Note: This type of carrier renders a specialized service requiring skilled workmen. Such special service includes removing furniture from the higher stories of large office buildings when freight elevator service is not available, the proper placing of furniture in the home or office upon delivery at destination, the laying of rugs, hanging of pictures, and other services in connection with the removal of furniture or fixtures from one location to another. A household goods carrier is usually a Class C-2 operator, but such a carrier may be a Class D-2 operator. When the operation is that of a D-2 operator it embraces the transportation of household goods to, from and between unlimited points of origin and unlimited points of destination within the territory served by such carrier, over irregular

routes, in either direction, outbound, or back haul, or in cross movements.

Note: For further definition of Household Goods see Administrative Ruling No. 7 dated December 10, 1959.

(3) CARRIERS OF HEAVY MACHINERY

This commodity group designates the transportation of heavy machinery or other articles which, because of their weight or size, require the use of special vehicle equipment for transportation, special equipment for loading or unloading, or specialized carrier-supplied auxiliary or accessorial services as described below.

The words "special equipment" as used in this definition mean equipment not ordinarily used in the loading, unloading or transportation of items defined in the other types or groups of commodities classified or customarily utilized by carriers of specific commodities.

This commodity description includes articles weighing in excess of 2,000 pounds each, such as prestressed concrete beams, heavy steel or iron ingots and bars, ships' propellers and anchors, structural steel, oil field rigs and oil field equipment. Items weighing less than 2,000 pounds may fall within this classification when their size or other nature requires the specialized services of these carriers or specialized equipment.

This commodity description does not, however, include aggregations of items not defined above, which have been bundled, palletized, or placed in bins, barrels or other containers, or otherwise aggregated, merely because of convenience, economy or industry preference; the classification does include articles which are aggregated when the aggregation is required by the inherent nature of the article and the aggregation actually constitutes the minimum shipping quantity or package for the article. Articles fall within this exception (1) when their inherent nature requires aggregation — e.g., when they are susceptible to damage if not so bundled — (2) when industry practice is to bundle in such quantities, and (3) when the aggregated bundle is of a size, weight, or nature to require the specialized equipment or ancillary service that carriers of this classification customarily provide and which are not customarily provided by carriers of other commodities.

Note: These commodities are grouped together because of the equipment required for their transportation, loading or unloading or the nature of the services performed by the carriers. Certain auxiliary or accessorial services may be necessary in the transportation of these commodities, such as the dismantling and resetting of machinery, often requiring use of rigging, skidding, or similar devices. A carrier of this classification may find that all of his facilities are employed for a considerable period of time in a locality which is only part of the territory in which he is authorized to serve. This type of carrier is usually a Class D-3 operator. The territorial scope of this service is usually similar to that of the household goods carrier. The movement involves and embraces transportation to, from, and between unlimited points of origin and destination within the territory served by such carrier over irregular routes.

(4) CARRIERS OF LIQUID PETROLEUM PRODUCTS

Carriers of liquid petroleum products include those carriers who transport such petroleum products as gasoline and other liquid motor fuel, road oil, crude oil, fuel oil, kerosene, and like products in tank vehicles. Such vehicles include solo trucks, semi-trailers, and full-trailers. Carriers of butane, propane and other derivatives of petroleum are included in this group when such products are transported in tank vehicles. The group also includes carriers of edible oils, coal tar products, and chemicals, if transported in tank vehicles but does not include the transportation of milk, fruit juices, or other perishable liquid products which require temperature control.

Note: Carriers who fall within this group may be either common or contract carriers. In either case the service involves special tank transport equipment.

(5) CARRIERS OF REFRIGERATED LIQUID PRODUCTS

This group comprises carriers, both common and contract, which specialize in the transportation of refrigerated or temperature controlled perishable liquid products, such as fruit juices and various beverages in tank vehicles, including solo trucks, semi-trailers, or full-trailers. Those liquid products such as milk which are classified in other commodity groups are not included in this class.

Note: The production area of fruit juices and beverages and the transportation of these products by tank truck is largely restricted to the territories

where they are manufactured. While the shipments originate in a restricted area the transportation is usually over long distances and requires operation both day and night. The matter of public health is particularly involved in this type of carriage in view of the nature of the commodity.

(6) CARRIERS OF REFRIGERATED SOLID PRODUCTS

This group includes that class of carriers, both common and contract, which engages in the transportation of commodities of a perishable nature, including fresh fish, meats and meat products, fruits and vegetables, dairy products, etc., requiring the use of special refrigeration or temperature control. It does not include refrigerated or temperature controlled liquid products, otherwise classified herein.

Note: Specially designed and constructed refrigerator equipment is usually necessary for this operation. Dry ice is often used. Extra care in handling shipments must be exercised on account of the danger of spoiling. This operation is the same as that of the ordinary general commodity carrier except as to refrigeration requirements.

(7) CARRIERS ENGAGED IN DUMP TRUCKING

This group includes both common and contract carriers engaged in the operation of dump trucks and similar vehicles used in the transportation of sand, gravel, dirt, debris, and other similar commodities except garbage, cement in bulk, and coal.

Note: The operations of this group are usually carried on during the daytime and are local in character. The activities of carriers in this group are somewhat seasonal, especially in connection with building or construction projects. The value of the commodity hauled is usually low.

(8) CARRIERS OF AGRICULTURAL COMMODITIES

This group includes carriers engaged exclusively in the transportation of unmanufactured or unprocessed agricultural commodities including the return of empty containers. It does not include carriers of milk and cream or livestock, which is dealt with in a separate classification, regardless of the type of vehicle used, and does not include carriers engaged in the transportation of fruit juices or other processed agricultural commodities.

Note: While both common and contract carriers are included in this group, it is composed principally of irregular route radial service common carriers. Most commercial agricultural commodities are also handled as general commodities, especially when hauled in small lots as fruit, vegetables, produce, poultry, grains in sacks, etc. In some instances, special vehicle equipment is required for the movement of small grains in bulk, grass feeds, hay, etc.

(9) CARRIERS OF MOTOR VEHICLES

This group consists of motor carriers engaged in the transportation of new and used motor vehicles, including automobiles, trucks, trailers, chassis, bodies, and automotive display vehicles, wholly or partially assembled. In this group are included:

(a) Carriers engaged in the transportation of motor vehicles by truck away method, involving the use of special equipment such as trucks, tractors, trailers, semi-trailers, 4-wheel trailers, and various combinations of the above in or upon which such motor vehicles are loaded.

(b) Carriers engaged in the transportation of motor vehicles by driveway method, involving the utilization of the motive power, in whole or in part, of the vehicles being transported, either in single driveway or in combinations of two or more vehicles by use of towbar mechanism, saddle or bolster mount mechanism, or any combinations of the above.

Note: The transportation of new automobiles, trucks, and trailers is usually a Class C-9 movement. The transportation of used automobiles, trucks, and trailers and new or used chassis, bodies and automotive display vehicles is usually a Class D-9 movement. In either case, the operation may be that of a common or contract carrier. When classified as a Class D-9 movement, the scope of the operation is territorial in character and includes the transportation of motor vehicles to, from, and between unlimited points of origin and unlimited points of destination within the territory served by such carrier, over irregular routes, in either direction, outbound, or back haul, or in cross movements.

(10) CARRIERS ENGAGED IN ARMORED TRUCK SERVICE

This group includes motor carriers, either common or contract, which by reason of the commodity transported, i.e., gold, silver, currency, valuable securities, jewels and other property of very high value, use specially constructed armored trucks and provide policy protection to safeguard the commodity while it is being transported and delivered.

It also includes carriers which operate ordinary equipment in the carriage of high value commodities when guards are necessary to accompany the shipment.

Note: This is a highly specialized type of service and is usually confined to larger cities and industrial areas. It is used by financial institutions for the transfer of funds including bullion, currency, valuable securities and jewels from dock to vault, pay rolls to industries, bank to bank, etc. It is frequently performed under a specific contract, although there are some carriers engaged in the service that hold themselves out as common carriers. Where the service is entirely local, the operation may be regarded as local cartage within a municipality. Where routes or territory beyond a municipal area are served, the operation becomes that of an irregular route, radial carrier.

(11) CARRIERS OF BUILDING MATERIALS

This group includes carriers engaged in transporting any commodity which at the time of transportation is, without further processing or manufacture, in a form and condition to be used in the construction, modification or repair of a structure; which is at the time of the transportation intended with reasonable certainty to be so used; and which does not require the use of specialized equipment other than ordinary van or flatbed equipment. The classification does not include bulk sand, gravel, crushed stone or other building materials ordinarily transported in dump trucks.

Some articles can be transported under this classification without specific inquiry by the carrier as to their intended future use, provided the carrier does not at the time of movement have knowledge of an intended use other than as a building material. Such articles include (1) lumber, cut stone, slate, tile, brick, cement in sacks, plaster in sacks, or other similar materials usually transported on flatbed equipment; (2) any commodity designed especially for use in the construction, modification or repair of a structure and having virtually no other use; and (3) any commodity whose predominant use is as a building material.

Commodities having general utility in many lines of work may be transported under this classification providing the carrier affirmatively establishes before shipment that the commodity, at the time of movement is specifically intended, at the immediate or ultimate destination, to be used as a building material.

Note: Usually no special equipment is required, except in the case of the lumber hauler, who uses vehicles equipped with a special unloading device or that of the concrete hauler, who mixes en route. Most building materials can be and are hauled in small lots as general commodities. The movement of these commodities is usually in connection with a construction project, in truck loads, and for comparatively short distances. The transportation of lumber between manufacturing plants and from mill to retail yard is an important service rendered by carriers in this classification.

(12) CARRIERS OF FILMS AND ASSOCIATED COMMODITIES

This group, composed of both common and contract carriers, includes those carriers which are engaged in the transportation of motion-picture and sound-reproducing films, recording, reproducing, and amplifying devices, supplies and accessories for the operation of motion picture theaters or places of exhibition, including the transportation of tickets, advertising matter, displays, and exhibits, such as are found in lobbies of motion picture theaters, and furnishing and supplies necessary in the maintenance and operation of such theaters. This type of operation requires unusual delivery schedules and special personal service.

Note: This group is not authorized to engage in the transportation of general freight unless specifically so authorized in permit.

(13) CARRIERS OF FOREST PRODUCTS

This group includes both common and contract carriers engaged principally in the transportation of forest products, i.e., logs, poles, piling, fence posts, shingle bolts, pulp-wood, and fuel from the forest to processing plants or to market.

Note: In those areas where the timber is large, special truck equipment is required for the transportation of logs. Such equipment includes bunks, reaches, 2- and 4-wheel trailers, special braking arrangements, and other incidental special equipment. Similar equipment is also frequently used in the transportation of poles and piling. Ordinary vehicles are used to transport the other items referred to herein. This group does not include carriers who are engaged in the transportation of rough or finished lumber or processed products derived from raw forest products nor does it include such operations as are grouped under "carriers of building materials."

Note: For definition of short logs see Administrative Ruling No. 6 dated December 30, 1957.

(14) CARRIERS OF MINE ORES NOT INCLUDING COAL

This group comprises both common and contract carriers, engaged principally in the transportation of mining products in the rough, such as iron, copper, or other ores from the mine to the smelter or from the mine to bunkers located on the routes of connecting carriers. It also includes the transportation of products of smelters to refineries or foundries. It does not include coal or coal products or refined or manufactured products of ores which are classified herein under other groupings.

(15) CARRIERS ENGAGED IN RETAIL STORE DELIVERY SERVICE

This group includes carriers who render a specialized delivery service for retail store establishments. This service is usually confined to municipal areas, and where that is the case, may be regarded as a city cartage operation. In some instances, however, the service extends beyond municipal areas and in that case the operation may be classified in accordance with the service rendered.

(16) CARRIERS OF EXPLOSIVES OR DANGEROUS ARTICLES

Carriers of certain explosives or dangerous articles, except liquid petroleum products as described in commodity Group 4, and films as described in commodity Group 12, are those carriers which engage in transporting dangerous, less dangerous, or relatively safe explosives, including nonexplosive materials such as fuses, cartridge cases, dummy cartridges, etc., inflammable oxidizing materials, corrosive liquids, compressed gases, poisonous articles, and other acceptable dangerous articles other than inflammable liquids in tank vehicles.

Note: The transportation of the commodities classed in this group involves unusual hazards and requires special precautions in the matter of safety. The carriage is usually rendered under special agreement but is also rendered by common carriers when the volume of the movement is not sufficient to warrant a contract operation.

(17) CARRIERS OF SPECIFIC COMMODITIES, NOT SUBGROUPED

Throughout the State there are individual truck operators who engage in the transportation of some specific commodity or commodities which do not fall within any of the commodity subgroups included in this classification.

Note: Usually such transportation is carried on in conjunction with a local industry or local situation and is not of sufficient importance to warrant subgrouping. In order to provide, however, for the general classification of such operations, miscellaneous commodity Group 17 has been included in this classification. The specific commodity or commodities transported by carriers who may be classified in this group are shown in the carrier's permit. Commodity Group 17 carriers will be the subject of further study and if need therefor is shown, additional commodity groups will be established from time to time from this miscellaneous group to meet the administrative requirements of the Commission.

(18) CARRIERS OF MILK AND CREAM

This group composed of both common and contract carriers includes those carriers who are engaged in the transportation of milk and cream, primarily from point of production to creameries and primary markets. It includes carriers of milk and cream regardless of the type of vehicle used.

(19) CARRIERS OF LIVESTOCK

The term livestock is defined to include, and carriers of livestock may transport, all cattle, swine, sheep, goats, horses, burros, asses, and mules, except such as are chiefly valuable for breeding, racing, show purposes or other special uses.

Exceptions to and changes in classification

These classifications and groupings are prescribed for general purposes. The operation of individual carriers may fall within more than one grouping, in which event they become subject to the rules and regulations of each group into which they fall.

Any group of carriers, or any carrier member of a group, may, upon proper notice, petition the commission to alter, amend, or otherwise modify any part of this classification or any grouping prescribed herein. Unless exceptions are specifically granted, the general rules and regulations of the commission shall govern.

Emergencies

In case of emergencies or unforeseen conditions over which the motor carrier affected has no control, which require immediate and extraordinary treatment, the commission may, without notice, modify, amend, suspend or vacate any or all classifications or groupings herein prescribed and substitute in lieu thereof such classification groupings or regulations as may be necessary during the period of such emergency.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-12-100 FORWARDERS AND BROKERS.

WSR 88-21-116
PROPOSED RULES
BASIC HEALTH PLAN
[Filed October 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Basic Health Plan intends to adopt, amend, or repeal rules concerning this notice proposes to establish new chapter 55-01 WAC, Washington Basic Health Plan (BHP), and several new sections within that chapter. These rules address the health care benefits to be made available to the public through the BHP, the basis upon which premium charges will be established, and the process whereby individuals may apply for enrollment. Eligibility for enrollment and reasons for disenrollment are also addressed. Procedures for the resolution of disputes are described, as are provisions whereby the administrator may contract with managed health care systems. An additional section defines terms to be used in the rules;

that the agency will at 9:00 a.m., Tuesday, November 22, 1988, in Hearing Room B, House Office 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 December 1, 1988.

The authority under which these rules are proposed is RCW 70.47.050.

The specific statute these rules are intended to implement is chapter 70.47 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before November 22, 1988.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Marc E. Provence
 Director of Operations
 Washington Basic Health Plan
 400 East Union, ER-15
 Olympia, WA 98504
 phone (206) 586-5332

Dated: October 18, 1988

By: Thomas L. Kobler
 Administrator

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 55-01 WAC, Washington Basic Health Plan; includes WAC 55-01-001 Authority, 55-01-010 Definitions, 55-01-020 Schedule of benefits, 55-01-030 Premiums and copayments, 55-01-040 Eligibility, 55-01-050 Enrollment in the plan, 55-01-060 Disenrollment from the plan, 55-01-070 Hearings and grievances and 55-01-080 Contracts with managed health care systems.

Statutory Authority: RCW 70.47.050.

Specific Statute that Rule is Intended to Implement: Chapter 70.47 RCW.

Summary of Rule(s): This notice proposes to establish new chapter 55-01 WAC, Washington Basic Health Plan (BHP), and several new sections within that chapter. These rules address the health care benefits to be made available to the public through the BHP, the basis upon which premium charges will be established, and the process whereby individuals may apply for enrollment. Eligibility for enrollment and reasons for disenrollment are also addressed. Procedures for the resolution of disputes are described, as are provisions whereby the administrator may contract with managed health care systems. An additional section defines terms to be used in the rules.

Reasons Supporting Proposed Rule(s): The Washington Basic Health Plan intends to begin accepting applications for enrollment within the next two months. These rules are necessary in order to establish the basis upon which members of the public may seek to enroll in the BHP and managed health care systems may seek to contract with the BHP.

Agency Personnel Responsible for Drafting: Marc E. Provence, Director of Operations, Washington Basic Health Plan, 400 East Union, ER-15, Olympia, WA 98504, (206) 586-5332; Implementation and Enforcement: Thomas L. Kobler, Administrator, Washington Basic Health Plan, 400 East Union, ER-15, Olympia, WA 98504, (206) 586-5332.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Washington Basic Health Plan.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: The general purpose of these rules is to implement a health plan designed to enroll a limited number of low-income, uninsured residents of the state of Washington in a program of basic health care services provided

through managed health care systems. The Washington Basic Health Plan (hereinafter referred to as "plan") was established by the legislature in 1987 with strict limits to its size and geographic scope, such limits to be removed only by the legislature based on satisfactory evidence derived from program operations. In order to assure the administrator the ability to develop and demonstrate a successful program to the satisfaction of the legislature, flexibility in program design and development is essential. Consequently, these rules are intended to address certain basic components of the program. Further program components will be developed by the plan in the form of policy statements, guidelines, manuals and other appropriate materials. It is expected that these rules will not generate significant expense for those who comply, but will facilitate the enjoyment of basic health care services by members of the public who qualify for enrollment.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: Not applicable.

Chapter 55-01 WAC
 WASHINGTON BASIC HEALTH PLAN

WAC

55-01-001	Authority.
55-01-010	Definitions.
55-01-020	Schedule of benefits.
55-01-030	Premiums and copayments.
55-01-040	Eligibility.
55-01-050	Enrollment in the plan.
55-01-060	Disenrollment from the plan.
55-01-070	Hearings and grievances.
55-01-080	Contracts with managed health care systems.

NEW SECTION

WAC 55-01-001 AUTHORITY. The administrator's authority to promulgate and adopt rules is contained in RCW 70.47.050.

NEW SECTION

WAC 55-01-010 DEFINITIONS. The following definitions apply throughout these rules.

(1) "Administrator" means the Washington basic health plan administrator.

(2) "Certificate of coverage" means a written document issued by the plan to a subscriber which describes the covered services, premiums, grievance procedures and other rights and responsibilities of enrollees. The certificate of coverage issued to a subscriber shall pertain to the subscriber and family dependents.

(3) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a managed health care system, physician, hospital, or other provider of care, or to the plan, when specifically instructed to do so by the plan, for covered services provided to the enrollee.

(4) "Covered services" means those services and benefits to which an enrollee is entitled, under the certificate of coverage issued by the plan to the enrollee (or to a subscriber on behalf of the enrollee), in exchange for payment of premium and applicable copayments.

(5) "Dependent child" means a subscriber's unmarried natural child, stepchild, or legally adopted child, who

is either (a) younger than age nineteen, or (b) younger than age twenty-three and (i) is a full-time student at an educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on, or (ii) is pursuing a full-time course of institutional on-farm

training under the supervision of an educational organization described in WAC 55-01-010 (5)(b)(i).

(6) "Enrollee" means any subscriber or family dependent who is enrolled in the plan.

(7) "Family" means an individual subscriber or an individual subscriber and the subscriber's spouse, if not legally separated, and the subscriber's dependent children.

(8) "Family dependent" means a subscriber's spouse, if not legally separated, or a subscriber's dependent child, who meets all eligibility requirements, is enrolled in the plan, and for whom the applicable premium has been paid.

(9) "Grievance procedure" means the formal process for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction. "Grievance" means a problem or concern presented for resolution through a grievance procedure.

(10) "Gross family income" means the total income of all members of an enrollee's family, regardless of whether those family members enroll in the plan. For purposes of this definition, "income" includes but is not limited to wages and salaries, net income from rentals or self-employment, tips, interest income, dividends, royalties, pensions, and Social Security benefits. For purposes of this definition, "income" shall not include income of dependent children, nor shall it include income of a family member who resides in another household when such income is not available to those family members seeking enrollment in the plan.

(11) "Managed health care system" (or "MHCS") means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

(12) "Medicare" means programs established by Title XVIII of public law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(13) "Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their membership from one participating managed health care system to another. There shall be at least one open enrollment period of at least twenty consecutive days, at least once annually, in each site served by the plan.

(14) "Participating," when referring to a managed health care system, means one that has entered into a contract with the plan to provide covered services to enrollees. When referring to a health care provider, "Participating" means one who has entered into a contract with a participating managed health care system to provide covered services to enrollees.

(15) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which a subscriber makes to the plan on behalf of the subscriber and family dependents in consideration for enrollment in the plan.

(16) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the State of Washington.

(17) "Rate" means the per capita amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of enrollees in the plan and in that MHCS.

(18) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which enrollees shall be entitled to receive from participating managed health care systems.

(19) "Service area" means the geographic area served by a participating managed health care system as defined in its contract with the plan.

(20) "Site" means a geographic area designated by the plan in which one or more participating managed health care systems are offered to enrollees for selection.

(21) "Subscriber" means a person who meets all eligibility requirements, is enrolled in the plan, and for whom the applicable premium has been paid.

(22) "Subsidy" means the difference between the rate paid by the administrator, from funds appropriated from the basic health plan trust account, to a managed health care system on behalf of an enrollee and the enrollee's premium responsibility.

(23) "Washington Basic Health Plan" or "plan" means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the plan administrator through participating managed health care systems, created by chapter 70.47 RCW.

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

NEW SECTION

WAC 55-01-020 SCHEDULE OF BENEFITS. (1) The administrator shall design and from time to time revise a schedule of benefits which shall include such physician services, inpatient and outpatient hospital services, proven preventive and primary care services, all services necessary for prenatal, postnatal and well-child care, and other services as determined by the administrator to be necessary for basic health care and which enrollees shall receive in return for premium payments to the plan and payment of required copayments. The schedule of benefits may include copayments, limitations and exclusions which the administrator determines are appropriate and consistent with the goals and objectives of the plan.

(2) In designing and revising the schedule of benefits, the administrator will consider the effects of particular benefits, copayments, limitations and exclusions on access to necessary basic health care services, as well as the cost to the enrollees and to the state, and will also consider generally accepted practices of the health insurance and managed health care industries.

(3) Prior to enrolling in the plan, each applicant will be given a complete written description of covered benefits, including all copayments, limitations and exclusions. Enrollees will also be given information on the services, providers, facilities, hours of operation, and other information descriptive of the managed health care system(s) available to enrollees in a given site.

(4) Enrollees will be given at least thirty days prior written notice by the plan of any planned revisions to the benefit package and the accompanying premiums. For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan. The administrator will make available a separate schedule of benefits for children, eighteen years of age and younger, for those who choose to enroll only their dependent children in the plan.

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

NEW SECTION

WAC 55-01-030 PREMIUMS AND COPAYMENTS. (1) Each subscriber shall be responsible for paying a monthly premium to the plan, on behalf of the subscriber and all family dependents, according to a premium schedule to be provided by the plan at the time the subscriber is enrolled by the plan. The amount of premium payable by any subscriber will be based upon the subscriber's gross family income and rates payable to participating managed health care systems, and may vary with the number and ages of individuals enrolled from a given family. Premium amounts payable shall be a monthly dollar payment or a percentage of the total rate payable by the plan. A description of the premium schedule and an estimate of amounts due will accompany the benefits description and application for enrollment provided to applicants.

(2) Based on the information provided by an enrollee on the application for enrollment, and any other information obtained by the plan, the enrollee will be informed of the premium amount due. The plan will notify enrollees in writing at least thirty days prior to any revisions to the premium schedule or to the premium amounts payable to the plan. For purposes of this provision, notice shall be deemed complete upon depositing the written revisions in the United States mail, first class postage paid, directed to the enrollee at the enrollee's last mailing address on file with the plan.

(3) Once the plan has determined that a subscriber and members of the subscriber's family (if any) are eligible for enrollment, the plan will bill the subscriber for the family's first month's premium. The subscriber and family members will not be eligible to receive covered services on the effective date of coverage specified by the plan until the premium bill is paid in full by the due date specified on the bill.

Thereafter, the plan will bill each subscriber monthly, and the subscriber shall be responsible for payment of the billed amount in full by the date specified on the bill.

(4) Premium bills must be paid in full by the date specified on the bill. Payment may be made in person at the plan's administrative office in Olympia, Washington, or by mail to the address specified on the bill. If the plan does not receive payment in full of a premium bill by 5:00 p.m. on the date specified on the bill, the plan shall issue a notice of delinquency to the subscriber, requiring payment in full by a date not less than ten days from the date of the notice. If full payment is not received by the date specified in the delinquency notice, the subscriber and enrolled family members will be disenrolled effective the first day of the month following the last month for which full premium payment was received by the plan. Partial payment of premiums due will be regarded as non-payment. The plan may disenroll a subscriber and enrolled family members in the event that the subscriber receives more than two delinquency notices in a twelve-month period.

(5) Enrollees shall be responsible for paying any required copayment directly to the provider of a covered service, unless the enrollee has been instructed by his or her managed health care system or the plan to make payment to another party. Copayments must be paid in full by the enrollee at the time of service. Failure to pay a required copayment in full at the time of service may result in the denial or rescheduling of that service by the managed health care system.

NEW SECTION

WAC 55-01-040 ELIGIBILITY. (1) To be eligible for enrollment in the plan, an individual must:

- (a) Be under age sixty-five;
- (b) Not be eligible for Medicare;
- (c) Reside within the service area of a participating managed health care system; and
- (d) Have a gross family income at the time of enrollment that does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the Federal Department of Health and Human Services.

Persons not meeting all of these criteria, as evidenced by information submitted on the application for enrollment or otherwise obtained by the plan, will not be enrolled. An enrollee who subsequently fails to meet all of the criteria will be disenrolled from the plan in accordance with procedures established by the administrator—except that an enrollee whose gross family income exceeds twice the federal poverty level may continue as an enrollee for up to six months, provided all other criteria are met and provided that the enrollee pays a monthly premium equal to the rate stated in the contract between the plan and the participating managed health care system selected by the enrollee.

(2) An individual otherwise eligible for enrollment in the plan may be denied enrollment if the administrator has determined that acceptance of additional enrollment in a given service area would exceed limits established by the legislature, would jeopardize the orderly development of the plan in that service area, or would result in an over-expenditure of plan funds. In the event that the administrator closes enrollment in a given service area, the plan will continue to accept applications for enrollment, but will not process those applications for determination of eligibility. The plan will place the names of applicants on a waiting list in the order in which applications are received, and will so notify the applicants. In the event that enrollment is reopened by the administrator, applicants whose names appear on the waiting list will be notified by the plan of the opportunity to enroll; provided that the plan may require new application forms and documentation from applicants on the waiting list, or may contact applicants to verify continued interest in applying, prior to determining their eligibility.

NEW SECTION

WAC 55-01-050 ENROLLMENT IN THE PLAN. (1) Any individual may apply for enrollment in the plan by completing and submitting the plan's application for enrollment. Applications for enrollment of children under the age of eighteen must be signed by the child's parent or legal guardian, who shall also be held responsible by the plan for payment of premiums due on behalf of the child.

(2) Each applicant shall complete and sign the application for enrollment, listing family members to be enrolled and supplying such other information as required by the plan. (a) Documentation will be required, showing the amount and sources of applicants' income for the most recent complete calendar month as of the date of application.

Applicants will also be required to submit a copy of their most recent federal income tax form. Income documentation shall be required for all income-earning family members, including those not applying for enrollment, except for family members who reside in another household, whose income is not available to the family seeking enrollment, and dependent children. (b) Documentation of residence shall also be required, displaying the applicant's name and address. (c) The plan may request additional information from applicants for purposes of establishing or verifying eligibility, premium responsibility or managed health care system selection. (d) Submission of incomplete or inaccurate information may delay or prevent an applicant's enrollment in the plan. Intentional submission of false information may result in disenrollment of the applicant and all enrolled family members, retroactive to the date upon which coverage began.

(3) Each family applying for enrollment must designate a participating managed health care system from which all enrolled family members will receive covered services. All applicants from the same family must receive covered services from the same managed health care system. No applicant will be enrolled for whom designation of a participating managed health care system has not been made as part of the application for enrollment. The administrator will establish procedures for the selection of managed health care systems, which will include conditions under which an enrollee may change from one managed health care system to another. Such procedures will allow enrollees to change from one managed health care system to another during open enrollment, or otherwise upon showing of good cause for the transfer.

(4) Except as provided in WAC 55-01-040(2), applications for enrollment will be reviewed by the plan within thirty days of receipt and those applicants satisfying the eligibility criteria and who have provided all required information, documentation and premium payments will be notified of the date upon which they may begin receiving covered services from the plan.

(5) Eligible applicants will be enrolled in the plan in the order in which their completed applications, including all required documentation, have been received by the plan. For purposes of this section, an application will not be considered completed until the applicant has remitted full payment of the first premium bill to the plan.

(6) Not all family members are required to apply for enrollment in the plan; however, any family member for whom application for enrollment is not made at the same time that other family members apply may not subsequently enroll as a family dependent until the next open enrollment period available to that family member. Eligible newborn and newly adopted children may be enrolled effective from the date of birth or adoption, provided that application for enrollment is submitted to the plan within thirty days of the date of birth or adoption. A newly acquired spouse of an enrollee may apply for enrollment within thirty days of the date of marriage and, if found eligible by the plan, will be enrolled on the first of a month following completion of the enrollment process by the plan, provided that the addition of the spouse does not otherwise render the family ineligible for coverage by the plan.

(7) Any enrollee who disenrolls from the plan for reasons other than (a) ineligibility due to an increase in gross family income or (a) coverage by another health care benefits program may not re-enroll in the plan for a period of twelve months from the effective date of disenrollment. An enrollee who disenrolls because of ineligibility due to an increase in gross family income may re-enroll in the event that gross family income subsequently falls to a level which qualifies the enrollee for eligibility. An enrollee who disenrolls because of coverage by another health care benefits program may re-enroll in the event that the enrollee becomes ineligible for such other coverage, provided that the enrollee has been continuously covered since the date of disenrollment from the plan, and provides documentation of such continuous coverage to the plan. Before any person shall be re-enrolled in the plan, that person must complete a new application for enrollment and must be determined by the plan to be otherwise eligible for enrollment as of the date of application.

(8) Once once every six months, the plan will request verification of information from enrollees, which may include a request to complete a new application form and submit required documentation. The plan may request information more frequently from an enrollee for the purpose of verifying eligibility if the plan has good cause to believe that the enrollee's income, residence, family size or other eligibility criteria may have changed since the date on which information was last received by the plan. Enrollees shall be given at least twenty days from the date of any such information request to respond to the request.

Failure to comply within the time designated in any information request shall result in a second request from the plan. Failure to respond within the time designated in any second request for information may result in disenrollment of the enrollee. Each enrollee is responsible for notifying the plan within thirty days of any changes which could affect the enrollee's eligibility or premium responsibility.

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

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

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

NEW SECTION

WAC 55-01-060 DISENROLLMENT FROM THE PLAN. (1) An enrollee may disenroll effective the first day of any month by giving the plan at least ten days prior written notice of the intention to disenroll. Re-enrollment in the plan shall be subject to the provisions of WAC 55-01-050(7). The administrator shall also establish procedures for notice by an enrollee of a disenrollment decision, including the date upon which disenrollment shall become effective. Nonpayment of premium by an enrollee shall be considered an indication of the enrollee's intention to disenroll from the plan.

(2) Bases for disenrollment of an enrollee by the plan may include, but shall not be limited to, the following: loss of eligibility; nonpayment of premium; repeated failure to pay copayments in full on a timely basis; fraud or abuse; intentional misconduct; and refusal to accept or follow procedures or treatment determined by a participating provider to be essential to the health of the enrollee, where the managed health care system demonstrates to the satisfaction of the administrator that no professionally acceptable alternative exists, and the enrollee has been so advised. The plan shall provide enrollees with advance written notice of its intent to disenroll the enrollee. Such notice shall specify an effective date of disenrollment, which shall be mailed at least ten days from the date of the notice, and shall describe the procedures for disenrollment, including the enrollee's right to appeal the disenrollment decision through the plan's grievance procedure, as set forth in WAC 55-01-070(3). Prior to the effective date specified, if the enrollee submits a grievance to the plan contesting the disenrollment decision, as provided in WAC 55-01-070(3), disenrollment shall not become effective until the date, if any, established as a result of the plan's grievance procedure, provided that the enrollee otherwise remains eligible and continues to make all premium payments when due. If the decision reached through the grievance procedure is adverse to the enrollee, the enrollee may request a hearing as set forth in WAC 55-01-070(3).

(3) Any applicant for enrollment in the plan who knowingly provides false information to the plan or to a participating managed health care system may be disenrolled by the plan and may be held financially responsible for any covered services obtained from the plan. The administrator may apply other available remedies as well.

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

NEW SECTION

WAC 55-01-070 HEARINGS AND GRIEVANCES. The plan will develop procedures for the expeditious resolution of enrollees' grievances, and will require participating managed health care systems to do the same.

(1) If an enrollee has a grievance pertaining to a managed health care system, the enrollee shall exhaust the managed health care system's grievance procedure prior to requesting consideration of the grievance by the plan. The managed health care system's grievance procedure shall provide for expeditious resolution by managed health care system personnel with authority to require corrective action. There shall be a written reply from the managed health care system stating either the decision and its basis, or the reasons for failure to reach a decision, within thirty days of receipt of the written grievance. An enrollee has the right to request consideration of the grievance by the administrator if the decision is adverse or if written decision is not

received within thirty days from the date the managed health care system received the written grievance. In cases where a managed health care system denies medical services an enrollee believes are urgently needed, the enrollee may file a grievance simultaneously with the managed health care system and the plan.

(2) If an enrollee has a grievance pertaining to the plan, the enrollee may submit the grievance to the plan for resolution by the plan's grievance procedure. A written description of the plan's grievance procedure will be provided to the enrollee upon enrollment, or at any time upon request. The plan's grievance procedure shall provide for resolution of the grievance within thirty days of receipt of complete information describing the grievance and its basis.

(3) An enrollee who is involuntarily disenrolled by the plan may contest the disenrollment by submitting a grievance to the plan, within ten days of the notice of, for disenrollment resolution by the plan's grievance procedure. The plan shall issue a decision within thirty days of receiving the grievance.

(4) An individual whose application for enrollment in the plan is denied may contest the denial of enrollment by submitting a grievance to the plan, within ten days of the notice by the plan of such denial, for resolution by the plan's grievance procedure. The plan shall issue a disposition within thirty days of receiving the grievance.

(5) If the plan's decision resulting from its grievance procedure is adverse to an enrollee or applicant, he or she may, within fifteen days of receiving notice of the grievance decision, request a hearing under chapters 34.04 and 34.12 RCW in order to contest the plan's decision.

(6) A managed health care system may contest the denial of payment for coverage of an enrollee, within fifteen days of denial of payment, through a hearing under chapters 34.04 and 34.12 RCW.

NEW SECTION

WAC 55-01-080 CONTRACTS WITH MANAGED HEALTH CARE SYSTEMS. (1) The administrator may enter into a contract with any managed health care system which, in the opinion of the administrator, qualifies for participation in the plan. The administrator shall establish, and may from time to time revise, minimum standards to be satisfied by participating managed health care systems.

(2) No managed health care system may participate in the plan without entering into a written contract with the plan.

(3) The administrator shall develop procedures for the resolution of disputes between the plan and a managed health care system which will be set forth in the contract between the plan and the managed health care system.

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 = Readoption 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.

WAC #	REP-P	WSR #	WAC #	REP-P	WSR #	WAC #	NEW-P	WSR #
4-08-010	REP-P	88-17-078	4-08-540	REP-P	88-17-078	16-156-030	NEW-P	88-04-073
4-08-030	REP-P	88-17-078	4-08-550	REP-P	88-17-078	16-156-030	NEW	88-07-024
4-08-040	REP-P	88-17-078	4-08-560	REP-P	88-17-078	16-156-040	NEW-P	88-04-073
4-08-050	REP-P	88-17-078	4-08-570	REP-P	88-17-078	16-156-040	NEW	88-07-024
4-08-060	REP-P	88-17-078	4-08-580	REP-P	88-17-078	16-156-050	NEW-P	88-04-073
4-08-070	REP-P	88-17-078	4-08-590	REP-P	88-17-078	16-156-050	NEW	88-07-024
4-08-080	REP-P	88-17-078	4-25-142	NEW	88-05-015	16-156-060	NEW-P	88-04-073
4-08-090	REP-P	88-17-078	4-25-181	REP	88-06-021	16-156-060	NEW	88-07-024
4-08-100	REP-P	88-17-078	4-25-190	NEW	88-06-021	16-228-003	REP-P	88-09-077
4-08-110	REP-P	88-17-078	16-28-010	REP	88-05-003	16-228-003	REP	88-14-074
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4-08-170	REP-P	88-17-078	16-28-069	REP	88-05-003	16-228-160	AMD	88-14-074
4-08-180	REP-P	88-17-078	16-28-070	REP	88-05-003	16-228-165	AMD-P	88-09-077
4-08-190	REP-P	88-17-078	16-28-080	REP	88-05-003	16-228-165	AMD	88-14-074
4-08-200	REP-P	88-17-078	16-28-090	REP	88-05-003	16-228-185	AMD-P	88-09-077
4-08-210	REP-P	88-17-078	16-30	AMD	88-05-003	16-228-185	AMD	88-14-074
4-08-220	REP-P	88-17-078	16-30-010	AMD	88-05-003	16-228-190	AMD-P	88-09-077
4-08-230	REP-P	88-17-078	16-30-020	AMD	88-05-003	16-228-190	AMD	88-14-074
4-08-240	REP-P	88-17-078	16-30-030	AMD	88-05-003	16-228-210	AMD-P	88-09-077
4-08-250	REP-P	88-17-078	16-30-040	AMD	88-05-003	16-228-210	AMD	88-14-074
4-08-260	REP-P	88-17-078	16-30-050	AMD	88-05-003	16-228-215	AMD-P	88-09-077
4-08-270	REP-P	88-17-078	16-30-060	AMD	88-05-003	16-228-215	AMD	88-14-074
4-08-280	REP-P	88-17-078	16-30-070	AMD	88-05-003	16-228-220	AMD-P	88-09-077
4-08-290	REP-P	88-17-078	16-30-080	AMD	88-05-003	16-228-220	AMD	88-14-074
4-08-300	REP-P	88-17-078	16-30-090	AMD	88-05-003	16-228-222	NEW-P	88-09-077
4-08-310	REP-P	88-17-078	16-42-005	AMD-P	88-21-077	16-228-227	NEW-P	88-09-077
4-08-320	REP-P	88-17-078	16-42-017	AMD-P	88-21-077	16-228-227	NEW	88-14-074
4-08-330	REP-P	88-17-078	16-42-022	AMD-P	88-21-077	16-228-228	NEW-P	88-09-077
4-08-340	REP-P	88-17-078	16-42-025	AMD-P	88-21-077	16-228-232	NEW-P	88-09-077
4-08-350	REP-P	88-17-078	16-42-027	NEW-P	88-21-077	16-228-232	NEW	88-14-074
4-08-360	REP-P	88-17-078	16-42-029	NEW-P	88-21-077	16-228-400	NEW-E	88-07-033
4-08-370	REP-P	88-17-078	16-42-035	AMD-P	88-21-077	16-228-410	NEW-E	88-07-033
4-08-380	REP-P	88-17-078	16-42-070	NEW-P	88-21-077	16-228-420	NEW-E	88-07-033
4-08-390	REP-P	88-17-078	16-42-080	NEW-P	88-21-077	16-228-430	NEW-E	88-07-033
4-08-400	REP-P	88-17-078	16-42-090	NEW-P	88-21-077	16-228-440	NEW-E	88-07-033
4-08-410	REP-P	88-17-078	16-54-010	AMD	88-05-003	16-228-450	NEW-E	88-07-033
4-08-420	REP-P	88-17-078	16-54-082	AMD	88-05-003	16-228-460	NEW-E	88-07-033
4-08-430	REP-P	88-17-078	16-86-015	AMD	88-05-003	16-228-470	NEW-E	88-07-033
4-08-440	REP-P	88-17-078	16-86-030	AMD	88-05-003	16-228-480	NEW-E	88-07-033
4-08-450	REP-P	88-17-078	16-86-095	AMD	88-05-003	16-228-490	NEW-E	88-07-033
4-08-460	REP-P	88-17-078	16-156-001	NEW-P	88-04-073	16-228-500	NEW-E	88-07-033
4-08-470	REP-P	88-17-078	16-156-001	NEW	88-07-024	16-228-510	NEW-E	88-07-033
4-08-480	REP-P	88-17-078	16-156-005	NEW-P	88-04-073	16-228-520	NEW-E	88-07-033
4-08-490	REP-P	88-17-078	16-156-005	NEW	88-07-024	16-228-600	NEW-E	88-13-025
4-08-500	REP-P	88-17-078	16-156-010	NEW-P	88-04-073	16-228-600	NEW-P	88-17-121
4-08-510	REP-P	88-17-078	16-156-010	NEW	88-07-024	16-228-600	NEW-E	88-19-051
4-08-520	REP-P	88-17-078	16-156-020	NEW-P	88-04-073	16-228-600	NEW	88-21-098
4-08-530	REP-P	88-17-078	16-156-020	NEW	88-07-024	16-230-010	AMD-P	88-17-121

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-230-010	AMD	88-21-098	16-232-040	REP-E	88-07-038	16-403-180	AMD	88-14-128
16-230-030	AMD-P	88-05-055	16-232-040	REP	88-09-013	16-403-190	AMD-P	88-11-068
16-230-030	AMD	88-08-050	16-232-130	REP-P	88-06-071	16-403-190	AMD	88-14-128
16-230-030	AMD-P	88-17-121	16-232-130	REP-E	88-07-038	16-403-195	AMD-P	88-11-068
16-230-030	AMD	88-21-098	16-232-130	REP	88-09-013	16-403-195	AMD	88-14-128
16-230-075	AMD-P	88-17-121	16-232-230	REP-P	88-06-071	16-403-280	AMD-P	88-11-068
16-230-075	AMD	88-21-098	16-232-230	REP-E	88-07-038	16-403-280	AMD	88-14-128
16-230-076	AMD-P	88-17-121	16-232-230	REP	88-09-013	16-436-100	AMD-P	88-08-071
16-230-076	AMD	88-21-098	16-232-320	REP-P	88-06-071	16-436-100	AMD	88-11-048
16-230-078	AMD-P	88-17-121	16-232-320	REP-E	88-07-038	16-436-110	AMD-P	88-08-071
16-230-078	AMD	88-21-098	16-232-320	REP	88-09-013	16-436-110	AMD	88-11-048
16-230-079	NEW-P	88-05-055	16-232-400	NEW-E	88-17-079	16-436-140	AMD-P	88-08-071
16-230-079	NEW	88-08-050	16-232-400	REP-E	88-21-030	16-436-140	AMD	88-11-048
16-230-475	NEW-P	88-06-071	16-232-410	NEW-E	88-17-079	16-436-160	AMD-P	88-08-071
16-230-475	NEW-E	88-07-038	16-232-410	REP-E	88-21-030	16-436-160	AMD	88-11-048
16-230-475	NEW	88-09-013	16-232-420	NEW-E	88-17-079	16-436-165	NEW-P	88-08-071
16-230-640	AMD	88-05-033	16-232-420	REP-E	88-21-030	16-436-165	NEW	88-11-048
16-230-655	AMD	88-05-033	16-232-430	NEW-E	88-17-079	16-436-170	AMD-P	88-08-071
16-231-015	AMD	88-05-033	16-232-430	REP-E	88-21-030	16-436-170	AMD	88-11-048
16-231-020	AMD	88-05-033	16-232-440	NEW-E	88-21-030	16-436-185	AMD-P	88-08-071
16-231-035	REP-P	88-06-071	16-232-450	NEW-E	88-21-030	16-436-185	AMD	88-11-048
16-231-035	REP-E	88-07-038	16-232-460	NEW-E	88-21-030	16-436-190	AMD-P	88-08-071
16-231-035	REP	88-09-013	16-232-470	NEW-E	88-21-030	16-436-190	AMD	88-11-048
16-231-115	AMD	88-05-033	16-232-950	NEW-P	88-06-071	16-436-220	AMD-P	88-08-071
16-231-119	NEW	88-05-033	16-232-950	NEW-E	88-07-038	16-436-220	AMD	88-11-048
16-231-125	AMD	88-05-033	16-232-950	NEW	88-09-013	16-470-010	AMD-E	88-12-082
16-231-130	AMD-P	88-06-071	16-304-040	AMD-P	88-07-114	16-470-010	AMD-P	88-12-083
16-231-130	AMD-E	88-07-038	16-304-040	AMD	88-11-042	16-470-010	AMD	88-16-016
16-231-130	AMD	88-09-013	16-304-050	AMD-P	88-07-114	16-470-015	AMD-E	88-12-082
16-231-145	AMD-P	88-06-071	16-304-050	AMD	88-11-042	16-470-015	AMD-P	88-12-083
16-231-145	AMD-E	88-07-038	16-304-110	AMD-P	88-07-114	16-470-015	AMD	88-16-016
16-231-145	AMD	88-09-013	16-304-110	AMD	88-11-042	16-470-015	AMD	88-12-083
16-231-150	REP-P	88-06-071	16-304-130	AMD-P	88-07-114	16-470-600	NEW-E	88-09-002
16-231-150	REP-E	88-07-038	16-304-130	AMD	88-11-042	16-470-600	NEW-P	88-12-083
16-231-150	REP	88-09-013	16-316-0401	REP-P	88-07-114	16-470-600	NEW	88-16-016
16-231-225	AMD	88-05-033	16-316-0401	REP	88-11-042	16-470-605	NEW-E	88-09-002
16-231-240	REP-P	88-06-071	16-316-0451	REP-P	88-07-114	16-470-605	NEW-E	88-12-082
16-231-240	REP-E	88-07-038	16-316-0451	REP	88-11-042	16-470-605	NEW-P	88-12-083
16-231-240	REP	88-09-013	16-316-0501	REP-P	88-07-114	16-470-605	NEW	88-16-016
16-231-345	REP-P	88-06-071	16-316-0501	REP	88-11-042	16-470-610	NEW-E	88-09-002
16-231-345	REP-E	88-07-038	16-316-0551	REP-P	88-07-114	16-470-610	NEW-E	88-12-082
16-231-345	REP	88-09-013	16-316-0551	REP	88-11-042	16-470-610	NEW-P	88-12-083
16-231-430	REP-P	88-06-071	16-316-0601	REP-P	88-07-114	16-470-610	NEW	88-16-016
16-231-430	REP-E	88-07-038	16-316-0601	REP	88-11-042	16-470-615	NEW-E	88-09-002
16-231-430	REP	88-09-013	16-316-195	AMD-P	88-07-114	16-470-615	NEW-E	88-12-082
16-231-535	REP-P	88-06-071	16-316-195	AMD	88-11-042	16-470-615	NEW-P	88-12-083
16-231-535	REP-E	88-07-038	16-316-230	AMD-P	88-07-114	16-470-615	NEW	88-16-016
16-231-535	REP	88-09-013	16-316-230	AMD	88-11-042	16-470-620	NEW-E	88-09-002
16-231-625	REP-P	88-06-071	16-316-315	AMD-P	88-07-114	16-470-620	NEW-E	88-12-082
16-231-625	REP-E	88-07-038	16-316-315	AMD	88-11-042	16-470-620	NEW-P	88-12-083
16-231-625	REP	88-09-013	16-316-350	AMD-P	88-07-114	16-470-620	NEW	88-16-016
16-231-730	REP-P	88-06-071	16-316-350	AMD	88-11-042	16-470-625	NEW-E	88-12-082
16-231-730	REP-E	88-07-038	16-316-370	AMD-P	88-07-114	16-470-625	NEW-P	88-12-083
16-231-730	REP	88-09-013	16-316-370	AMD	88-11-042	16-470-625	NEW	88-16-016
16-231-845	REP-P	88-06-071	16-316-525	AMD-P	88-07-114	16-470-630	NEW-E	88-12-082
16-231-845	REP-E	88-07-038	16-316-525	AMD	88-11-042	16-470-630	NEW-P	88-12-083
16-231-845	REP	88-09-013	16-316-717	AMD-P	88-07-114	16-470-630	NEW	88-16-016
16-231-912	AMD	88-05-033	16-316-719	AMD-P	88-07-114	16-470-635	NEW-E	88-12-082
16-231-940	REP-P	88-06-071	16-316-724	AMD-P	88-07-114	16-470-635	NEW-P	88-12-083
16-231-940	REP-E	88-07-038	16-316-724	AMD	88-11-042	16-470-635	NEW	88-16-016
16-231-940	REP	88-09-013	16-316-727	AMD-P	88-07-114	16-488-025	AMD-P	88-13-081
16-231-950	NEW-P	88-06-071	16-316-800	AMD-P	88-07-114	16-488-025	AMD	88-17-014
16-231-950	NEW-E	88-07-038	16-316-800	AMD	88-11-042	16-495-085	AMD-P	88-07-114
16-231-950	NEW	88-09-013	16-316-820	AMD-P	88-07-114	16-495-085	AMD	88-11-042
16-232-010	AMD	88-05-033	16-316-820	AMD	88-11-042	16-528-040	AMD	88-09-019
16-232-015	AMD	88-05-033	16-316-830	AMD-P	88-07-114	16-528-210	AMD-P	88-08-061
16-232-015	AMD-E	88-15-048	16-316-830	AMD	88-11-042	16-528-210	AMD	88-12-019
16-232-015	AMD-P	88-17-121	16-316-832	AMD-P	88-07-114	16-530-040	AMD	88-09-018
16-232-015	AMD	88-21-098	16-316-832	AMD	88-11-042	16-532-020	AMD-P	88-18-073
16-232-020	AMD	88-05-033	16-316-880	AMD-P	88-07-114	16-532-035	NEW-P	88-18-073
16-232-025	AMD	88-05-033	16-316-880	AMD	88-11-042	16-532-120	AMD-P	88-10-034
16-232-027	NEW	88-05-033	16-403-140	AMD-P	88-11-068	16-532-120	AMD	88-13-050
16-232-035	AMD-P	88-06-071	16-403-140	AMD	88-14-128	16-570-040	NEW-P	88-04-072
16-232-035	AMD-E	88-07-038	16-403-142	NEW-P	88-11-068	16-570-040	NEW	88-07-071
16-232-035	AMD	88-09-013	16-403-142	NEW	88-14-128	16-602-005	NEW-P	88-03-058
16-232-038	AMD	88-05-033	16-403-155	AMD-P	88-14-127	16-602-005	NEW	88-07-018
16-232-040	REP-P	88-06-071	16-403-180	AMD-P	88-11-068	16-602-010	AMD-P	88-03-058

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-602-010	AMD	88-07-018	25-48-030	AMD-P	88-18-091	51-16-030	AMD-P	88-20-070
16-602-020	AMD-P	88-03-058	25-48-050	AMD-P	88-18-091	51-16-040	AMD-P	88-14-077
16-602-020	AMD	88-07-018	25-48-060	AMD-P	88-18-091	51-16-050	AMD-P	88-14-077
16-602-030	AMD-P	88-03-058	25-48-085	NEW-P	88-18-091	51-16-060	AMD-P	88-14-077
16-602-030	AMD	88-07-018	25-48-090	AMD-P	88-18-091	51-16-070	AMD-P	88-14-077
16-620-240	AMD-P	88-07-096	25-48-100	AMD-P	88-18-091	51-16-080	AMD-P	88-14-077
16-620-240	AMD	88-12-036	25-48-105	AMD-P	88-18-091	51-16-090	AMD-P	88-14-077
16-620-260	AMD-P	88-07-096	25-48-108	NEW-P	88-18-091	51-16-100	NEW-P	88-14-077
16-620-260	AMD	88-12-036	25-48-120	AMD-P	88-18-091	55-01	NEW-C	88-18-050
16-620-265	REP-P	88-07-096	25-48-125	NEW-P	88-18-091	55-01	NEW-C	88-19-057
16-620-265	REP	88-12-036	34-02-010	AMD-P	88-16-030	55-01-001	NEW-P	88-15-073
16-694-001	AMD-P	88-20-068	34-02-010	AMD	88-21-003	55-01-001	NEW-P	88-21-116
16-694-010	NEW-P	88-20-068	34-04-120	AMD-P	88-16-030	55-01-010	NEW-P	88-15-073
16-750-001	NEW-P	88-03-057	34-04-120	AMD	88-21-003	55-01-010	NEW-P	88-21-116
16-750-001	NEW-E	88-03-059	44-10-035	NEW-P	88-13-088	55-01-020	NEW-P	88-15-073
16-750-001	NEW	88-07-016	44-10-035	NEW	88-19-064	55-01-020	NEW-P	88-21-116
16-750-003	NEW-E	88-13-007	44-10-040	NEW	88-04-081	55-01-030	NEW-P	88-15-073
16-750-003	NEW-P	88-13-049	44-10-050	AMD	88-04-081	55-01-030	NEW-P	88-21-116
16-750-003	NEW	88-18-001	44-10-055	NEW	88-04-081	55-01-040	NEW-P	88-15-073
16-750-003	NEW-E	88-18-002	44-10-060	NEW	88-04-081	55-01-040	NEW-P	88-21-116
16-750-004	NEW-E	88-13-007	44-10-070	NEW	88-04-081	55-01-050	NEW-P	88-15-073
16-750-004	NEW-P	88-13-049	44-10-080	NEW	88-04-081	55-01-050	NEW-P	88-21-116
16-750-004	NEW	88-18-001	44-10-110	NEW	88-04-081	55-01-060	NEW-P	88-15-073
16-750-004	NEW-E	88-18-002	44-10-130	NEW	88-04-081	55-01-060	NEW-P	88-21-116
16-750-005	NEW-P	88-03-057	44-10-160	NEW	88-04-081	55-01-070	NEW-P	88-15-073
16-750-005	NEW-E	88-03-059	44-10-165	NEW-P	88-04-078	55-01-070	NEW-P	88-21-116
16-750-005	NEW	88-07-016	44-10-165	NEW-E	88-04-079	55-01-080	NEW-P	88-15-073
16-750-005	AMD-P	88-20-065	44-10-165	NEW	88-09-063	55-01-080	NEW-P	88-21-116
16-750-010	REP-P	88-03-057	44-10-165	NEW-E	88-09-065	67-10-020	AMD-P	88-04-016
16-750-010	REP-E	88-03-059	44-10-180	NEW	88-04-081	67-10-020	AMD	88-09-006
16-750-010	REP	88-07-016	44-10-200	NEW	88-04-081	67-10-030	AMD-P	88-04-016
16-750-011	NEW-P	88-03-057	44-10-210	NEW	88-04-081	67-10-030	AMD	88-09-006
16-750-011	NEW-E	88-03-059	44-10-215	NEW-P	88-03-063	67-10-040	AMD-P	88-04-016
16-750-011	NEW	88-07-016	44-10-215	NEW-E	88-03-064	67-10-040	AMD	88-09-006
16-750-011	AMD-E	88-13-007	44-10-215	NEW	88-09-064	67-10-060	AMD-P	88-04-016
16-750-011	AMD-P	88-13-049	44-10-215	NEW-E	88-09-065	67-10-060	AMD	88-09-006
16-750-011	AMD	88-18-001	44-10-220	NEW-P	88-03-063	67-25-120	AMD-P	88-04-016
16-750-011	AMD-E	88-18-002	44-10-220	NEW-E	88-03-064	67-25-120	AMD	88-09-006
16-750-011	AMD-P	88-20-065	44-10-220	NEW-P	88-09-062	67-25-400	AMD-P	88-04-016
16-750-015	NEW-P	88-03-057	44-10-220	NEW-E	88-09-065	67-25-400	AMD	88-09-006
16-750-015	NEW-E	88-03-059	44-10-220	NEW	88-13-039	67-25-404	AMD-P	88-04-016
16-750-015	NEW	88-07-016	44-10-230	NEW-P	88-03-063	67-25-404	AMD	88-09-006
16-750-015	AMD-P	88-20-065	44-10-230	NEW-E	88-03-064	67-25-570	AMD-P	88-04-016
16-750-900	NEW-P	88-03-057	44-10-230	NEW-P	88-09-062	67-25-570	AMD	88-09-006
16-750-900	NEW-E	88-03-059	44-10-230	NEW-E	88-09-065	82-50-021	AMD-P	88-13-092
16-750-900	NEW	88-07-016	44-10-230	NEW	88-13-039	82-50-021	AMD	88-16-027
16-752-001	AMD	88-04-044	44-10-240	NEW-P	88-03-063	82-50-031	AMD-P	88-13-092
16-752-115	NEW	88-04-044	44-10-240	NEW-E	88-03-064	82-50-031	AMD	88-16-027
16-752-120	NEW	88-04-044	44-10-240	NEW	88-09-064	82-50-041	REP-P	88-13-092
16-752-125	NEW	88-04-044	44-10-240	NEW-E	88-09-065	82-50-041	REP	88-16-027
16-752-130	NEW	88-04-044	50-12-230	AMD-E	88-11-002	98-11-005	NEW-P	88-03-062
16-752-135	NEW	88-04-044	50-12-230	AMD-P	88-13-064	98-11-005	NEW	88-07-032
16-752-140	NEW	88-04-044	50-12-230	AMD	88-16-066	98-40-050	AMD-P	88-03-062
16-752-145	NEW	88-04-044	50-20-040	AMD-E	88-13-051	98-40-050	AMD	88-07-032
16-752-150	NEW	88-04-044	50-20-040	AMD-P	88-14-002	100-100-050	AMD-P	88-11-077
16-752-155	NEW	88-04-044	50-20-040	AMD-C	88-14-093	100-100-050	AMD-E	88-11-077
16-752-160	NEW	88-04-044	50-20-040	AMD-P	88-18-076	106-116-850	NEW-P	88-07-017
16-752-165	NEW	88-04-044	50-20-040	AMD	88-21-031	106-116-850	NEW-E	88-11-065
16-752-170	NEW	88-04-044	50-20-050	AMD-E	88-13-051	106-116-850	NEW	88-11-066
16-752-200	NEW	88-04-044	50-20-050	AMD-P	88-14-002	106-116-853	NEW-P	88-07-017
16-752-201	NEW	88-04-044	50-20-050	AMD-C	88-14-093	106-116-853	NEW-E	88-11-065
16-752-202	NEW	88-04-044	50-20-050	AMD-P	88-18-076	106-116-853	NEW	88-11-066
16-752-203	NEW	88-04-044	50-20-050	AMD	88-21-031	106-116-856	NEW-P	88-07-017
16-752-204	NEW	88-04-044	51-10	AMD-P	88-14-078	106-116-856	NEW-E	88-11-065
25-46-010	NEW-P	88-18-092	51-12-102	AMD-P	88-14-114	106-116-856	NEW	88-11-066
25-46-020	NEW-P	88-18-092	51-12-223	AMD-P	88-14-114	106-116-859	NEW-P	88-07-017
25-46-040	NEW-P	88-18-092	51-12-305	AMD-P	88-14-114	106-116-859	NEW-E	88-11-065
25-46-060	NEW-P	88-18-092	51-12-402	AMD-P	88-14-114	106-116-859	NEW	88-11-066
25-46-080	NEW-P	88-18-092	51-12-411	AMD-P	88-14-114	106-116-901	AMD-P	88-07-017
25-46-100	NEW-P	88-18-092	51-12-426	AMD-P	88-14-114	106-116-901	AMD-E	88-11-065
25-46-120	NEW-P	88-18-092	51-12-503	AMD-P	88-14-114	106-116-901	AMD	88-11-066
25-46-140	NEW-P	88-18-092	51-12-602	AMD-P	88-14-114	113-12-100	REP-P	88-19-074
25-46-160	NEW-P	88-18-092	51-16	AMD-P	88-14-114	113-12-101	NEW-P	88-19-074
25-46-180	NEW-P	88-18-092	51-16	AMD-P	88-14-077	113-12-103	NEW-P	88-19-074
25-48	AMD-P	88-18-091	51-16-010	AMD-P	88-14-077	113-12-104	NEW-P	88-19-074
25-48-010	AMD-P	88-18-091	51-16-020	AMD-P	88-14-077	113-12-200	AMD-P	88-05-058
25-48-020	AMD-P	88-18-091	51-16-030	AMD-P	88-14-077	113-12-200	AMD-P	88-14-040

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132E-112-230	REP-P	88-06-020	132I-14-060	REP	88-07-119	132I-120-445	NEW-P	88-03-048
132E-112-230	REP	88-10-014	132I-14-070	REP-P	88-03-047	132I-120-445	NEW	88-07-120
132E-120-030	REP-P	88-17-015	132I-14-070	REP	88-07-119	132I-120-500	NEW-P	88-03-048
132E-120-040	REP-P	88-17-015	132I-14-080	REP-P	88-03-047	132I-120-500	NEW	88-07-120
132E-120-045	NEW-P	88-17-016	132I-14-080	REP	88-07-119	132I-120-510	NEW-P	88-03-048
132E-120-050	REP-P	88-13-001	132I-14-090	REP-P	88-03-047	132I-120-510	NEW	88-07-120
132E-120-050	REP	88-17-082	132I-14-090	REP	88-07-119	132I-120-520	NEW-P	88-03-048
132E-120-060	REP-P	88-13-001	132I-14-100	REP-P	88-03-047	132I-120-520	NEW	88-07-120
132E-120-060	REP	88-17-082	132I-14-100	REP	88-07-119	132L-10-010	REP-P	88-17-074
132E-120-070	REP-P	88-13-001	132I-14-110	REP-P	88-03-047	132L-10-010	REP	88-21-071
132E-120-070	REP	88-17-082	132I-14-110	REP	88-07-119	132L-10-020	REP-P	88-17-074
132E-120-080	REP-P	88-13-001	132I-14-120	REP-P	88-03-047	132L-10-020	REP	88-21-071
132E-120-080	REP	88-17-082	132I-14-120	REP	88-07-119	132L-10-030	REP-P	88-17-074
132E-121-010	NEW-P	88-13-096	132I-14-130	REP-P	88-03-047	132L-10-030	REP	88-21-071
132E-121-010	NEW	88-18-028	132I-14-130	REP	88-07-119	132L-10-040	REP-P	88-17-074
132E-124-030	REP-P	88-08-022	132I-14-140	REP-P	88-03-047	132L-10-040	REP	88-21-071
132E-124-030	REP	88-12-004	132I-14-140	REP	88-07-119	132L-10-050	REP-P	88-17-074
132E-124-040	REP-P	88-08-022	132I-14-150	REP-P	88-03-047	132L-10-050	REP	88-21-071
132E-124-040	REP	88-12-004	132I-14-150	REP	88-07-119	132L-10-100	REP-P	88-17-074
132E-124-050	REP-P	88-08-022	132I-14-160	REP-P	88-03-047	132L-10-100	REP	88-21-071
132E-124-050	REP	88-12-004	132I-14-160	REP	88-07-119	132L-10-110	REP-P	88-17-074
132E-124-060	REP-P	88-08-022	132I-14-170	REP-P	88-03-047	132L-10-110	REP	88-21-071
132E-124-060	REP	88-12-004	132I-14-170	REP	88-07-119	132L-10-120	REP-P	88-17-074
132E-168-010	REP-P	88-08-019	132I-14-180	REP-P	88-03-047	132L-10-120	REP	88-21-071
132E-168-010	REP	88-12-006	132I-14-180	REP	88-07-119	132L-10-130	REP-P	88-17-074
132E-168-020	REP-P	88-08-019	132I-14-190	REP-P	88-03-047	132L-10-130	REP	88-21-071
132E-168-020	REP	88-12-006	132I-14-190	REP	88-07-119	132L-21-010	REP-P	88-17-074
132E-168-030	REP-P	88-08-019	132I-14-200	REP-P	88-03-047	132L-21-010	REP	88-21-071
132E-168-030	REP	88-12-006	132I-14-200	REP	88-07-119	132L-21-020	REP-P	88-17-074
132E-168-040	REP-P	88-08-019	132I-14-210	REP-P	88-03-047	132L-21-020	REP	88-21-071
132E-168-040	REP	88-12-006	132I-14-210	REP	88-07-119	132L-21-030	REP-P	88-17-074
132E-168-050	REP-P	88-08-019	132I-120-010	NEW-P	88-03-048	132L-21-030	REP	88-21-071
132E-168-050	REP	88-12-006	132I-120-010	NEW	88-07-120	132L-21-040	REP-P	88-17-074
132E-168-060	REP-P	88-08-019	132I-120-020	NEW-P	88-03-048	132L-21-040	REP	88-21-071
132E-168-060	REP	88-12-006	132I-120-020	NEW	88-07-120	132L-23-010	REP-P	88-17-074
132E-168-070	REP-P	88-08-019	132I-120-030	NEW-P	88-03-048	132L-23-010	REP	88-21-071
132E-168-070	REP	88-12-006	132I-120-030	NEW	88-07-120	132L-23-020	REP-P	88-17-074
132E-168-080	REP-P	88-08-019	132I-120-100	NEW-P	88-03-048	132L-23-020	REP	88-21-071
132E-168-080	REP	88-12-006	132I-120-100	NEW	88-07-120	132L-23-030	REP-P	88-17-074
132E-168-090	REP-P	88-08-019	132I-120-300	NEW-P	88-03-048	132L-23-030	REP	88-21-071
132E-168-090	REP	88-12-006	132I-120-300	NEW	88-07-120	132L-23-040	REP-P	88-17-074
132E-276-030	AMD-P	88-08-053	132I-120-305	NEW-P	88-03-048	132L-23-040	REP	88-21-071
132E-276-030	AMD	88-12-005	132I-120-305	NEW	88-07-120	132N-20-010	NEW-P	88-11-047
132E-276-060	AMD-P	88-10-023	132I-120-310	NEW-P	88-03-048	132N-20-010	NEW	88-16-068
132E-276-060	AMD	88-14-013	132I-120-310	NEW	88-07-120	132N-20-020	NEW-P	88-11-047
132E-276-070	AMD-P	88-10-023	132I-120-315	NEW-P	88-03-048	132N-20-020	NEW	88-16-068
132E-276-070	AMD	88-14-013	132I-120-315	NEW	88-07-120	132N-20-030	NEW-P	88-11-047
132F-120-090	AMD-P	88-03-044	132I-120-320	NEW-P	88-03-048	132N-20-030	NEW	88-16-068
132F-120-090	AMD	88-08-069	132I-120-320	NEW	88-07-120	132N-20-040	NEW-P	88-11-047
132H-105-140	AMD-P	88-06-058	132I-120-325	NEW-P	88-03-048	132N-20-040	NEW	88-16-068
132H-105-140	AMD-P	88-07-089	132I-120-325	NEW	88-07-120	132N-20-050	NEW-P	88-11-047
132H-105-140	AMD	88-13-047	132I-120-330	NEW-P	88-03-048	132N-20-050	NEW	88-16-068
132H-148-020	REP-P	88-20-002	132I-120-330	NEW	88-07-120	132N-20-060	NEW-P	88-11-047
132H-148-030	REP-P	88-20-002	132I-120-335	NEW-P	88-03-048	132N-20-060	NEW	88-16-068
132H-148-040	REP-P	88-20-002	132I-120-335	NEW	88-07-120	132N-20-070	NEW-P	88-11-047
132H-148-050	REP-P	88-20-002	132I-120-340	NEW-P	88-03-048	132N-20-070	NEW	88-16-068
132H-148-060	REP-P	88-20-002	132I-120-340	NEW	88-07-120	132N-20-080	NEW-P	88-11-047
132H-148-070	REP-P	88-20-002	132I-120-345	NEW-P	88-03-048	132N-20-080	NEW	88-16-068
132H-148-080	REP-P	88-20-002	132I-120-345	NEW	88-07-120	132N-20-090	NEW-P	88-11-047
132H-148-090	REP-P	88-20-002	132I-120-400	NEW-P	88-03-048	132N-20-090	NEW	88-16-068
132H-148-100	REP-P	88-20-002	132I-120-400	NEW	88-07-120	132P-40-001	NEW-P	88-04-024
132H-148-110	NEW-P	88-20-002	132I-120-405	NEW-P	88-03-048	132P-40-001	NEW	88-12-012
132H-200-200	NEW-P	88-04-059	132I-120-405	NEW	88-07-120	132R-210-015	REP-P	88-15-001
132H-200-200	NEW	88-07-036	132I-120-410	NEW-P	88-03-048	132R-210-015	REP	88-21-027
132H-200-250	NEW-P	88-07-088	132I-120-410	NEW	88-07-120	132R-210-020	REP-P	88-15-001
132H-200-250	NEW	88-13-048	132I-120-415	NEW-P	88-03-048	132R-210-020	REP	88-21-027
132I-14-010	REP-P	88-03-047	132I-120-415	NEW	88-07-120	132R-210-030	REP-P	88-15-001
132I-14-010	REP	88-07-119	132I-120-420	NEW-P	88-03-048	132R-210-030	REP	88-21-027
132I-14-020	REP-P	88-03-047	132I-120-420	NEW	88-07-120	132R-210-040	REP-P	88-15-001
132I-14-020	REP	88-07-119	132I-120-425	NEW-P	88-03-048	132R-210-040	REP	88-21-027
132I-14-030	REP-P	88-03-047	132I-120-425	NEW	88-07-120	132R-210-060	REP-P	88-15-001
132I-14-030	REP	88-07-119	132I-120-430	NEW-P	88-03-048	132R-210-060	REP	88-21-027
132I-14-040	REP-P	88-03-047	132I-120-430	NEW	88-07-120	132R-210-070	REP-P	88-15-001
132I-14-040	REP	88-07-119	132I-120-435	NEW-P	88-03-048	132R-210-070	REP	88-21-027
132I-14-050	REP-P	88-03-047	132I-120-435	NEW	88-07-120	132R-210-110	REP-P	88-15-001
132I-14-050	REP	88-07-119	132I-120-440	NEW-P	88-03-048	132R-210-110	REP	88-21-027
132I-14-060	REP-P	88-03-047	132I-120-440	NEW	88-07-120	132R-210-120	REP-P	88-15-001

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132X-50-230	NEW-P	88-17-074	136-160-050	AMD	88-05-040	154-120-025	NEW-P	88-07-104
132X-50-230	NEW	88-21-071	136-160-060	AMD-P	88-12-079	154-120-025	NEW	88-11-028
132X-50-240	NEW-P	88-17-074	136-160-060	AMD	88-16-017	154-120-030	NEW-P	88-07-104
132X-50-240	NEW	88-21-071	136-160-065	NEW	88-05-040	154-120-030	NEW	88-11-028
132X-50-250	NEW-P	88-17-074	136-220-020	AMD-P	88-12-079	154-120-035	NEW-P	88-07-104
132X-50-250	NEW	88-21-071	136-220-020	AMD	88-16-017	154-120-035	NEW	88-11-028
132X-50-260	NEW-P	88-17-074	136-220-030	AMD-P	88-12-079	154-120-040	NEW-P	88-07-104
132X-50-260	NEW	88-21-071	136-220-030	AMD	88-16-017	154-120-040	NEW	88-11-028
132X-50-270	NEW-P	88-17-074	137-60-040	AMD-W	88-04-043	154-120-045	NEW-P	88-07-104
132X-50-270	NEW	88-21-071	137-78-010	NEW-P	88-12-002	154-120-045	NEW	88-11-028
132X-50-280	NEW-P	88-17-074	137-78-020	NEW-P	88-12-002	154-120-050	NEW-P	88-07-104
132X-50-280	NEW	88-21-071	137-78-030	NEW-P	88-12-002	154-120-050	NEW	88-11-028
132X-50-290	NEW-P	88-17-074	137-78-040	NEW-P	88-12-002	154-120-055	NEW-P	88-07-104
132X-50-290	NEW	88-21-071	137-78-050	NEW-P	88-12-002	154-120-055	NEW	88-11-028
132X-50-300	NEW-P	88-17-074	137-78-060	NEW-P	88-12-002	154-130-010	NEW-P	88-07-104
132X-50-300	NEW	88-21-071	137-78-070	NEW-P	88-12-002	154-130-010	NEW	88-11-028
132X-60-010	NEW-P	88-17-074	137-78-080	NEW-P	88-12-002	154-130-020	NEW-P	88-07-104
132X-60-010	NEW	88-21-071	139-05-810	NEW-P	88-15-028	154-130-020	NEW	88-11-028
132X-60-020	NEW-P	88-17-074	139-05-810	NEW	88-20-022	154-130-030	NEW-P	88-07-104
132X-60-020	NEW	88-21-071	139-25-110	NEW-P	88-15-029	154-130-030	NEW	88-11-028
132X-60-030	NEW-P	88-17-074	139-25-110	NEW	88-20-023	154-140-010	NEW-P	88-07-104
132X-60-030	NEW	88-21-071	143-06-010	AMD-P	88-18-089	154-140-010	NEW	88-11-028
132X-60-040	NEW-P	88-17-074	143-06-010	AMD	88-21-029	154-140-020	NEW-P	88-07-104
132X-60-040	NEW	88-21-071	143-06-020	AMD-P	88-18-089	154-140-020	NEW	88-11-028
132X-60-050	NEW-P	88-17-074	143-06-020	AMD	88-21-029	154-140-030	NEW-P	88-07-104
132X-60-050	NEW	88-21-071	143-06-030	AMD-P	88-18-089	154-140-030	NEW	88-11-028
132X-60-060	NEW-P	88-17-074	143-06-030	AMD	88-21-029	154-150-010	NEW-P	88-07-104
132X-60-060	NEW	88-21-071	143-06-050	AMD-P	88-18-089	154-150-010	NEW	88-11-028
132X-60-070	NEW-P	88-17-074	143-06-050	AMD	88-21-029	154-150-020	NEW-P	88-07-104
132X-60-070	NEW	88-21-071	143-06-060	AMD-P	88-18-089	154-150-020	NEW	88-11-028
132X-60-080	NEW-P	88-17-074	143-06-060	AMD	88-21-029	154-150-030	NEW-P	88-07-104
132X-60-080	NEW	88-21-071	143-06-070	AMD-P	88-18-089	154-150-030	NEW	88-11-028
132X-60-090	NEW-P	88-17-074	143-06-070	AMD	88-21-029	154-150-040	NEW-P	88-07-104
132X-60-090	NEW	88-21-071	143-06-080	AMD-P	88-18-089	154-150-040	NEW	88-11-028
132X-60-100	NEW-P	88-17-074	143-06-080	AMD	88-21-029	154-150-050	NEW-P	88-07-104
132X-60-100	NEW	88-21-071	143-06-090	AMD-P	88-18-089	154-150-050	NEW	88-11-028
132X-60-110	NEW-P	88-17-074	143-06-090	AMD	88-21-029	154-160-010	NEW-P	88-07-104
132X-60-110	NEW	88-21-071	143-06-100	AMD-P	88-18-089	154-160-010	NEW	88-11-028
132X-60-120	NEW-P	88-17-074	143-06-100	AMD	88-21-029	154-160-020	NEW-P	88-07-104
132X-60-120	NEW	88-21-071	143-06-110	AMD-P	88-18-089	154-160-020	NEW	88-11-028
132X-60-130	NEW-P	88-17-074	143-06-110	AMD	88-21-029	154-170-010	NEW-P	88-07-104
132X-60-130	NEW	88-21-071	143-06-120	AMD-P	88-18-089	154-170-010	NEW	88-11-028
132X-60-140	NEW-P	88-17-074	143-06-120	AMD	88-21-029	154-180-010	NEW-P	88-07-104
132X-60-140	NEW	88-21-071	143-06-130	AMD-P	88-18-089	154-180-010	NEW	88-11-028
132X-60-150	NEW-P	88-17-074	143-06-130	AMD	88-21-029	154-180-020	NEW-P	88-07-104
132X-60-150	NEW	88-21-071	143-06-140	AMD-P	88-18-089	154-180-020	NEW	88-11-028
132Y-20-010	REP-P	88-06-023	143-06-140	AMD	88-21-029	154-180-030	NEW-P	88-07-104
132Y-140-001	REP-P	88-06-024	143-06-150	AMD-P	88-18-089	154-180-030	NEW	88-11-028
132Y-140-001	REP	88-13-013	143-06-150	AMD	88-21-029	154-180-040	NEW-P	88-07-104
132Y-140-101	REP-P	88-06-024	143-10-010	AMD-P	88-18-089	154-180-040	NEW	88-11-028
132Y-140-101	REP	88-13-013	143-10-010	AMD	88-21-029	154-180-050	NEW-P	88-07-104
132Y-140-108	REP-P	88-06-024	154-04-040	AMD-P	88-09-075	154-180-050	NEW	88-11-028
132Y-140-108	REP	88-13-013	154-04-040	AMD	88-12-028	154-180-060	NEW-P	88-07-104
132Y-140-112	REP-P	88-06-024	154-12-015	AMD-P	88-09-075	154-180-060	NEW	88-11-028
132Y-140-112	REP	88-13-013	154-12-015	AMD	88-12-028	154-180-070	NEW-P	88-07-104
132Y-140-116	REP-P	88-06-024	154-12-020	AMD-P	88-09-075	154-180-070	NEW	88-11-028
132Y-140-116	REP	88-13-013	154-12-020	AMD	88-12-028	154-190-010	NEW-P	88-07-104
132Y-300-001	NEW-P	88-21-049	154-12-030	AMD-P	88-09-075	154-190-010	NEW	88-11-028
132Y-300-002	NEW-P	88-21-049	154-12-030	AMD	88-12-028	154-200-010	NEW-P	88-07-104
132Y-300-003	NEW-P	88-21-049	154-12-110	AMD-P	88-09-075	154-200-010	NEW	88-11-028
132Y-300-004	NEW-P	88-21-049	154-12-110	AMD	88-12-028	154-200-020	NEW-P	88-07-104
136-15-010	NEW-P	88-12-079	154-24-010	AMD-P	88-09-075	154-200-020	NEW	88-11-028
136-15-010	NEW	88-16-017	154-24-010	AMD	88-12-028	154-200-030	NEW-P	88-07-104
136-15-020	NEW-P	88-12-079	154-110-010	NEW-P	88-07-104	154-200-030	NEW	88-11-028
136-15-020	NEW	88-16-017	154-110-010	NEW	88-11-028	154-200-040	NEW-P	88-07-104
136-15-030	NEW-P	88-12-079	154-110-015	NEW-P	88-07-104	154-200-040	NEW	88-11-028
136-15-030	NEW	88-16-017	154-110-015	NEW	88-11-028	162-18-010	REP-P	88-09-080
136-15-040	NEW-P	88-12-079	154-110-020	NEW-P	88-07-104	162-18-020	REP-P	88-09-080
136-15-040	NEW	88-16-017	154-110-020	NEW	88-11-028	162-18-030	REP-P	88-09-080
136-15-050	NEW-P	88-12-079	154-110-030	NEW-P	88-07-104	162-18-040	REP-P	88-09-080
136-15-050	NEW	88-16-017	154-110-030	NEW	88-11-028	162-18-050	REP-P	88-09-080
136-15-060	NEW-P	88-12-079	154-120-010	NEW-P	88-07-104	162-18-060	REP-P	88-09-080
136-15-060	NEW	88-16-017	154-120-010	NEW	88-11-028	162-18-070	REP-P	88-09-080
136-130-050	AMD-C	88-09-034	154-120-015	NEW-P	88-07-104	162-18-080	REP-P	88-09-080
136-130-050	AMD	88-12-080	154-120-015	NEW	88-11-028	162-18-090	REP-P	88-09-080
136-130-060	AMD	88-05-040	154-120-020	NEW-P	88-07-104	162-18-100	REP-P	88-09-080
136-130-070	AMD	88-05-040	154-120-020	NEW	88-11-028	162-18-110	NEW-P	88-09-080

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162-18-130	NEW-P 88-09-080	173-95-060	NEW 88-14-125	173-150-135	NEW-P 88-09-054
162-18-140	NEW-P 88-09-080	173-95-070	NEW-P 88-09-076	173-150-135	NEW 88-13-037
162-18-150	NEW-P 88-09-080	173-95-070	NEW 88-14-125	173-154-095	NEW-P 88-09-054
162-18-160	NEW-P 88-09-080	173-95-080	NEW-P 88-09-076	173-154-095	NEW 88-13-037
162-19-010	NEW-P 88-09-080	173-95-080	NEW 88-14-125	173-154-100	AMD-P 88-09-054
162-19-020	NEW-P 88-09-080	173-95-090	NEW-P 88-09-076	173-154-100	AMD 88-13-037
162-19-030	NEW-P 88-09-080	173-95-090	NEW 88-14-125	173-154-105	NEW-P 88-09-054
162-19-040	NEW-P 88-09-080	173-95-100	NEW-P 88-09-076	173-154-105	NEW 88-13-037
162-19-060	NEW-P 88-09-080	173-95-100	NEW 88-14-125	173-158-010	NEW-P 88-05-042
162-19-070	NEW-P 88-09-080	173-95-110	NEW-P 88-09-076	173-158-010	NEW 88-10-058
162-19-080	NEW-P 88-09-080	173-95-110	NEW 88-14-125	173-158-020	NEW-P 88-05-042
162-19-090	NEW-P 88-09-080	173-95-120	NEW-P 88-09-076	173-158-020	NEW 88-10-058
173-06-030	AMD-E 88-20-039	173-95-120	NEW 88-14-125	173-158-030	NEW-P 88-05-042
173-14	AMD-C 88-04-091	173-95-130	NEW-P 88-09-076	173-158-030	NEW 88-10-058
173-14-030	AMD-W 88-07-006	173-95-130	NEW 88-14-125	173-158-040	NEW-P 88-05-042
173-14-030	AMD-P 88-12-067	173-95-140	NEW-P 88-09-076	173-158-040	NEW 88-10-058
173-14-030	AMD 88-19-004	173-95-140	NEW 88-14-125	173-158-050	NEW-P 88-05-042
173-14-060	AMD-W 88-07-006	173-95-150	NEW-P 88-09-076	173-158-050	NEW 88-10-058
173-14-061	NEW-W 88-07-006	173-95-150	NEW 88-14-125	173-158-060	NEW-P 88-05-042
173-18-280	AMD 88-03-070	173-95-160	NEW-P 88-09-076	173-158-060	NEW 88-10-058
173-19-110	AMD-P 88-20-072	173-95-160	NEW 88-14-125	173-158-070	NEW-P 88-05-042
173-19-130	AMD 88-07-009	173-100-050	AMD-P 88-09-054	173-158-070	NEW 88-10-058
173-19-210	AMD-P 88-16-104	173-100-050	AMD 88-13-037	173-158-080	NEW-P 88-05-042
173-19-220	AMD-P 88-03-069	173-100-160	NEW-P 88-09-054	173-158-080	NEW 88-10-058
173-19-220	AMD-P 88-08-063	173-100-160	NEW 88-13-037	173-158-090	NEW-P 88-05-042
173-19-220	AMD 88-08-089	173-110-010	NEW-E 88-08-020	173-158-090	NEW 88-10-058
173-19-220	AMD-C 88-14-091	173-110-010	NEW-E 88-14-126	173-158-100	NEW-P 88-05-042
173-19-220	AMD 88-19-008	173-110-020	NEW-E 88-08-020	173-158-100	NEW 88-10-058
173-19-2201	AMD-P 88-08-064	173-110-020	NEW-E 88-14-126	173-158-100	AMD-E 88-21-033
173-19-2201	AMD-C 88-14-091	173-110-030	NEW-E 88-08-020	173-158-110	NEW-P 88-05-042
173-19-2201	AMD 88-19-008	173-110-030	NEW-E 88-14-126	173-158-110	NEW 88-10-058
173-19-2202	AMD-P 88-08-065	173-110-040	NEW-E 88-08-020	173-158-120	NEW-P 88-05-042
173-19-2202	AMD-C 88-14-091	173-110-040	NEW-E 88-14-126	173-158-120	NEW 88-10-058
173-19-2202	AMD 88-19-008	173-110-050	NEW-E 88-08-020	173-160	AMD-C 88-04-071
173-19-2204	AMD-P 88-08-066	173-110-050	NEW-E 88-14-126	173-160	AMD 88-08-070
173-19-2204	AMD-C 88-14-091	173-110-060	NEW-E 88-08-020	173-160-010	AMD 88-08-070
173-19-2204	AMD 88-19-008	173-110-060	NEW-E 88-14-126	173-160-020	AMD 88-08-070
173-19-2207	AMD-P 88-08-067	173-110-070	NEW-E 88-08-020	173-160-030	AMD 88-08-070
173-19-2207	AMD-C 88-14-091	173-110-070	NEW-E 88-14-126	173-160-040	AMD 88-08-070
173-19-2207	AMD-C 88-19-005	173-110-080	NEW-E 88-08-020	173-160-050	AMD 88-08-070
173-19-2207	AMD-W 88-19-129	173-110-080	NEW-E 88-14-126	173-160-055	NEW 88-08-070
173-19-2208	AMD-P 88-08-068	173-110-090	NEW-E 88-08-020	173-160-060	REP 88-08-070
173-19-2208	AMD-C 88-14-091	173-110-090	NEW-E 88-14-126	173-160-065	NEW 88-08-070
173-19-2208	AMD 88-19-008	173-110-100	NEW-E 88-08-020	173-160-070	REP 88-08-070
173-19-2507	AMD-C 88-04-092	173-110-100	NEW-E 88-14-126	173-160-075	NEW 88-08-070
173-19-2507	AMD 88-07-008	173-124-06001	REP-P 88-09-054	173-160-080	REP 88-08-070
173-19-2512	AMD-P 88-17-126	173-124-06001	REP 88-13-037	173-160-085	NEW 88-08-070
173-19-2515	AMD-P 88-21-113	173-124-070	NEW-P 88-09-054	173-160-090	REP 88-08-070
173-19-2516	AMD-P 88-12-068	173-124-070	NEW 88-13-037	173-160-09001	REP 88-08-070
173-19-2516	AMD-C 88-17-125	173-124-080	NEW-P 88-09-054	173-160-095	NEW 88-08-070
173-19-2601	AMD-P 88-16-103	173-124-080	NEW 88-13-037	173-160-100	REP 88-08-070
173-19-310	AMD-W 88-02-053	173-128A-060	NEW-P 88-09-054	173-160-105	NEW 88-08-070
173-19-310	AMD-P 88-02-054	173-128A-060	NEW 88-13-037	173-160-110	REP 88-08-070
173-19-310	AMD 88-07-010	173-130A-215	NEW-P 88-09-054	173-160-115	NEW 88-08-070
173-19-3302	AMD 88-02-064	173-130A-215	NEW 88-13-037	173-160-120	REP 88-08-070
173-19-3501	AMD-P 88-05-066	173-130A-217	NEW-P 88-09-054	173-160-125	NEW 88-08-070
173-19-3501	AMD 88-10-059	173-130A-217	NEW 88-13-037	173-160-130	REP 88-08-070
173-19-3512	AMD-C 88-02-063	173-130A-220	AMD-P 88-09-054	173-160-135	NEW 88-08-070
173-19-3512	AMD-C 88-04-093	173-130A-220	AMD 88-13-037	173-160-140	REP 88-08-070
173-19-3512	AMD 88-07-007	173-132-060	NEW-P 88-09-054	173-160-150	REP 88-08-070
173-19-360	AMD-P 88-12-069	173-132-060	NEW 88-13-037	173-160-160	REP 88-08-070
173-19-360	AMD-C 88-13-119	173-134A-150	AMD-P 88-09-054	173-160-170	REP 88-08-070
173-19-360	AMD-C 88-19-006	173-134A-150	AMD 88-13-037	173-160-180	REP 88-08-070
173-19-360	AMD-C 88-19-102	173-134A-165	NEW-P 88-09-054	173-160-190	REP 88-08-070
173-19-4507	AMD-P 88-21-112	173-134A-165	NEW 88-13-037	173-160-200	REP 88-08-070
173-22-0648	AMD 88-03-070	173-134A-170	AMD-P 88-09-054	173-160-205	NEW 88-08-070
173-95-010	NEW-P 88-09-076	173-134A-170	AMD 88-13-037	173-160-210	REP 88-08-070
173-95-010	NEW 88-14-125	173-136-095	NEW-P 88-09-054	173-160-215	NEW 88-08-070
173-95-020	NEW-P 88-09-076	173-136-095	NEW 88-13-037	173-160-220	REP 88-08-070
173-95-020	NEW 88-14-125	173-136-100	AMD-P 88-09-054	173-160-225	NEW 88-08-070
173-95-030	NEW-P 88-09-076	173-136-100	AMD 88-13-037	173-160-230	REP 88-08-070
173-95-030	NEW 88-14-125	173-136-110	NEW-P 88-09-054	173-160-235	NEW 88-08-070
173-95-040	NEW-P 88-09-076	173-136-110	NEW 88-13-037	173-160-240	REP 88-08-070
173-95-040	NEW 88-14-125	173-150-125	NEW-P 88-09-054	173-160-245	NEW 88-08-070
173-95-050	NEW-P 88-09-076	173-150-125	NEW 88-13-037	173-160-250	REP 88-08-070
173-95-050	NEW 88-14-125	173-150-130	AMD-P 88-09-054	173-160-255	NEW 88-08-070

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173-160-265	NEW	88-08-070	173-201-100	AMD	88-02-058	173-303-420	AMD-P	88-13-116
173-160-270	REP	88-08-070	173-202-020	AMD-P	88-12-097	173-303-420	AMD	88-18-083
173-160-275	NEW	88-08-070	173-202-020	AMD-C	88-20-067	173-303-430	AMD	88-07-039
173-160-280	REP	88-08-070	173-216-130	AMD-P	88-07-103	173-303-440	AMD	88-07-039
173-160-285	NEW	88-08-070	173-216-130	AMD	88-12-035	173-303-510	AMD	88-07-039
173-160-290	REP	88-08-070	173-220	AMD-C	88-18-075	173-303-510	AMD-P	88-13-116
173-160-295	NEW	88-08-070	173-220-010	AMD-P	88-13-095	173-303-510	AMD	88-18-083
173-160-300	REP	88-08-070	173-220-020	AMD-P	88-13-095	173-303-520	AMD	88-07-039
173-160-305	NEW	88-08-070	173-220-030	AMD-P	88-13-095	173-303-520	AMD-P	88-13-116
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173-160-315	NEW	88-08-070	173-220-045	AMD-P	88-13-095	173-303-560	AMD	88-07-039
173-160-320	REP	88-08-070	173-220-050	AMD-P	88-13-095	173-303-560	AMD-P	88-13-116
173-160-325	NEW	88-08-070	173-220-060	AMD-P	88-13-095	173-303-560	AMD	88-18-083
173-160-330	REP	88-08-070	173-220-070	AMD-P	88-13-095	173-303-600	AMD	88-07-039
173-160-335	NEW	88-08-070	173-220-080	AMD-P	88-13-095	173-303-600	AMD-P	88-13-116
173-160-340	REP	88-08-070	173-220-090	AMD-P	88-13-095	173-303-600	AMD	88-18-083
173-160-345	NEW	88-08-070	173-220-100	AMD-P	88-13-095	173-303-650	AMD	88-07-039
173-160-350	REP	88-08-070	173-220-120	AMD-P	88-13-095	173-303-650	AMD-P	88-13-116
173-160-355	NEW	88-08-070	173-220-130	AMD-P	88-13-095	173-303-650	AMD	88-18-083
173-160-360	REP	88-08-070	173-220-140	AMD-P	88-13-095	173-303-665	AMD	88-02-057
173-160-365	NEW	88-08-070	173-220-150	AMD-P	88-07-103	173-303-800	AMD	88-07-039
173-160-370	REP	88-08-070	173-220-150	AMD	88-12-035	173-303-800	AMD-P	88-13-116
173-160-375	NEW	88-08-070	173-220-150	AMD-P	88-13-095	173-303-800	AMD	88-18-083
173-160-380	REP	88-08-070	173-220-160	AMD-P	88-13-095	173-303-802	AMD	88-07-039
173-160-385	NEW	88-08-070	173-220-180	AMD-P	88-13-095	173-303-802	AMD-P	88-13-116
173-160-395	NEW	88-08-070	173-220-190	AMD-P	88-13-095	173-303-802	AMD	88-18-083
173-160-405	NEW	88-08-070	173-220-200	AMD-P	88-13-095	173-303-805	AMD	88-07-039
173-160-415	NEW	88-08-070	173-220-210	AMD-P	88-13-095	173-303-805	AMD-P	88-13-116
173-160-420	NEW	88-08-070	173-220-220	REP-P	88-13-095	173-303-805	AMD	88-18-083
173-160-425	NEW	88-08-070	173-220-225	AMD-P	88-13-095	173-303-806	AMD	88-07-039
173-160-435	NEW	88-08-070	173-222-015	AMD-P	88-07-103	173-303-806	AMD-P	88-13-116
173-160-445	NEW	88-08-070	173-222-015	AMD	88-12-035	173-303-806	AMD	88-18-083
173-160-455	NEW	88-08-070	173-223-015	NEW-P	88-07-103	173-303-901	NEW	88-07-039
173-160-465	NEW	88-08-070	173-223-015	NEW	88-12-035	173-303-901	REP-P	88-13-116
173-160-475	NEW	88-08-070	173-223-020	NEW-P	88-07-103	173-303-901	REP	88-18-083
173-160-500	NEW	88-08-070	173-223-020	NEW	88-12-035	173-303-905	NEW-P	88-13-116
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173-160-520	NEW	88-08-070	173-223-030	NEW	88-12-035	173-303-910	AMD	88-02-057
173-160-530	NEW	88-08-070	173-223-040	NEW-P	88-07-103	173-304	AMD-C	88-08-062
173-160-540	NEW	88-08-070	173-223-040	NEW	88-12-035	173-304	AMD-C	88-18-090
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173-160-560	NEW	88-08-070	173-223-050	NEW	88-12-035	173-304-100	AMD-W	88-14-109
173-162	AMD-C	88-04-071	173-223-060	NEW-P	88-07-103	173-304-100	AMD-P	88-14-110
173-162	AMD	88-08-070	173-223-060	NEW	88-12-035	173-304-100	AMD	88-20-066
173-162-010	AMD	88-08-070	173-223-070	NEW-P	88-07-103	173-304-400	AMD-P	88-04-074
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173-162-030	AMD	88-08-070	173-223-080	NEW-P	88-07-103	173-304-400	AMD-P	88-14-110
173-162-040	AMD	88-08-070	173-223-080	NEW	88-12-035	173-304-400	AMD	88-20-066
173-162-050	AMD	88-08-070	173-223-090	NEW-P	88-07-103	173-304-405	AMD-P	88-04-074
173-162-060	AMD	88-08-070	173-223-090	NEW	88-12-035	173-304-405	AMD-W	88-14-109
173-162-100	AMD	88-08-070	173-223-100	NEW-P	88-07-103	173-304-405	AMD-P	88-14-110
173-162-110	REP	88-08-070	173-223-100	NEW	88-12-035	173-304-405	AMD	88-20-066
173-162-130	AMD	88-08-070	173-223-110	NEW	88-12-035	173-304-407	NEW-P	88-04-074
173-162-140	AMD	88-08-070	173-223-120	NEW-P	88-07-103	173-304-407	NEW-W	88-14-109
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173-162-160	REP	88-08-070	173-303	AMD-C	88-06-041	173-304-407	NEW	88-20-066
173-162-170	AMD	88-08-070	173-303-120	AMD	88-07-039	173-304-430	AMD-P	88-04-074
173-162-180	REP	88-08-070	173-303-120	AMD-P	88-13-116	173-304-430	AMD-W	88-14-109
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173-162-200	NEW	88-08-070	173-303-140	AMD	88-02-057	173-304-430	AMD	88-20-066
173-162-210	NEW	88-08-070	173-303-170	AMD	88-02-057	173-304-450	AMD-P	88-04-074
173-162-220	NEW	88-08-070	173-303-280	AMD	88-02-057	173-304-450	AMD-W	88-14-109
173-164-050	AMD-P	88-09-054	173-303-281	NEW-P	88-13-116	173-304-450	AMD-P	88-14-110
173-164-050	AMD	88-13-037	173-303-281	NEW	88-18-083	173-304-450	AMD	88-20-066
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173-164-080	NEW	88-13-037	173-303-283	NEW	88-18-083	173-304-460	AMD-W	88-14-109
173-166-070	NEW-P	88-09-054	173-303-284	NEW	88-07-039	173-304-460	AMD-P	88-14-110
173-166-070	NEW	88-13-037	173-303-284	REP-P	88-13-116	173-304-460	AMD	88-20-066
173-201	AMD	88-02-058	173-303-284	REP	88-18-083	173-304-467	NEW-P	88-04-074
173-201-010	AMD	88-02-058	173-303-285	NEW	88-07-039	173-304-467	NEW-W	88-14-109
173-201-025	AMD	88-02-058	173-303-285	REP-P	88-13-116	173-304-467	NEW-P	88-14-110
173-201-035	AMD	88-02-058	173-303-285	REP	88-18-083	173-304-467	NEW	88-20-066
173-201-045	AMD	88-02-058	173-303-286	NEW	88-07-039	173-304-468	NEW-P	88-14-110
173-201-047	NEW	88-02-058	173-303-286	REP-P	88-13-116	173-304-468	NEW	88-20-066
173-201-070	AMD	88-02-058	173-303-286	REP	88-18-083	173-304-600	AMD-P	88-04-074
173-201-080	AMD	88-02-058	173-303-400	AMD	88-02-057	173-304-600	AMD-W	88-14-109

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173-507-070	AMD	88-13-037	173-530-960	REP-P	88-09-054	173-592-115	NEW	88-13-037
173-507-075	NEW-P	88-09-054	173-530-960	REP	88-13-037	173-596-010	REP-P	88-09-054
173-507-075	NEW	88-13-037	173-531A-080	NEW-P	88-09-054	173-596-010	REP	88-13-037
173-507-080	AMD-P	88-09-054	173-531A-080	NEW	88-13-037	173-596-015	REP-P	88-09-054
173-507-080	AMD	88-13-037	173-531A-090	NEW-P	88-09-054	173-596-015	REP	88-13-037
173-508-070	AMD-P	88-09-054	173-531A-090	NEW	88-13-037	173-596-020	REP-P	88-09-054
173-508-070	AMD	88-13-037	173-532-090	NEW-P	88-09-054	173-596-020	REP	88-13-037
173-508-090	AMD-P	88-09-054	173-532-090	NEW	88-13-037	173-596-025	REP-P	88-09-054
173-508-090	AMD	88-13-037	173-532-100	NEW-P	88-09-054	173-596-025	REP	88-13-037
173-508-095	NEW-P	88-09-054	173-532-100	NEW	88-13-037	173-596-030	REP-P	88-09-054
173-508-095	NEW	88-13-037	173-532-110	NEW-P	88-09-054	173-596-030	REP	88-13-037
173-508-100	AMD-P	88-09-054	173-532-110	NEW	88-13-037	173-596-035	REP-P	88-09-054
173-508-100	AMD	88-13-037	173-545-090	AMD-P	88-09-054	173-596-035	REP	88-13-037
173-509-030	AMD-P	88-09-054	173-545-090	AMD	88-13-037	173-596-040	REP-P	88-09-054
173-509-030	AMD	88-13-037	173-545-095	NEW-P	88-09-054	173-596-040	REP	88-13-037
173-509-080	AMD-P	88-09-054	173-545-095	NEW	88-13-037	173-596-045	REP-P	88-09-054
173-509-080	AMD	88-13-037	173-545-100	AMD-P	88-09-054	173-596-045	REP	88-13-037
173-509-085	NEW-P	88-09-054	173-545-100	AMD	88-13-037	173-596-050	REP-P	88-09-054
173-509-085	NEW	88-13-037	173-548-080	NEW-P	88-09-054	173-596-050	REP	88-13-037
173-509-090	AMD-P	88-09-054	173-548-080	NEW	88-13-037	173-596-055	REP-P	88-09-054
173-509-090	AMD	88-13-037	173-548-090	NEW-P	88-09-054	173-596-055	REP	88-13-037
173-510-030	AMD-P	88-09-054	173-548-090	NEW	88-13-037	173-596-060	REP-P	88-09-054
173-510-030	AMD	88-13-037	173-548-100	NEW-P	88-09-054	173-596-060	REP	88-13-037
173-510-090	AMD-P	88-09-054	173-548-100	NEW	88-13-037	173-596-065	REP-P	88-09-054
173-510-090	AMD	88-13-037	173-549-090	AMD-P	88-09-054	173-596-065	REP	88-13-037
173-510-095	NEW-P	88-09-054	173-549-090	AMD	88-13-037	174-107-100	REP-P	88-14-101
173-510-095	NEW	88-13-037	173-549-095	NEW-P	88-09-054	174-107-100	REP-P	88-14-102
173-510-100	AMD-P	88-09-054	173-549-095	NEW	88-13-037	174-107-100	REP-E	88-17-068
173-510-100	AMD	88-13-037	173-549-100	AMD-P	88-09-054	174-107-100	REP	88-17-069
173-511-090	AMD-P	88-09-054	173-549-100	AMD	88-13-037	174-107-110	REP-P	88-14-101
173-511-090	AMD	88-13-037	173-555-080	NEW-P	88-09-054	174-107-110	REP-P	88-14-102
173-511-095	NEW-P	88-09-054	173-555-080	NEW	88-13-037	174-107-110	REP-E	88-17-068
173-511-095	NEW	88-13-037	173-555-090	NEW-P	88-09-054	174-107-110	REP	88-17-069
173-511-100	AMD-P	88-09-054	173-555-090	NEW	88-13-037	174-107-120	REP-P	88-14-101
173-511-100	AMD	88-13-037	173-555-100	NEW-P	88-09-054	174-107-120	REP-P	88-14-102
173-512-070	AMD-P	88-09-054	173-555-100	NEW	88-13-037	174-107-120	REP-E	88-17-068
173-512-070	AMD	88-13-037	173-559-080	NEW-P	88-09-054	174-107-120	REP	88-17-069
173-512-075	NEW-P	88-09-054	173-559-080	NEW	88-13-037	174-107-130	REP-P	88-14-101
173-512-075	NEW	88-13-037	173-559-090	NEW-P	88-09-054	174-107-130	REP-P	88-14-102
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173-512-080	AMD	88-13-037	173-559-100	NEW-P	88-09-054	174-107-130	REP	88-17-069
173-513-090	AMD-P	88-09-054	173-559-100	NEW	88-13-037	174-107-140	REP-P	88-14-101
173-513-090	AMD	88-13-037	173-563-050	AMD-P	88-09-054	174-107-140	REP-P	88-14-102
173-513-095	NEW-P	88-09-054	173-563-050	AMD	88-13-037	174-107-140	REP-E	88-17-068
173-513-095	NEW	88-13-037	173-563-070	AMD-P	88-09-054	174-107-140	REP	88-17-069
173-513-100	AMD-P	88-09-054	173-563-070	AMD	88-13-037	174-107-150	REP-P	88-14-101
173-513-100	AMD	88-13-037	173-563-075	NEW-P	88-09-054	174-107-150	REP-P	88-14-102
173-514-080	AMD-P	88-09-054	173-563-075	NEW	88-13-037	174-107-150	REP-E	88-17-068
173-514-080	AMD	88-13-037	173-563-080	AMD-P	88-09-054	174-107-150	REP	88-17-069
173-514-085	NEW-P	88-09-054	173-563-080	AMD	88-13-037	174-107-160	REP-P	88-14-101
173-514-085	NEW	88-13-037	173-563-090	AMD-P	88-09-054	174-107-160	REP-P	88-14-102
173-514-090	AMD-P	88-09-054	173-563-090	AMD	88-13-037	174-107-160	REP-E	88-17-068
173-514-090	AMD	88-13-037	173-590-090	AMD-P	88-09-054	174-107-160	REP	88-17-069
173-515-090	AMD-P	88-09-054	173-590-090	AMD	88-13-037	174-107-170	REP-P	88-14-101
173-515-090	AMD	88-13-037	173-590-110	AMD-P	88-09-054	174-107-170	REP-P	88-14-102
173-515-095	NEW-P	88-09-054	173-590-110	AMD	88-13-037	174-107-170	REP-E	88-17-068
173-515-095	NEW	88-13-037	173-590-140	AMD-P	88-09-054	174-107-170	REP	88-17-069
173-515-100	AMD-P	88-09-054	173-590-140	AMD	88-13-037	174-107-180	REP-P	88-14-101
173-515-100	AMD	88-13-037	173-590-180	AMD-P	88-09-054	174-107-180	REP-P	88-14-102
173-522-020	AMD-P	88-09-054	173-590-180	AMD	88-13-037	174-107-180	REP-E	88-17-068
173-522-020	AMD	88-13-037	173-590-190	NEW-P	88-09-054	174-107-180	REP	88-17-069
173-522-070	NEW-P	88-09-054	173-590-190	NEW	88-13-037	174-107-190	REP-P	88-14-101
173-522-070	NEW	88-13-037	173-591-060	AMD-P	88-09-054	174-107-190	REP-P	88-14-102
173-522-080	NEW-P	88-09-054	173-591-060	AMD	88-13-037	174-107-190	REP-E	88-17-068
173-522-080	NEW	88-13-037	173-591-070	AMD-P	88-09-054	174-107-190	REP	88-17-069
173-522-090	NEW-P	88-09-054	173-591-070	AMD	88-13-037	174-107-200	REP-P	88-14-101
173-522-090	NEW	88-13-037	173-591-115	NEW-P	88-09-054	174-107-200	REP-P	88-14-102
173-530-910	REP-P	88-09-054	173-591-115	NEW	88-13-037	174-107-200	REP-E	88-17-068
173-530-910	REP	88-13-037	173-591-120	AMD-P	88-09-054	174-107-200	REP	88-17-069
173-530-920	REP-P	88-09-054	173-591-120	AMD	88-13-037	174-107-210	REP-P	88-14-101
173-530-920	REP	88-13-037	173-592-060	AMD-P	88-09-054	174-107-210	REP-P	88-14-102
173-530-930	REP-P	88-09-054	173-592-060	AMD	88-13-037	174-107-210	REP-E	88-17-068
173-530-930	REP	88-13-037	173-592-070	AMD-P	88-09-054	174-107-210	REP	88-17-069
173-530-940	REP-P	88-09-054	173-592-070	AMD	88-13-037	174-107-220	REP-P	88-14-101
173-530-940	REP	88-13-037	173-592-110	AMD-P	88-09-054	174-107-220	REP-P	88-14-102
173-530-950	REP-P	88-09-054	173-592-110	AMD	88-13-037	174-107-220	REP-E	88-17-068

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174-107-360	REP-P	88-14-101	174-116-045	REP-P	88-16-088	180-16-223	AMD	88-08-045
174-107-360	REP-P	88-14-102	174-116-045	REP-E	88-19-096	180-56-400	REP-E	88-21-102
174-107-360	REP-E	88-17-068	174-116-045	REP	88-19-097	180-56-400	REP-P	88-21-104
174-107-360	REP	88-17-069	174-116-119	AMD-P	88-16-088	180-56-405	REP-E	88-21-102
174-107-370	REP-P	88-14-101	174-116-119	AMD-E	88-19-096	180-56-405	REP-P	88-21-104
174-107-370	REP-P	88-14-102	174-116-119	AMD	88-19-097	180-56-410	REP-E	88-21-102
174-107-370	REP-E	88-17-068	174-120-010	NEW-P	88-14-102	180-56-410	REP-P	88-21-104
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174-107-380	REP-E	88-17-068	174-120-020	NEW-E	88-17-068	180-56-420	REP-P	88-21-104
174-107-380	REP	88-17-069	174-120-020	NEW	88-17-069	180-56-425	REP-E	88-21-102
174-107-400	REP-P	88-14-101	174-120-030	NEW-P	88-14-102	180-56-425	REP-P	88-21-104
174-107-400	REP-P	88-14-102	174-120-030	NEW-E	88-17-068	180-56-430	REP-E	88-21-102
174-107-400	REP-E	88-17-068	174-120-030	NEW	88-17-069	180-56-430	REP-P	88-21-104
174-107-400	REP	88-17-069	174-120-040	NEW-P	88-14-102	180-56-435	REP-E	88-21-102
174-107-410	REP-P	88-14-101	174-120-040	NEW-E	88-17-068	180-56-435	REP-P	88-21-104
174-107-410	REP-P	88-14-102	174-120-040	NEW	88-17-069	180-57-050	AMD-P	88-08-072
174-107-410	REP-E	88-17-068	174-120-050	NEW-P	88-14-102	180-57-050	AMD	88-13-026
174-107-410	REP	88-17-069	174-120-050	NEW-E	88-17-068	180-75-017	AMD-P	88-21-105
174-107-420	REP-P	88-14-101	174-120-050	NEW	88-17-069	180-75-047	NEW-P	88-21-105
174-107-420	REP-P	88-14-102	174-120-060	NEW-P	88-14-102	180-75-048	NEW-P	88-21-105
174-107-420	REP-E	88-17-068	174-120-060	NEW-E	88-17-068	180-75-055	AMD-P	88-21-105
174-107-420	REP	88-17-069	174-120-060	NEW	88-17-069	180-75-061	AMD-P	88-21-105
174-107-430	REP-P	88-14-101	174-120-070	NEW-P	88-14-102	180-75-085	AMD-P	88-08-073
174-107-430	REP-P	88-14-102	174-120-070	NEW-E	88-17-068	180-75-085	AMD	88-13-009
174-107-430	REP-E	88-17-068	174-120-070	NEW	88-17-069	180-75-087	AMD-P	88-21-105
174-107-430	REP	88-17-069	174-120-080	NEW-P	88-14-102	180-75-088	NEW-P	88-21-105
174-107-440	REP-P	88-14-101	174-120-080	NEW-E	88-17-068	180-75-090	AMD-P	88-21-105
174-107-440	REP-P	88-14-102	174-120-080	NEW	88-17-069	180-78	AMD-C	88-03-025
174-107-440	REP-E	88-17-068	174-120-090	NEW-P	88-14-102	180-78	AMD	88-07-002
174-107-440	REP	88-17-069	174-120-090	NEW	88-17-069	180-78-005	AMD-P	88-21-106
174-107-450	REP-P	88-14-101	174-120-090	NEW-E	88-17-068	180-78-007	NEW	88-07-002
174-107-450	REP-P	88-14-102	174-124-020	REP-P	88-14-101	180-78-008	NEW	88-07-002
174-107-450	REP-E	88-17-068	174-124-020	REP-P	88-14-102	180-78-008	AMD-P	88-21-106
174-107-450	REP	88-17-069	174-124-020	REP-E	88-17-068	180-78-010	AMD	88-07-002
174-107-460	REP-P	88-14-101	174-124-020	REP	88-17-069	180-78-010	AMD-P	88-21-106
174-107-460	REP-P	88-14-102	174-124-030	REP-P	88-14-101	180-78-026	NEW	88-07-002
174-107-460	REP-E	88-17-068	174-124-030	REP-P	88-14-102	180-78-027	REP	88-07-002
174-107-460	REP	88-17-069	174-124-030	REP-E	88-17-068	180-78-028	NEW	88-07-002
174-107-470	REP-P	88-14-101	174-124-030	REP	88-17-069	180-78-028	AMD-P	88-21-106
174-107-470	REP-P	88-14-102	174-124-040	REP-P	88-14-101	180-78-029	NEW	88-07-002
174-107-470	REP-E	88-17-068	174-124-040	REP-P	88-14-102	180-78-029	AMD-P	88-21-106
174-107-470	REP	88-17-069	174-124-040	REP-E	88-17-068	180-78-030	REP	88-07-002
174-107-500	REP-P	88-14-101	174-124-040	REP	88-17-069	180-78-033	NEW	88-07-002
174-107-500	REP-P	88-14-102	174-124-050	REP-P	88-14-101	180-78-033	AMD-P	88-21-106
174-107-500	REP-E	88-17-068	174-124-050	REP-P	88-14-102	180-78-035	REP	88-07-002
174-107-500	REP	88-17-069	174-124-050	REP-E	88-17-068	180-78-036	NEW	88-07-002
174-107-510	REP-P	88-14-101	174-124-050	REP	88-17-069	180-78-037	NEW	88-07-002
174-107-510	REP-P	88-14-102	174-124-120	REP-P	88-14-101	180-78-040	REP	88-07-002
174-107-510	REP-E	88-17-068	174-124-120	REP-P	88-14-102	180-78-045	REP-P	88-21-106
174-107-510	REP	88-17-069	174-124-120	REP-E	88-17-068	180-78-047	NEW	88-07-002
174-107-520	REP-P	88-14-101	174-124-120	REP	88-17-069	180-78-047	AMD-P	88-21-106
174-107-520	REP-P	88-14-102	174-130-010	NEW-P	88-14-101	180-78-050	REP	88-07-002
174-107-520	REP-E	88-17-068	174-130-020	NEW-P	88-14-102	180-78-055	REP	88-07-002
174-107-520	REP	88-17-069	174-130-030	NEW-P	88-14-101	180-78-057	AMD	88-07-002
174-107-530	REP-P	88-14-101	174-130-040	NEW-P	88-14-101	180-78-057	AMD-P	88-21-106
174-107-530	REP-P	88-14-102	174-130-050	NEW-P	88-14-101	180-78-060	AMD	88-07-002
174-107-530	REP-E	88-17-068	174-130-060	NEW-P	88-14-101	180-78-063	NEW	88-07-002
174-107-530	REP	88-17-069	174-130-070	NEW-P	88-14-101	180-78-063	AMD-P	88-21-106
174-107-540	REP-P	88-14-101	174-130-080	NEW-P	88-14-101	180-78-065	NEW	88-07-002
174-107-540	REP-P	88-14-102	174-130-090	NEW-P	88-14-101	180-78-068	NEW	88-07-002
174-107-540	REP-E	88-17-068	174-136-300	NEW-P	88-14-103	180-78-070	NEW	88-07-002
174-107-540	REP	88-17-069	174-136-300	NEW-E	88-17-070	180-78-073	NEW	88-07-002
174-107-550	REP-P	88-14-101	174-136-300	NEW	88-17-071	180-78-073	AMD-P	88-21-106
174-107-550	REP-P	88-14-102	174-136-310	NEW-P	88-14-103	180-78-074	NEW	88-07-002
174-107-550	REP-E	88-17-068	174-136-310	NEW-E	88-17-070	180-78-075	NEW	88-07-002
174-107-550	REP	88-17-069	174-136-310	NEW	88-17-071	180-78-075	AMD-P	88-21-106
174-116-020	AMD-P	88-16-088	174-136-320	NEW-P	88-14-103	180-78-080	NEW	88-07-002
174-116-020	AMD-E	88-19-096	174-136-320	NEW-E	88-17-070	180-78-085	NEW	88-07-002
174-116-020	AMD	88-19-097	174-136-320	NEW	88-17-071	180-78-090	NEW	88-07-002
174-116-040	AMD-P	88-16-088	174-136-330	NEW-P	88-14-103	180-78-095	NEW	88-07-002
174-116-040	AMD-E	88-19-096	174-136-330	NEW-E	88-17-070	180-78-100	NEW	88-07-002
174-116-040	AMD	88-19-097	174-136-330	NEW	88-17-071	180-78-105	NEW	88-07-002
174-116-043	AMD-P	88-16-088	180-16-210	AMD-P	88-21-103	180-78-110	NEW	88-07-002
174-116-043	AMD-E	88-19-096	180-16-223	AMD-P	88-05-024	180-78-115	NEW	88-07-002

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180-78-125	NEW	88-07-002	180-79-115	AMD-E	88-12-013	180-84-060	REP	88-05-049
180-78-125	AMD-P	88-21-106	180-79-115	AMD-P	88-17-039	180-84-075	REP	88-05-049
180-78-130	NEW	88-07-002	180-79-115	AMD	88-21-011	180-84-080	REP	88-05-049
180-78-140	NEW	88-07-002	180-79-116	NEW-E	88-05-045	180-84-090	REP	88-05-049
180-78-140	AMD-P	88-21-106	180-79-116	NEW-P	88-05-051	180-85-020	AMD-P	88-21-109
180-78-145	NEW	88-07-002	180-79-116	NEW	88-08-046	180-85-025	AMD-P	88-21-109
180-78-145	AMD-P	88-21-106	180-79-117	NEW	88-05-047	180-85-030	AMD-P	88-21-109
180-78-150	NEW	88-07-002	180-79-117	AMD-P	88-21-107	180-85-075	AMD-P	88-21-109
180-78-150	AMD-P	88-21-106	180-79-120	AMD	88-05-047	180-85-080	AMD-P	88-21-109
180-78-155	NEW	88-07-002	180-79-120	AMD-P	88-21-107	180-85-083	NEW-P	88-21-109
180-78-160	NEW	88-07-002	180-79-122	NEW	88-05-047	180-85-085	AMD-P	88-21-109
180-78-160	AMD-E	88-12-015	180-79-122	AMD-P	88-21-107	180-85-120	AMD-P	88-21-109
180-78-160	AMD-P	88-17-038	180-79-125	AMD	88-05-047	180-85-200	AMD-P	88-21-109
180-78-160	AMD	88-21-013	180-79-125	AMD-P	88-21-107	180-85-202	AMD-P	88-21-109
180-78-160	AMD-P	88-21-106	180-79-127	NEW	88-05-047	180-85-225	AMD-P	88-21-109
180-78-165	NEW	88-07-002	180-79-127	AMD-P	88-21-107	180-90-160	AMD-P	88-21-110
180-78-165	AMD-P	88-21-106	180-79-128	NEW-P	88-21-107	180-96-005	NEW-E	88-21-101
180-78-170	NEW	88-07-002	180-79-129	NEW-E	88-05-045	180-96-005	NEW-P	88-21-111
180-78-170	AMD-P	88-21-106	180-79-129	NEW-P	88-05-051	180-96-010	NEW-E	88-21-101
180-78-175	NEW	88-07-002	180-79-129	NEW	88-08-046	180-96-010	NEW-P	88-21-111
180-78-180	NEW	88-07-002	180-79-130	REP	88-05-047	180-96-015	NEW-E	88-21-101
180-78-185	NEW	88-07-002	180-79-131	NEW	88-05-047	180-96-015	NEW-P	88-21-111
180-78-190	NEW	88-07-002	180-79-135	REP	88-05-047	180-96-020	NEW-E	88-21-101
180-78-193	AMD	88-07-002	180-79-136	NEW	88-05-047	180-96-020	NEW-P	88-21-111
180-78-193	AMD-P	88-21-106	180-79-140	NEW	88-05-047	180-96-025	NEW-E	88-21-101
180-78-194	AMD	88-07-002	180-79-150	REP	88-05-047	180-96-025	NEW-P	88-21-111
180-78-199	AMD	88-07-002	180-79-155	REP	88-05-047	180-96-030	NEW-E	88-21-101
180-78-205	NEW	88-07-002	180-79-160	REP	88-05-047	180-96-030	NEW-P	88-21-111
180-78-210	NEW	88-07-002	180-79-170	REP	88-05-047	180-96-035	NEW-E	88-21-101
180-78-215	NEW	88-07-002	180-79-175	REP	88-05-047	180-96-035	NEW-P	88-21-111
180-78-220	NEW	88-07-002	180-79-180	REP-E	88-12-014	180-96-040	NEW-E	88-21-101
180-78-225	NEW	88-07-002	180-79-180	REP-P	88-17-037	180-96-040	NEW-P	88-21-111
180-78-230	NEW	88-07-002	180-79-180	REP	88-21-012	180-96-045	NEW-E	88-21-101
180-78-235	NEW	88-07-002	180-79-185	REP	88-05-047	180-96-045	NEW-P	88-21-111
180-78-240	NEW	88-07-002	180-79-190	REP	88-05-047	180-96-050	NEW-E	88-21-101
180-78-245	NEW	88-07-002	180-79-195	REP	88-05-047	180-96-050	NEW-P	88-21-111
180-78-250	NEW	88-07-002	180-79-199	NEW-P	88-21-107	180-96-055	NEW-E	88-21-101
180-78-255	NEW	88-07-002	180-79-200	REP	88-05-047	180-96-055	NEW-P	88-21-111
180-78-260	NEW	88-07-002	180-79-205	REP	88-05-047	180-96-060	NEW-E	88-21-101
180-78-265	NEW	88-07-002	180-79-210	REP	88-05-047	180-96-060	NEW-P	88-21-111
180-78-270	NEW	88-07-002	180-79-215	REP	88-05-047	180-96-065	NEW-E	88-21-101
180-78-275	NEW	88-07-002	180-79-230	AMD	88-05-047	180-96-065	NEW-P	88-21-111
180-78-280	NEW	88-07-002	180-79-245	AMD	88-05-047	180-96-070	NEW-E	88-21-101
180-78-285	NEW	88-07-002	180-79-250	REP	88-05-047	180-96-070	NEW-P	88-21-111
180-78-290	NEW	88-07-002	180-79-300	AMD-P	88-21-107	180-96-075	NEW-E	88-21-101
180-78-295	NEW	88-07-002	180-79-303	NEW-P	88-21-107	180-96-075	NEW-P	88-21-111
180-78-300	NEW	88-07-002	180-79-305	AMD-P	88-21-107	180-110-010	NEW	88-06-002
180-78-305	NEW	88-07-002	180-79-315	AMD-P	88-21-107	180-110-015	NEW	88-06-002
180-78-310	NEW	88-07-002	180-79-317	AMD-P	88-21-107	180-110-017	NEW	88-06-002
180-78-315	NEW	88-07-002	180-79-396	AMD-P	88-21-107	180-110-020	NEW	88-06-002
180-78-320	NEW	88-07-002	180-80-205	REP	88-05-048	180-110-030	NEW	88-06-002
180-78-325	NEW	88-07-002	180-80-210	REP	88-05-048	180-110-035	NEW	88-06-002
180-79-005	AMD-P	88-21-107	180-80-215	REP	88-05-048	180-110-040	NEW	88-06-002
180-79-007	AMD-E	88-05-045	180-80-280	REP	88-05-048	180-110-045	NEW	88-06-002
180-79-007	AMD-P	88-05-051	180-80-285	REP	88-05-048	180-110-050	NEW	88-06-002
180-79-007	AMD	88-08-046	180-80-290	REP	88-05-048	180-110-052	NEW	88-06-002
180-79-007	REP-P	88-21-107	180-80-295	REP	88-05-048	180-110-053	NEW	88-06-002
180-79-010	AMD	88-05-047	180-80-300	REP	88-05-048	180-110-055	NEW	88-06-002
180-79-010	AMD-P	88-21-107	180-80-301	REP	88-05-048	180-110-060	NEW	88-06-002
180-79-013	REP	88-05-047	180-80-302	REP	88-05-048	180-110-065	NEW	88-06-002
180-79-014	REP	88-05-047	180-80-303	REP	88-05-048	180-115-005	NEW-E	88-05-046
180-79-045	AMD	88-05-047	180-80-312	REP	88-05-048	180-115-005	NEW-P	88-05-052
180-79-047	NEW-P	88-21-107	180-80-530	REP	88-05-048	180-115-005	NEW	88-08-044
180-79-049	NEW	88-05-047	180-80-705	REP	88-05-048	180-115-010	NEW-E	88-05-046
180-79-060	AMD	88-05-047	180-81-003	NEW-P	88-21-108	180-115-010	NEW-P	88-05-052
180-79-060	AMD-P	88-21-107	180-81-005	NEW-P	88-21-108	180-115-010	NEW	88-08-044
180-79-062	NEW	88-05-047	180-81-010	NEW-P	88-21-108	180-115-015	NEW-E	88-05-046
180-79-063	NEW	88-05-047	180-81-015	NEW-P	88-21-108	180-115-015	NEW-P	88-05-052
180-79-063	AMD-P	88-21-107	180-81-020	NEW-P	88-21-108	180-115-015	NEW	88-08-044
180-79-065	AMD	88-05-047	180-81-025	NEW-P	88-21-108	180-115-020	NEW-E	88-05-046
180-79-065	AMD-P	88-21-107	180-81-030	NEW-P	88-21-108	180-115-020	NEW-P	88-05-052
180-79-065	AMD-P	88-21-107	180-81-035	NEW-P	88-21-108	180-115-020	NEW	88-08-044
180-79-080	AMD	88-05-047	180-84-015	REP	88-05-049	180-115-025	NEW-E	88-05-046
180-79-086	AMD	88-05-047	180-84-020	REP	88-05-049	180-115-025	NEW-P	88-05-052
180-79-086	AMD-P	88-21-107	180-84-025	REP	88-05-049	180-115-025	NEW	88-08-044
180-79-100	REP	88-05-047	180-84-050	REP	88-05-049	180-115-030	NEW-E	88-05-046

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-115-030	NEW-P	88-05-052	192-28-105	AMD	88-10-021	204-36-050	AMD-P	88-11-012
180-115-030	NEW	88-08-044	192-28-110	AMD-P	88-07-109	204-36-050	AMD	88-15-052
180-115-035	NEW-E	88-05-046	192-28-110	AMD	88-10-021	204-36-060	AMD-P	88-11-012
180-115-035	NEW-P	88-05-052	192-28-120	AMD-P	88-07-109	204-36-060	AMD	88-15-052
180-115-035	NEW	88-08-044	192-28-120	AMD	88-10-021	204-36-070	AMD-P	88-11-012
180-115-040	NEW-E	88-05-046	192-28-130	NEW-P	88-07-109	204-36-070	AMD	88-15-052
180-115-040	NEW-P	88-05-052	192-28-130	NEW	88-10-021	204-38-010	AMD-P	88-11-013
180-115-040	NEW	88-08-044	192-42-005	NEW-P	88-07-110	204-38-010	AMD	88-15-055
180-115-045	NEW-E	88-05-046	192-42-005	NEW	88-12-051	204-38-050	AMD-P	88-11-013
180-115-045	NEW-P	88-05-052	192-42-010	NEW-P	88-07-110	204-38-050	AMD	88-15-055
180-115-045	NEW	88-08-044	192-42-010	NEW	88-12-051	204-40-010	AMD-P	88-11-014
180-115-050	NEW-E	88-05-046	192-42-020	NEW-P	88-07-110	204-40-010	AMD	88-15-049
180-115-050	NEW-P	88-05-052	192-42-020	NEW	88-12-051	204-40-030	AMD-P	88-11-014
180-115-050	NEW	88-08-044	192-42-030	NEW-P	88-07-110	204-40-030	AMD	88-15-049
180-115-055	NEW-E	88-05-046	192-42-030	NEW	88-12-051	204-50-040	AMD-P	88-11-015
180-115-055	NEW-P	88-05-052	192-42-040	NEW-P	88-07-110	204-50-040	AMD	88-15-050
180-115-055	NEW	88-08-044	192-42-040	NEW	88-12-051	204-50-050	AMD-P	88-11-015
180-115-060	NEW-E	88-05-046	192-42-050	NEW-P	88-07-110	204-50-050	AMD	88-15-050
180-115-060	NEW-P	88-05-052	192-42-050	NEW	88-12-051	204-74-010	AMD-P	88-11-016
180-115-060	NEW	88-08-044	192-42-060	NEW-P	88-07-110	204-74-010	AMD	88-15-051
180-115-065	NEW-E	88-05-046	192-42-060	NEW	88-12-051	204-74-040	AMD-P	88-11-016
180-115-065	NEW-P	88-05-052	192-42-070	NEW-P	88-07-110	204-74-040	AMD	88-15-051
180-115-065	NEW	88-08-044	192-42-070	NEW	88-12-051	204-80-010	AMD-P	88-11-017
180-115-070	NEW-E	88-05-046	192-42-080	NEW-P	88-07-110	204-80-010	AMD	88-15-054
180-115-070	NEW-P	88-05-052	192-42-080	NEW	88-12-051	204-80-060	NEW-P	88-11-017
180-115-070	NEW	88-08-044	192-44-010	NEW-P	88-11-091	204-80-060	NEW	88-15-054
180-115-075	NEW-E	88-05-046	192-44-020	NEW-P	88-11-091	204-88-010	AMD-P	88-11-018
180-115-075	NEW-P	88-05-052	192-44-030	NEW-P	88-11-091	204-88-010	AMD	88-15-053
180-115-075	NEW	88-08-044	192-44-040	NEW-P	88-11-091	204-88-030	AMD-P	88-11-018
180-115-080	NEW-E	88-05-046	192-44-050	NEW-P	88-11-091	204-88-030	AMD	88-15-053
180-115-080	NEW-P	88-05-052	192-44-060	NEW-P	88-11-091	204-88-070	AMD-P	88-11-018
180-115-080	NEW	88-08-044	192-44-070	NEW-P	88-11-091	204-88-070	AMD	88-15-053
180-115-085	NEW-E	88-05-046	192-44-080	NEW-P	88-11-091	204-91-010	REP-P	88-13-058
180-115-085	NEW-P	88-05-052	192-44-090	NEW-P	88-11-091	204-91-010	REP-W	88-16-021
180-115-085	NEW	88-08-044	192-44-100	NEW-P	88-11-091	204-91-020	REP-P	88-13-058
180-115-090	NEW-E	88-05-046	192-44-110	NEW-P	88-11-091	204-91-020	REP-W	88-16-021
180-115-090	NEW-P	88-05-052	192-44-120	NEW-P	88-11-091	204-91-030	REP-P	88-13-058
180-115-090	NEW	88-08-044	192-44-130	NEW-P	88-11-091	204-91-030	REP-W	88-16-021
180-115-095	NEW-E	88-05-046	192-44-140	NEW-P	88-11-091	204-91-040	REP-P	88-13-058
180-115-095	NEW-P	88-05-052	192-44-150	NEW-P	88-11-091	204-91-040	REP-W	88-16-021
180-115-095	NEW	88-08-044	192-44-160	NEW-P	88-11-091	204-91-050	REP-P	88-13-058
180-115-100	NEW-E	88-05-046	192-44-170	NEW-P	88-11-091	204-91-050	REP-W	88-16-021
180-115-100	NEW-P	88-05-052	192-44-180	NEW-P	88-11-091	204-91-060	REP-P	88-13-058
180-115-100	NEW	88-08-044	192-44-190	NEW-P	88-11-091	204-91-060	REP-W	88-16-021
180-115-105	NEW-E	88-05-046	196-04-025	NEW-E	88-05-064	204-91-070	REP-P	88-13-058
180-115-105	NEW-P	88-05-052	196-04-025	NEW-P	88-07-094	204-91-070	REP-W	88-16-021
180-115-105	NEW	88-08-044	196-04-025	NEW	88-12-044	204-91-080	REP-P	88-13-058
182-12-115	AMD-P	88-09-058	196-04-030	AMD-E	88-05-064	204-91-080	REP-W	88-16-021
182-12-115	AMD	88-12-034	196-04-030	AMD-P	88-07-094	204-91-100	REP-P	88-13-058
182-12-115	AMD-P	88-16-050	196-04-030	AMD	88-12-044	204-91-100	REP-W	88-16-021
182-12-115	AMD-E	88-16-051	196-12-010	AMD-E	88-05-064	204-91-110	REP-P	88-13-058
182-12-115	AMD-C	88-17-021	196-12-010	AMD-P	88-07-094	204-91-110	REP-W	88-16-021
182-12-115	AMD-E	88-18-037	196-12-010	AMD	88-12-044	204-91-120	REP-P	88-13-058
182-12-115	AMD	88-19-078	196-12-085	AMD-E	88-05-064	204-91-120	REP-W	88-16-021
182-12-120	REP-P	88-09-058	196-12-085	AMD-P	88-07-094	204-91-130	REP-P	88-13-058
182-12-120	REP	88-12-034	196-12-085	AMD	88-12-044	204-91-130	REP-W	88-16-021
182-12-127	AMD-P	88-16-050	196-16-007	AMD-E	88-05-064	204-91-140	REP-P	88-13-058
182-12-127	AMD-C	88-17-021	196-16-007	AMD-P	88-07-094	204-91-140	REP-W	88-16-021
182-12-127	AMD	88-19-078	196-16-007	AMD	88-12-044	204-91-150	REP-P	88-13-058
182-12-165	AMD-P	88-09-058	196-20-010	AMD-E	88-05-064	204-91-150	REP-W	88-16-021
182-12-165	AMD	88-12-034	196-20-010	AMD-P	88-07-094	204-91-160	REP-P	88-13-058
182-12-210	AMD-P	88-16-050	196-20-010	AMD	88-12-044	204-91-160	REP-W	88-16-021
182-12-210	AMD-C	88-17-021	204-08-020	AMD	88-03-031	204-91-170	REP-P	88-13-058
182-12-210	AMD	88-19-078	204-08-030	AMD	88-03-031	204-91-170	REP-W	88-16-021
192-12-019	AMD-P	88-13-127	204-08-040	AMD	88-03-031	204-91-180	REP-P	88-13-058
192-12-019	AMD	88-16-077	204-08-050	AMD	88-03-031	204-91-180	REP-W	88-16-021
192-12-205	NEW-P	88-13-126	204-29-010	NEW-E	88-14-022	204-91-190	REP-P	88-13-058
192-16-057	NEW-P	88-07-108	204-29-010	NEW-E	88-20-041	204-91-190	REP-W	88-16-021
192-16-057	NEW	88-10-020	204-29-010	NEW-P	88-20-064	204-91-200	REP-P	88-13-058
192-16-061	NEW	88-05-034	204-36-010	AMD-P	88-11-012	204-91-200	REP-W	88-16-021
192-16-065	NEW-E	88-07-107	204-36-010	AMD	88-15-052	204-91A-010	NEW-P	88-13-058
192-16-065	NEW-P	88-07-108	204-36-020	AMD-P	88-11-012	204-91A-010	NEW-W	88-16-021
192-16-065	NEW	88-10-020	204-36-020	AMD	88-15-052	204-91A-020	NEW-P	88-13-058
192-18-012	NEW-P	88-13-072	204-36-030	AMD-P	88-11-012	204-91A-020	NEW-W	88-16-021
192-18-012	NEW-E	88-13-073	204-36-030	AMD	88-15-052	204-91A-030	NEW-P	88-13-058
192-18-012	NEW	88-16-076	204-36-040	AMD-P	88-11-012	204-91A-030	NEW-W	88-16-021
192-28-105	AMD-P	88-07-109	204-36-040	AMD	88-15-052	204-91A-041	NEW-P	88-13-058

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204-91A-051	NEW-P	88-13-058	212-17-362	NEW	88-08-027	220-32-05100F	REP-E	88-17-076
204-91A-051	NEW-W	88-16-021	220-01-00100A	NEW-E	88-18-087	220-32-05100G	NEW-E	88-17-076
204-91A-081	NEW-P	88-13-058	220-01-00100A	REP-E	88-19-007	220-32-05100G	REP-E	88-18-019
204-91A-081	NEW-W	88-16-021	220-12-020	AMD-P	88-07-111	220-32-05100H	NEW-E	88-18-019
204-91A-100	NEW-P	88-13-058	220-12-020	AMD-C	88-10-041	220-32-05100H	REP-E	88-18-067
204-91A-100	NEW-W	88-16-021	220-12-020	AMD	88-12-025	220-32-05100I	NEW-E	88-18-067
204-91A-110	NEW-P	88-13-058	220-16-040	AMD-P	88-14-136	220-32-05100I	REP-E	88-19-060
204-91A-110	NEW-W	88-16-021	220-16-040	AMD	88-18-066	220-32-05100J	NEW-E	88-19-060
204-91A-120	NEW-P	88-13-058	220-16-085	AMD-P	88-03-076	220-32-05100J	REP-E	88-19-100
204-91A-120	NEW-W	88-16-021	220-16-085	AMD	88-10-012	220-32-05100K	NEW-E	88-19-100
204-91A-130	NEW-P	88-13-058	220-16-08500A	NEW-E	88-08-002	220-32-05100K	REP-E	88-20-021
204-91A-130	NEW-W	88-16-021	220-16-400	NEW-P	88-14-136	220-32-05100L	NEW-E	88-20-021
204-91A-140	NEW-P	88-13-058	220-16-400	NEW	88-18-066	220-32-05100M	NEW-E	88-20-050
204-91A-140	NEW-W	88-16-021	220-16-405	NEW-P	88-14-136	220-32-05100M	REP-E	88-21-008
204-91A-150	NEW-P	88-13-058	220-16-405	NEW	88-18-066	220-32-05100N	NEW-E	88-21-008
204-91A-150	NEW-W	88-16-021	220-20-010	AMD-P	88-03-075	220-32-05100Z	NEW-E	88-05-014
204-91A-160	NEW-P	88-13-058	220-20-010	AMD	88-10-013	220-32-05100Z	REP-E	88-07-015
204-91A-160	NEW-W	88-16-021	220-20-01000J	NEW-E	88-08-002	220-32-05700A	NEW-E	88-14-034
204-91A-170	NEW-P	88-13-058	220-20-01000L	NEW-E	88-13-074	220-32-05900N	NEW-E	88-09-052
204-91A-170	NEW-W	88-16-021	220-20-060	NEW-P	88-13-005	220-33-001	NEW-P	88-14-136
204-91A-180	NEW-P	88-13-058	220-20-060	NEW	88-16-074	220-33-001	NEW	88-18-066
204-91A-180	NEW-W	88-16-021	220-20-06000A	NEW-E	88-13-006	220-33-005	NEW-P	88-14-136
204-91A-190	NEW-P	88-13-058	220-20-06000A	REP-E	88-16-004	220-33-005	NEW	88-18-066
204-91A-190	NEW-W	88-16-021	220-20-06000B	NEW-E	88-16-004	220-33-010	NEW-P	88-14-136
212-17-001	AMD-P	88-03-014	220-22-02000D	NEW-E	88-14-024	220-33-010	NEW	88-18-066
212-17-001	AMD	88-08-027	220-22-030	AMD-P	88-10-060	220-32-01000A	NEW-E	88-21-019
212-17-010	AMD-P	88-03-014	220-22-030	AMD-C	88-13-069	220-33-020	NEW-P	88-14-136
212-17-010	AMD	88-08-027	220-22-030	AMD	88-14-133	220-33-020	NEW	88-18-066
212-17-060	AMD-P	88-03-014	220-24-02000B	NEW-E	88-09-023	220-33-030	NEW-P	88-14-136
212-17-060	AMD	88-08-027	220-24-02000B	REP-E	88-13-063	220-33-030	NEW	88-18-066
212-17-065	AMD-P	88-03-014	220-24-02000C	NEW-E	88-13-063	220-33-040	NEW-P	88-14-136
212-17-065	AMD	88-08-027	220-28-800	NEW-E	88-18-049	220-33-040	NEW	88-18-066
212-17-070	AMD-P	88-03-014	220-28-800	REP-E	88-19-046	220-33-050	NEW-P	88-14-136
212-17-070	AMD	88-08-027	220-32-016	REP-P	88-14-136	220-33-050	NEW	88-18-066
212-17-085	AMD-P	88-03-014	220-32-017	REP-P	88-14-136	220-33-060	NEW-P	88-14-136
212-17-085	AMD	88-08-027	220-32-020	REP-P	88-14-136	220-33-060	NEW	88-18-066
212-17-115	AMD-P	88-03-014	220-32-021	REP-P	88-14-136	220-36-021	AMD-P	88-14-135
212-17-115	AMD	88-08-027	220-32-022	REP-P	88-14-136	220-36-021	AMD	88-19-098
212-17-120	AMD-P	88-03-014	220-32-023	REP-P	88-14-136	220-36-02100T	NEW-E	88-14-024
212-17-120	AMD	88-08-027	220-32-024	REP-P	88-14-136	220-36-02100T	REP-E	88-17-035
212-17-125	AMD-P	88-03-014	220-32-025	REP-P	88-14-136	220-36-02100U	NEW-E	88-17-035
212-17-125	AMD	88-08-027	220-32-030	REP-P	88-14-136	220-36-02100U	REP-E	88-18-003
212-17-135	AMD-P	88-03-014	220-32-03000N	NEW-E	88-05-035	220-36-02100V	NEW-E	88-18-003
212-17-135	AMD	88-08-027	220-32-03000N	REP-E	88-07-014	220-36-02100V	REP-E	88-18-093
212-17-140	AMD-P	88-03-014	220-32-03000P	NEW-E	88-07-014	220-36-02100W	NEW-E	88-18-093
212-17-140	AMD	88-08-027	220-32-03000Q	NEW-E	88-13-111	220-36-02100W	REP-E	88-19-013
212-17-170	AMD-P	88-03-014	220-32-03000Q	REP-E	88-14-004	220-36-02100X	NEW-E	88-19-013
212-17-170	AMD	88-08-027	220-32-03000R	NEW-E	88-14-004	220-36-02100X	REP-E	88-19-101
212-17-185	AMD-P	88-03-014	220-32-03000R	REP-E	88-17-010	220-36-022	REP-P	88-14-135
212-17-185	AMD	88-08-027	220-32-03000S	NEW-E	88-17-010	220-36-022	REP	88-19-098
212-17-195	AMD-P	88-03-014	220-32-03000S	REP-E	88-17-036	220-36-024	REP-P	88-14-135
212-17-195	AMD	88-08-027	220-32-03000T	NEW-E	88-17-036	220-36-024	REP	88-19-098
212-17-203	AMD-P	88-03-014	220-32-03000T	REP-E	88-19-012	220-40-021	AMD-P	88-14-135
212-17-203	AMD	88-08-027	220-32-03000U	NEW-E	88-19-012	220-40-021	AMD	88-19-098
212-17-225	AMD-P	88-03-014	220-32-03000U	REP-E	88-19-059	220-40-02100F	NEW-E	88-14-024
212-17-225	AMD	88-08-027	220-32-03000V	NEW-E	88-19-059	220-40-02100F	REP-E	88-17-035
212-17-230	AMD-P	88-03-014	220-32-03000V	REP-E	88-21-019	220-40-02100G	NEW-E	88-17-035
212-17-230	AMD	88-08-027	220-32-031	REP-P	88-14-136	220-40-02100G	REP-E	88-18-003
212-17-235	AMD-P	88-03-014	220-32-032	REP-P	88-14-136	220-40-02100H	NEW-E	88-18-003
212-17-235	AMD	88-08-027	220-32-033	REP-P	88-14-136	220-40-02100H	REP-E	88-18-030
212-17-245	AMD-P	88-03-014	220-32-034	REP-P	88-14-136	220-40-02100I	NEW-E	88-18-030
212-17-245	AMD	88-08-027	220-32-036	REP-P	88-14-136	220-40-02100I	REP-E	88-18-086
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212-17-250	AMD	88-08-027	220-32-041	REP-P	88-14-136	220-40-02100J	REP-E	88-19-015
212-17-260	AMD-P	88-03-014	220-32-04100K	NEW-E	88-11-041	220-40-02100K	NEW-E	88-19-015
212-17-260	AMD	88-08-027	220-32-043	REP-P	88-14-136	220-40-02100K	REP-E	88-20-051
212-17-265	AMD-P	88-03-014	220-32-044	REP-P	88-14-136	220-40-02100L	NEW-E	88-20-051
212-17-265	AMD	88-08-027	220-32-05100A	NEW-E	88-07-015	220-40-022	REP-P	88-14-135
212-17-270	AMD-P	88-03-014	220-32-05100B	NEW-E	88-13-111	220-40-022	REP	88-19-098
212-17-270	AMD	88-08-027	220-32-05100B	REP-E	88-14-004	220-40-024	REP-P	88-14-135
212-17-335	AMD-P	88-03-014	220-32-05100C	NEW-E	88-14-004	220-40-024	REP	88-19-098
212-17-335	AMD	88-08-027	220-32-05100C	REP-E	88-14-018	220-40-025	REP-P	88-14-135
212-17-345	AMD-P	88-03-014	220-32-05100D	NEW-E	88-14-018	220-40-025	REP	88-19-098
212-17-345	AMD	88-08-027	220-32-05100D	REP-E	88-16-075	220-44-030	AMD-P	88-19-063
212-17-352	NEW-P	88-03-014	220-32-05100E	NEW-E	88-14-100	220-44-03000C	NEW-E	88-13-070
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220-44-05000P	NEW-E	88-16-003	220-47-918	REP-E	88-20-049	220-56-185	AMD	88-10-013
220-44-05000P	REP-E	88-17-086	220-47-919	NEW-E	88-20-049	220-56-19000A	NEW-E	88-15-007
220-44-05000Q	NEW-E	88-17-086	220-47-919	REP-E	88-20-069	220-56-19000A	REP-E	88-16-009
220-44-05000Q	REP-E	88-19-089	220-47-920	NEW-E	88-20-069	220-56-19000B	NEW-E	88-16-009
220-44-05000R	NEW-E	88-19-089	220-47-920	REP-E	88-21-010	220-56-19000B	REP-E	88-16-046
220-44-05000R	REP-E	88-20-030	220-47-921	NEW-E	88-21-010	220-56-19000C	NEW-E	88-16-046
220-44-05000S	NEW-E	88-20-030	220-47-921	REP-E	88-21-020	220-56-19000C	REP-E	88-17-048
220-47-266	AMD-P	88-10-060	220-47-922	NEW-E	88-21-020	220-56-19000D	NEW-E	88-16-048
220-47-266	AMD-C	88-13-069	220-47-922	REP-E	88-21-061	220-56-19000D	REP-E	88-18-085
220-47-266	AMD	88-14-133	220-47-923	NEW-E	88-21-061	220-56-19000E	NEW-E	88-17-048
220-47-269	NEW-P	88-10-060	220-47-923	REP-E	88-21-075	220-56-19000E	REP-E	88-18-043
220-47-269	NEW-C	88-13-069	220-47-924	NEW-E	88-21-075	220-56-19000F	NEW-E	88-18-043
220-47-269	NEW	88-14-133	220-48-01500A	NEW-E	88-03-009	220-56-19000G	NEW-E	88-18-041
220-47-307	AMD-P	88-10-060	220-48-01500B	NEW-E	88-07-034	220-56-19000G	REP-E	88-20-003
220-47-307	AMD-C	88-13-069	220-48-01500C	NEW-E	88-09-032	220-56-19000H	NEW-E	88-18-085
220-47-307	AMD	88-14-133	220-48-02900B	NEW-E	88-03-009	220-56-19000I	NEW-E	88-20-003
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220-47-311	AMD-C	88-13-069	220-49-02000X	NEW-E	88-09-022	220-56-19000X	REP-E	88-14-017
220-47-311	AMD	88-14-133	220-52-010	AMD-P	88-07-111	220-56-19000Y	NEW-E	88-14-017
220-47-312	AMD-P	88-10-060	220-52-010	AMD-C	88-10-041	220-56-19000Y	REP-E	88-15-007
220-47-312	AMD-C	88-13-069	220-52-010	AMD	88-12-025	220-56-19000Z	NEW-E	88-14-019
220-47-312	AMD	88-14-133	220-52-05100A	NEW-E	88-16-045	220-56-19000Z	REP-E	88-16-048
220-47-313	AMD-P	88-10-060	220-52-05300U	NEW-E	88-12-003	220-56-195	AMD-P	88-03-075
220-47-313	AMD-C	88-13-069	220-52-05300U	REP-E	88-13-071	220-56-195	AMD	88-10-013
220-47-313	AMD	88-14-133	220-52-05300V	NEW-E	88-13-071	220-56-19500H	NEW-E	88-08-002
220-47-401	AMD-P	88-10-060	220-52-05300V	REP-E	88-14-071	220-56-19500I	NEW-E	88-18-069
220-47-401	AMD-C	88-13-069	220-52-05300W	NEW-E	88-14-071	220-56-199	AMD-P	88-03-075
220-47-401	AMD	88-14-133	220-55-040	AMD	88-05-002	220-56-199	AMD	88-10-013
220-47-411	AMD-P	88-10-060	220-55-060	AMD	88-05-002	220-56-19900B	NEW-E	88-08-002
220-47-411	AMD-C	88-13-069	220-55-065	AMD	88-05-002	220-56-205	AMD-P	88-03-075
220-47-411	AMD	88-14-133	220-55-06500A	NEW-E	88-02-048	220-56-205	AMD	88-10-013
220-47-412	AMD-P	88-10-060	220-55-070	AMD	88-05-002	220-56-20500B	NEW-E	88-08-002
220-47-412	AMD-C	88-13-069	220-55-07000A	NEW-E	88-02-048	220-56-235	AMD-P	88-03-075
220-47-412	AMD	88-14-133	220-55-075	AMD	88-05-002	220-56-235	AMD	88-10-013
220-47-413	AMD-P	88-10-060	220-55-07500A	NEW-E	88-02-048	220-56-23500D	NEW-E	88-08-002
220-47-413	AMD-C	88-13-069	220-55-07600A	NEW-E	88-02-048	220-56-23500D	NEW-E	88-08-002
220-47-413	AMD	88-14-133	220-55-080	AMD	88-02-048	220-56-240	AMD-P	88-03-076
220-47-414	AMD-P	88-10-060	220-55-085	REP	88-05-002	220-56-240	AMD	88-10-012
220-47-414	AMD-C	88-13-069	220-55-090	AMD	88-05-002	220-56-24000D	NEW-E	88-08-002
220-47-414	AMD	88-14-133	220-55-095	REP	88-05-002	220-56-245	AMD-P	88-03-076
220-47-900	NEW-E	88-15-025	220-55-105	AMD	88-05-002	220-56-245	AMD	88-10-012
220-47-900	REP-E	88-16-075	220-55-110	AMD	88-05-002	220-56-24500D	NEW-E	88-08-002
220-47-901	NEW-E	88-15-044	220-55-115	AMD	88-05-002	220-56-24500E	NEW-E	88-16-028
220-47-901	REP-E	88-16-075	220-55-120	AMD	88-05-002	220-56-255	AMD-P	88-03-075
220-47-902	NEW-E	88-15-067	220-55-12000A	NEW-E	88-02-048	220-56-255	AMD	88-10-013
220-47-902	REP-E	88-16-006	220-55-125	AMD	88-05-002	220-56-25500A	REP-E	88-06-050
220-47-903	NEW-E	88-16-006	220-55-130	AMD	88-05-002	220-56-25500B	NEW-E	88-06-050
220-47-903	REP-E	88-16-010	220-55-135	AMD	88-05-002	220-56-25500B	REP-E	88-08-002
220-47-904	NEW-E	88-16-010	220-55-13500A	NEW-E	88-02-048	220-56-25500C	NEW-E	88-08-002
220-47-904	REP-E	88-16-047	220-55-13000A	NEW-E	88-02-048	220-56-25500D	NEW-E	88-16-028
220-47-905	NEW-E	88-16-047	220-56-105	AMD-P	88-03-075	220-56-25500D	NEW-E	88-16-028
220-47-905	REP-E	88-17-004	220-56-105	AMD	88-10-013	220-56-265	AMD-P	88-03-075
220-47-906	NEW-E	88-17-004	220-56-115	AMD-P	88-03-075	220-56-265	AMD	88-10-013
220-47-906	REP-E	88-17-033	220-56-115	AMD	88-10-013	220-56-26500A	NEW-E	88-08-002
220-47-907	NEW-E	88-17-033	220-56-11500B	NEW-E	88-08-002	220-56-26500A	NEW-E	88-20-057
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220-47-908	NEW-E	88-17-077	220-56-116	AMD-P	88-03-076	220-56-28000B	NEW-E	88-21-062
220-47-908	REP-E	88-18-013	220-56-116	AMD	88-10-012	220-56-285	AMD-P	88-03-076
220-47-909	NEW-E	88-18-013	220-56-120	AMD-P	88-03-076	220-56-285	AMD	88-10-012
220-47-909	REP-E	88-18-013	220-56-120	AMD	88-03-076	220-56-28500E	NEW-E	88-20-057
220-47-910	NEW-E	88-18-068	220-56-12000A	NEW-E	88-10-012	220-56-28500E	REP-E	88-21-062
220-47-910	NEW-E	88-18-068	220-56-128	AMD-P	88-16-005	220-56-28500F	NEW-E	88-21-062
220-47-910	REP-E	88-19-014	220-56-128	AMD	88-03-076	220-56-310	AMD-P	88-03-075
220-47-911	NEW-E	88-19-014	220-56-12800C	NEW-E	88-10-012	220-56-310	AMD-P	88-07-111
220-47-911	REP-E	88-19-036	220-56-175	AMD	88-08-002	220-56-310	AMD	88-10-013
220-47-912	NEW-E	88-19-036	220-56-17500A	NEW-E	88-05-002	220-56-310	AMD-C	88-10-041
220-47-912	REP-E	88-19-046	220-56-180	AMD-P	88-02-048	220-56-310	AMD	88-12-025
220-47-913	NEW-E	88-19-046	220-56-180	AMD	88-03-075	220-56-31000H	NEW-E	88-08-002
220-47-913	REP-E	88-19-058	220-56-18000A	NEW-E	88-10-013	220-56-320	AMD-P	88-07-111
220-47-914	NEW-E	88-19-058	220-56-18000A	NEW-E	88-21-074	220-56-320	AMD-C	88-10-041
220-47-914	REP-E	88-19-099	220-56-18000V	NEW-E	88-08-002	220-56-320	AMD	88-12-025
220-47-915	NEW-E	88-19-099	220-56-18000W	NEW-E	88-08-003	220-56-32500J	NEW-E	88-11-040
220-47-915	REP-E	88-20-005	220-56-18000X	NEW-E	88-12-047	220-56-32500J	REP-E	88-14-016
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220-56-32500L	NEW-E	88-14-016	220-57-31500J	REP-E	88-19-007	222-34-050	AMD	88-19-112
220-56-32500M	NEW-E	88-14-071	220-57-31500K	NEW-E	88-19-007	222-38-020	AMD-P	88-12-033
220-56-32500N	NEW-E	88-16-045	220-57-31500K	REP-E	88-19-039	222-38-020	AMD	88-19-112
220-56-335	AMD-P	88-03-075	220-57-31500L	NEW-E	88-19-039	222-50-020	AMD-P	88-12-033
220-56-335	AMD	88-10-013	220-57-31500L	REP-E	88-19-088	222-50-020	AMD	88-19-112
220-56-33500F	NEW-E	88-08-002	220-57-327	AMD-P	88-03-075	230-02-125	AMD-P	88-13-062
220-56-350	AMD-P	88-03-075	220-57-327	AMD	88-10-013	230-02-125	AMD-P	88-15-018
220-56-350	AMD	88-10-013	220-57-335	AMD-P	88-03-075	230-02-125	AMD	88-19-038
220-56-35000D	NEW-E	88-08-002	220-57-335	AMD	88-10-013	230-02-280	NEW-P	88-03-024
220-56-355	AMD-P	88-03-075	220-57-33500C	NEW-E	88-20-031	230-02-280	NEW-P	88-09-020
220-56-355	AMD	88-10-013	220-57-34000E	NEW-E	88-20-031	230-02-280	NEW	88-13-060
220-56-35500A	NEW-E	88-08-002	220-57-380	AMD-P	88-03-076	230-02-290	NEW-P	88-03-024
220-56-36000P	NEW-E	88-07-013	220-57-380	AMD	88-10-012	230-02-290	NEW-P	88-09-020
220-56-36000Q	NEW-E	88-21-076	220-57-385	AMD-P	88-03-075	230-02-290	NEW	88-13-060
220-56-380	AMD-P	88-03-075	220-57-385	AMD	88-10-013	230-04-065	AMD-P	88-09-020
220-56-380	AMD-P	88-03-076	220-57-38500R	NEW-E	88-21-073	230-04-065	AMD	88-13-060
220-56-380	AMD	88-10-012	220-57-40500H	NEW-E	88-21-045	230-04-190	AMD-P	88-09-020
220-56-380	AMD	88-10-013	220-57-42500N	NEW-E	88-14-019	230-04-190	AMD	88-13-060
220-56-38000B	NEW-E	88-08-002	220-57-42500N	REP-E	88-14-072	230-04-197	REP-P	88-03-024
220-57-130	AMD-P	88-03-075	220-57-42500P	NEW-E	88-14-072	230-04-197	REP	88-07-059
220-57-130	AMD	88-10-013	220-57-42500P	REP-E	88-16-048	230-04-199	AMD-P	88-13-062
220-57-13000P	NEW-E	88-21-073	220-57-42500Q	NEW-E	88-16-048	230-04-199	AMD	88-17-050
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220-57-135	AMD	88-10-013	220-57-42500R	NEW-E	88-18-085	230-04-201	AMD-P	88-09-020
220-57-13500M	NEW-E	88-21-073	220-57-43000A	NEW-E	88-19-061	230-04-201	AMD	88-11-071
220-57-14000G	NEW-E	88-12-046	220-57-445	AMD-P	88-03-075	230-04-201	AMD	88-13-060
220-57-14000H	NEW-E	88-18-041	220-57-445	AMD	88-10-013	230-04-260	AMD-P	88-09-020
220-57-160	AMD-P	88-03-075	220-57-44500A	NEW-E	88-20-057	230-04-260	AMD-P	88-11-070
220-57-160	AMD	88-10-013	220-57-44500A	REP-E	88-21-062	230-04-260	AMD	88-15-019
220-57-16000N	NEW-E	88-08-002	220-57-44500B	NEW-E	88-21-062	230-04-455	AMD-P	88-13-062
220-57-16000P	NEW-E	88-17-005	220-57-460	AMD-P	88-03-075	230-04-455	AMD	88-17-050
220-57-16000P	REP-E	88-17-034	220-57-460	AMD	88-10-013	230-08-010	AMD-P	88-03-024
220-57-16000Q	NEW-E	88-17-034	220-57-46000W	NEW-E	88-21-073	230-08-010	AMD-P	88-09-020
220-57-16000Q	REP-E	88-17-055	220-57-47000A	NEW-E	88-21-009	230-08-010	AMD	88-13-060
220-57-16000R	NEW-E	88-17-055	220-57-49000A	NEW-E	88-21-009	230-08-017	NEW-P	88-03-024
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220-57-16000S	NEW-E	88-17-065	220-57-495	AMD	88-10-013	230-08-017	NEW	88-13-060
220-57-16000S	REP-E	88-17-101	220-57-49700C	NEW-E	88-12-046	230-08-025	AMD-P	88-03-024
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220-57-16000U	NEW-E	88-20-004	220-57-50500N	NEW-E	88-08-055	230-08-130	AMD-P	88-03-024
220-57-16000U	REP-E	88-21-060	220-57-51000F	NEW-E	88-20-031	230-08-130	AMD-P	88-09-020
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220-57-16000W	NEW-E	88-21-060	220-57-515	AMD	88-10-013	230-08-170	REP-P	88-03-024
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220-57-200	AMD	88-10-013	220-57A-175	AMD-P	88-03-075	230-20-064	AMD-P	88-03-024
220-57-20000F	NEW-E	88-21-073	220-57A-175	AMD	88-10-013	230-20-064	AMD-E	88-05-038
220-57-20500A	NEW-E	88-21-009	220-57A-17500A	NEW-E	88-14-033	230-20-064	AMD	88-07-059
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248-63-050	REP-P	88-06-092	248-97-120	NEW	88-13-125	248-100-236	AMD-P	88-03-022
248-63-050	REP	88-10-027	248-97-130	NEW-P	88-10-005	248-100-236	AMD	88-07-063
248-63-055	NEW-P	88-06-092	248-97-130	NEW	88-13-125	248-100-440	REP-P	88-03-022
248-63-055	NEW	88-10-027	248-97-140	NEW-P	88-10-005	248-100-440	REP	88-07-063
248-63-060	REP-P	88-06-092	248-97-140	NEW	88-13-125	248-100-450	REP-P	88-03-022
248-63-060	REP	88-10-027	248-97-150	NEW-P	88-10-005	248-100-450	REP	88-07-063
248-63-065	NEW-P	88-06-092	248-97-150	NEW	88-13-125	248-100-452	REP-P	88-03-022
248-63-065	NEW	88-10-027	248-97-160	NEW-P	88-10-005	248-100-452	REP	88-07-063
248-63-070	REP-P	88-06-092	248-97-160	NEW	88-13-125	248-124-010	AMD-P	88-16-108
248-63-070	REP	88-10-027	248-97-170	NEW-P	88-10-005	248-124-010	AMD	88-19-092
248-63-075	NEW-P	88-06-092	248-97-170	NEW	88-13-125	248-124-015	NEW-P	88-16-108
248-63-075	NEW	88-10-027	248-100-011	AMD-P	88-03-022	248-124-015	NEW	88-19-092
248-63-080	REP-P	88-06-092	248-100-011	AMD	88-07-063	248-124-160	NEW-P	88-16-107
248-63-080	REP	88-10-027	248-100-011	AMD-E	88-09-053	248-124-160	NEW	88-19-034
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248-172-204	NEW	88-04-090	251-01-255	AMD-P	88-13-115	251-14-030	AMD-P	88-02-072
248-172-205	NEW	88-04-090	251-01-255	AMD	88-17-108	251-14-052	AMD-P	88-02-072
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248-172-303	NEW	88-04-090	251-01-258	NEW-C	88-13-112	251-14-052	AMD	88-18-018
248-172-304	NEW	88-04-090	251-01-258	NEW	88-18-018	251-14-054	AMD-P	88-02-072
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250-20-031	AMD	88-10-001	251-01-445	REP-P	88-02-072	251-14-058	AMD-C	88-06-062
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250-40-040	AMD-P	88-06-090	251-01-445	AMD	88-18-018	251-14-058	AMD	88-18-018
250-40-040	AMD	88-10-002	251-01-450	REP-P	88-02-072	251-17-090	AMD-P	88-21-100
250-40-050	AMD-P	88-06-090	251-01-455	REP-P	88-02-072	251-17-140	REP-P	88-09-057
250-40-050	AMD	88-10-002	251-01-455	REP-P	88-06-075	251-17-140	REP	88-13-018
250-60-020	AMD-P	88-06-091	251-01-455	REP-C	88-13-112	251-17-170	AMD-P	88-08-021
250-60-020	AMD	88-10-003	251-01-455	REP	88-18-018	251-18-180	AMD-P	88-21-100
250-60-030	AMD-P	88-06-091	251-04-040	AMD-P	88-12-052	251-22-110	AMD-P	88-09-056
250-60-030	AMD	88-10-003	251-04-040	AMD	88-15-023	251-22-110	AMD	88-13-019
250-60-040	AMD-P	88-06-091	251-08-100	AMD-P	88-12-052	251-22-110	AMD-P	88-13-114
250-60-040	AMD	88-10-003	251-08-100	AMD	88-15-023	251-22-110	AMD	88-17-008
250-60-050	AMD-P	88-06-091	251-08-110	AMD-P	88-21-100	251-22-115	REP-P	88-09-056
250-60-050	AMD	88-10-003	251-10-030	AMD-P	88-17-107	251-22-115	REP	88-13-019
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250-60-090	AMD-P	88-06-091	251-10-110	REP-P	88-17-107	260-34-020	NEW	88-09-033
250-60-090	AMD	88-10-003	251-10-111	REP-P	88-17-107	260-34-030	NEW-P	88-06-052
250-60-100	AMD-P	88-06-091	251-10-120	REP-P	88-17-107	260-34-030	NEW	88-09-033
250-60-100	AMD	88-10-003	251-10-130	REP-P	88-17-107	260-34-040	NEW-P	88-06-052
250-60-110	AMD-P	88-06-091	251-10-140	REP-P	88-17-107	260-34-040	NEW	88-09-033
250-60-110	AMD	88-10-003	251-10-150	REP-P	88-17-107	260-34-050	NEW-P	88-06-052
250-60-120	AMD-P	88-06-091	251-10-160	REP-P	88-17-107	260-34-050	NEW	88-09-033
250-60-120	AMD	88-10-003	251-10-170	AMD-P	88-02-072	260-34-060	NEW-P	88-06-052
250-65-010	NEW	88-03-008	251-10-170	AMD-C	88-06-062	260-34-060	NEW	88-09-033
250-65-020	NEW	88-03-008	251-10-170	AMD-P	88-06-075	260-34-070	NEW-P	88-06-052
250-65-030	NEW	88-03-008	251-10-170	AMD-C	88-13-112	260-34-070	NEW	88-09-033
250-65-040	NEW	88-03-008	251-10-170	REP-P	88-17-107	260-34-080	NEW-P	88-06-052
250-65-050	NEW	88-03-008	251-10-170	AMD	88-18-018	260-34-080	NEW	88-09-033
250-65-060	NEW	88-03-008	251-10-180	REP-P	88-17-107	260-34-090	NEW-P	88-06-052
250-66-010	NEW-P	88-11-074	251-10-190	REP-P	88-17-107	260-34-090	NEW	88-09-033
250-66-010	NEW	88-14-088	251-10-195	REP-P	88-17-107	260-34-100	NEW-P	88-06-052
250-66-020	NEW-P	88-11-074	251-11-010	NEW-P	88-17-107	260-34-100	NEW	88-09-033
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250-67-020	NEW	88-14-089	251-12-075	AMD-P	88-17-106	260-34-150	NEW-P	88-06-052
250-67-030	NEW-P	88-11-075	251-12-080	AMD-P	88-06-063	260-34-150	NEW-P	88-13-011
250-67-030	NEW	88-14-089	251-12-081	NEW-P	88-06-063	260-34-150	NEW	88-17-075
250-67-040	NEW-P	88-11-075	251-12-101	NEW-P	88-17-106	260-34-160	NEW-P	88-06-052
250-67-040	NEW	88-14-089	251-12-102	NEW-P	88-17-106	260-34-160	NEW	88-13-011
250-67-050	NEW-P	88-11-075	251-12-103	NEW-P	88-17-106	260-34-160	NEW	88-17-075
250-67-050	NEW	88-14-089	251-12-250	AMD-P	88-06-063	260-34-170	NEW-P	88-06-052
250-67-060	NEW-P	88-11-075	251-12-270	AMD-P	88-06-063	260-34-170	NEW-P	88-13-011
250-67-060	NEW	88-14-089	251-12-290	AMD-P	88-06-063	260-34-170	NEW	88-17-075
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284-17-125	NEW-P	88-19-021	296-14-400	NEW	88-14-011	296-17-56402	NEW-P	88-06-072
284-17-130	NEW-P	88-19-021	296-14-600	NEW-P	88-09-071	296-17-56402	NEW	88-12-050
284-17-135	NEW-P	88-19-021	296-14-600	NEW	88-14-011	296-17-567	AMD-P	88-06-072
284-23-550	NEW-P	88-21-083	296-14-900	NEW-P	88-04-050	296-17-567	AMD	88-12-050
284-30-660	NEW-P	88-21-083	296-14-900	NEW	88-08-026	296-17-580	AMD-P	88-06-072
284-30-800	NEW-P	88-07-073	296-14-910	NEW-P	88-04-050	296-17-580	AMD	88-12-050
284-30-800	NEW	88-11-056	296-14-910	NEW	88-08-026	296-17-582	AMD-P	88-06-072
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284-44-450	NEW	88-16-065	296-14-930	NEW-P	88-04-050	296-17-594	AMD	88-12-050
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284-50-260	NEW	88-16-065	296-14-950	NEW-P	88-04-050	296-17-630	AMD-P	88-06-072
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284-55-020	AMD-P	88-19-056	296-14-960	NEW-P	88-04-050	296-17-643	AMD-P	88-06-072
284-55-030	AMD-P	88-19-056	296-14-960	NEW	88-08-026	296-17-643	AMD	88-12-050
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284-55-050	AMD-P	88-19-056	296-15-022	AMD	88-12-096	296-17-64902	AMD	88-12-050
284-55-060	AMD-P	88-19-056	296-15-023	AMD-P	88-07-100	296-17-677	AMD-P	88-06-072
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284-55-070	AMD-P	88-19-056	296-15-030	AMD	88-12-096	296-17-680	AMD	88-12-050
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284-55-155	NEW-P	88-19-056	296-15-250	AMD-P	88-07-100	296-17-736	AMD-P	88-06-072
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296-13	AMD	88-16-002	296-17-519	AMD-P	88-06-072	296-17-76204	NEW-P	88-06-072
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296-13-010	AMD-P	88-11-085	296-17-520	AMD	88-12-050	296-17-76205	NEW	88-12-050
296-13-010	AMD	88-16-002	296-17-52102	AMD-P	88-06-072	296-17-76206	NEW-P	88-06-072
296-13-020	AMD-P	88-11-085	296-17-52102	AMD	88-12-050	296-17-76206	NEW	88-12-050
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296-13-035	AMD	88-16-002	296-17-52107	NEW-P	88-06-072	296-17-76208	NEW-P	88-06-072
296-13-040	AMD-P	88-11-085	296-17-52107	NEW	88-12-050	296-17-76208	NEW	88-12-050
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296-13-045	REP	88-16-002	296-17-52701	AMD-P	88-06-072	296-17-76210	NEW-P	88-06-072
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296-14-300	NEW	88-14-011	296-17-55201	NEW-P	88-02-060	296-17-773	AMD-P	88-06-072
296-14-350	NEW-P	88-09-071	296-17-55201	NEW	88-06-047	296-17-773	AMD	88-12-065

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-17-855	AMD-P	88-20-074	296-20-150	REP-P	88-19-111	296-52-419	NEW-P	88-18-071
296-17-86501	AMD-P	88-20-074	296-20-155	REP-P	88-19-111	296-52-421	AMD-P	88-18-071
296-17-86502	NEW-P	88-09-073	296-20-210	AMD-P	88-09-072	296-52-423	NEW-P	88-18-071
296-17-86502	NEW-C	88-15-008	296-20-210	AMD	88-14-012	296-52-425	AMD-P	88-18-071
296-17-86502	NEW	88-16-012	296-21-035	AMD-P	88-09-072	296-52-429	AMD-P	88-18-071
296-17-870	AMD-P	88-09-073	296-21-035	AMD	88-14-012	296-52-433	AMD-P	88-18-071
296-17-870	AMD-C	88-15-008	296-21-128	AMD	88-04-052	296-52-437	AMD-P	88-18-071
296-17-870	AMD	88-16-012	296-23-620	REP-C	88-04-051	296-52-441	AMD-P	88-18-071
296-17-870	AMD-P	88-20-074	296-23-620	REP-C	88-06-036	296-52-445	AMD-P	88-18-071
296-17-875	AMD-P	88-20-074	296-23A-115	AMD-P	88-19-111	296-52-449	AMD-P	88-18-071
296-17-880	AMD-P	88-20-074	296-24-003	AMD-P	88-18-071	296-52-487	NEW-P	88-18-071
296-17-885	AMD-P	88-02-060	296-24-19501	AMD-P	88-18-071	296-52-489	AMD-P	88-18-071
296-17-885	AMD	88-06-047	296-24-19507	AMD-P	88-18-071	296-54-45001	AMD-P	88-18-071
296-17-885	AMD-P	88-06-072	296-24-19515	REP-P	88-09-074	296-54-501	AMD-P	88-18-071
296-17-885	AMD-P	88-06-076	296-24-19515	REP	88-14-108	296-54-559	AMD-P	88-18-071
296-17-885	AMD	88-12-050	296-24-19517	NEW-P	88-18-071	296-54-605	AMD-P	88-18-071
296-17-885	AMD	88-12-065	296-24-20699	NEW-P	88-18-071	296-54-990	REP-P	88-18-071
296-17-885	AMD-P	88-20-074	296-24-20700	NEW-P	88-18-071	296-54-99001	REP-P	88-18-071
296-17-890	AMD-P	88-20-074	296-24-20710	NEW-P	88-18-071	296-54-99005	REP-P	88-18-071
296-17-895	AMD-P	88-02-060	296-24-20720	NEW-P	88-18-071	296-54-99006	REP-P	88-18-071
296-17-895	AMD	88-06-047	296-24-20730	NEW-P	88-18-071	296-54-99011	REP-P	88-18-071
296-17-895	AMD-P	88-06-072	296-24-21701	AMD-P	88-09-074	296-54-99012	REP-P	88-18-071
296-17-895	AMD-P	88-06-076	296-24-21701	AMD	88-14-108	296-56-60001	AMD-P	88-09-074
296-17-895	AMD	88-12-050	296-24-21707	AMD-P	88-06-073	296-56-60001	AMD	88-14-108
296-17-895	AMD	88-12-065	296-24-21707	AMD	88-11-021	296-56-60081	AMD-P	88-09-074
296-17-895	AMD-P	88-20-074	296-24-23001	AMD-P	88-18-071	296-56-60081	AMD	88-14-108
296-17-904	AMD-P	88-18-100	296-24-24017	AMD-P	88-18-071	296-56-60249	AMD-P	88-09-074
296-17-910	AMD	88-12-048	296-24-24519	AMD-P	88-18-071	296-56-60249	AMD	88-14-108
296-17-914	AMD-P	88-18-100	296-24-31501	AMD-P	88-18-071	296-59-001	NEW-P	88-09-074
296-17-915	AMD-P	88-18-100	296-24-31503	AMD-P	88-18-071	296-59-001	NEW	88-14-108
296-17-916	AMD	88-12-048	296-24-31505	AMD-P	88-18-071	296-59-003	NEW-P	88-09-074
296-17-916	AMD-P	88-18-100	296-24-33001	AMD-P	88-18-071	296-59-003	NEW	88-14-108
296-17-91601	NEW-P	88-07-102	296-24-33005	AMD-P	88-18-071	296-59-005	NEW-P	88-09-074
296-17-91601	NEW	88-12-049	296-24-37001	AMD-P	88-18-071	296-59-005	NEW	88-14-108
296-17-919	AMD-P	88-18-100	296-24-40501	AMD-P	88-18-071	296-59-007	NEW-P	88-09-074
296-17-91901	AMD-P	88-09-070	296-24-47501	AMD-P	88-18-071	296-59-007	NEW	88-14-108
296-17-91901	AMD-E	88-14-075	296-24-47505	AMD-P	88-18-071	296-59-010	NEW-P	88-09-074
296-17-91901	AMD	88-14-107	296-24-47507	AMD-P	88-18-071	296-59-010	NEW	88-14-108
296-17-91901	AMD-P	88-18-100	296-24-47513	AMD-P	88-18-071	296-59-015	NEW-P	88-09-074
296-17-91902	AMD-P	88-09-070	296-24-51009	AMD-P	88-18-071	296-59-015	NEW	88-14-108
296-17-91902	AMD-E	88-14-075	296-24-51013	AMD-P	88-18-071	296-59-020	NEW-P	88-09-074
296-17-91902	AMD	88-14-107	296-24-55001	AMD-P	88-18-071	296-59-020	NEW	88-14-108
296-17-91902	AMD-P	88-18-100	296-24-56513	AMD-P	88-18-071	296-59-025	NEW-P	88-09-074
296-17-91903	AMD-P	88-09-070	296-24-58503	AMD-P	88-18-071	296-59-025	NEW	88-14-108
296-17-91903	AMD-E	88-14-075	296-24-58513	AMD-P	88-09-074	296-59-027	NEW-P	88-09-074
296-17-91903	AMD	88-14-107	296-24-58513	AMD	88-14-108	296-59-027	NEW	88-14-108
296-17-91904	AMD-P	88-09-070	296-24-590	REP-P	88-06-073	296-59-030	NEW-P	88-09-074
296-17-91904	AMD-E	88-14-075	296-24-590	REP	88-11-021	296-59-030	NEW	88-14-108
296-17-91904	AMD	88-14-107	296-24-605	REP-P	88-06-073	296-59-035	NEW-P	88-09-074
296-17-91904	AMD-P	88-18-100	296-24-605	REP	88-11-021	296-59-035	NEW	88-14-108
296-17-91905	AMD-P	88-09-070	296-24-63399	AMD-P	88-09-074	296-59-040	NEW-P	88-09-074
296-17-91905	AMD-E	88-14-075	296-24-63399	AMD	88-14-108	296-59-040	NEW	88-14-108
296-17-91905	AMD	88-14-107	296-24-68001	AMD-P	88-18-071	296-59-050	NEW-P	88-09-074
296-18A-440	AMD-P	88-16-091	296-24-68203	AMD-P	88-06-073	296-59-050	NEW	88-14-108
296-18A-440	AMD	88-21-022	296-24-68203	AMD	88-11-021	296-59-055	NEW-P	88-09-074
296-18A-445	AMD-P	88-07-100	296-24-78009	AMD-P	88-06-073	296-59-055	NEW	88-14-108
296-18A-445	AMD	88-12-096	296-24-78009	AMD	88-11-021	296-59-060	NEW-P	88-09-074
296-18A-450	AMD-P	88-09-071	296-24-82513	AMD-P	88-18-071	296-59-060	NEW	88-14-108
296-18A-450	AMD	88-14-011	296-24-82515	AMD-P	88-18-071	296-59-065	NEW-P	88-09-074
296-18A-460	AMD-P	88-16-091	296-24-82517	AMD-P	88-18-071	296-59-065	NEW	88-14-108
296-18A-460	AMD	88-21-022	296-24-82519	AMD-P	88-18-071	296-59-070	NEW-P	88-09-074
296-18A-465	AMD-P	88-16-091	296-24-95601	AMD-P	88-18-071	296-59-070	NEW	88-14-108
296-18A-465	AMD	88-21-022	296-27-15501	AMD-P	88-09-074	296-59-075	NEW-P	88-09-074
296-18A-480	AMD-P	88-16-091	296-27-15501	AMD	88-14-108	296-59-075	NEW	88-14-108
296-18A-480	AMD	88-21-022	296-45-65025	REP-P	88-06-073	296-59-080	NEW-P	88-09-074
296-18A-500	AMD-P	88-07-100	296-45-65025	REP	88-11-021	296-59-080	NEW	88-14-108
296-18A-500	AMD	88-12-096	296-45-65026	NEW-P	88-06-073	296-59-085	NEW-P	88-09-074
296-18A-520	AMD-P	88-09-071	296-45-65026	NEW	88-11-021	296-59-085	NEW	88-14-108
296-18A-520	AMD	88-14-011	296-45-65037	AMD-P	88-06-073	296-59-090	NEW-P	88-09-074
296-20-0100	NEW-P	88-19-111	296-45-65037	AMD	88-11-021	296-59-090	NEW	88-14-108
296-20-03001	AMD-W	88-04-049	296-46-316	AMD-P	88-11-086	296-59-095	NEW-P	88-09-074
296-20-045	AMD-C	88-04-051	296-46-316	AMD-E	88-11-087	296-59-095	NEW	88-14-108
296-20-045	AMD-C	88-06-036	296-46-316	AMD	88-15-063	296-59-100	NEW-P	88-09-074
296-20-132	AMD-P	88-19-111	296-46-420	AMD-P	88-11-086	296-59-100	NEW	88-14-108
296-20-135	AMD-P	88-19-111	296-46-420	AMD-E	88-11-087	296-59-102	NEW-P	88-09-074
296-20-140	REP-P	88-19-111	296-46-420	AMD	88-15-063	296-59-102	NEW	88-14-108
296-20-145	REP-P	88-19-111	296-52-401	AMD-P	88-18-071	296-59-103	NEW-P	88-09-074

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-59-103	NEW	88-14-108	296-62-07385	AMD	88-14-108	296-62-07550	NEW-E	88-16-044
296-59-105	NEW-P	88-09-074	296-62-07387	AMD-P	88-09-074	296-62-07550	NEW-P	88-16-092
296-59-105	NEW	88-14-108	296-62-07387	AMD	88-14-108	296-62-07550	NEW-E	88-21-001
296-59-107	NEW-P	88-09-074	296-62-07389	AMD-P	88-09-074	296-62-07550	NEW	88-21-002
296-59-107	NEW	88-14-108	296-62-07389	AMD	88-14-108	296-62-14541	AMD-P	88-09-074
296-59-109	NEW-P	88-09-074	296-62-07515	AMD-P	88-09-074	296-62-14541	AMD	88-14-108
296-59-109	NEW	88-14-108	296-62-07515	AMD	88-14-108	296-62-14601	REP-P	88-18-071
296-59-115	NEW-P	88-09-074	296-62-07521	AMD-P	88-09-074	296-62-14605	REP-P	88-18-071
296-59-115	NEW	88-14-108	296-62-07521	AMD	88-14-108	296-62-14607	REP-P	88-18-071
296-59-120	NEW-P	88-09-074	296-62-07523	NEW-P	88-09-074	296-62-20009	AMD-P	88-18-071
296-59-120	NEW	88-14-108	296-62-07523	NEW-W	88-14-141	296-62-300	NEW-P	88-09-074
296-59-125	NEW-P	88-09-074	296-62-07523	NEW-E	88-16-044	296-62-300	NEW-W	88-14-141
296-59-125	NEW	88-14-108	296-62-07523	NEW-P	88-16-092	296-62-300	NEW-E	88-16-044
296-59-130	NEW-P	88-09-074	296-62-07523	NEW-E	88-21-001	296-62-300	NEW-P	88-16-092
296-59-130	NEW	88-14-108	296-62-07523	NEW	88-21-002	296-62-300	NEW-E	88-21-001
296-59-135	NEW-P	88-18-071	296-62-07525	NEW-P	88-09-074	296-62-300	NEW	88-21-002
296-62-054	AMD-P	88-09-074	296-62-07525	NEW-W	88-14-141	296-62-3010	NEW-P	88-09-074
296-62-054	AMD	88-14-108	296-62-07525	NEW-E	88-16-044	296-62-3010	NEW-W	88-14-141
296-62-05403	AMD-P	88-09-074	296-62-07525	NEW-P	88-16-092	296-62-3010	NEW-E	88-16-044
296-62-05403	AMD	88-14-108	296-62-07525	NEW-E	88-21-001	296-62-3010	NEW-P	88-16-092
296-62-05405	AMD-P	88-09-074	296-62-07525	NEW	88-21-002	296-62-3010	NEW-E	88-21-001
296-62-05405	AMD	88-14-108	296-62-07527	NEW-P	88-09-074	296-62-3010	NEW	88-21-002
296-62-05407	AMD-P	88-09-074	296-62-07527	NEW-W	88-14-141	296-62-3020	NEW-P	88-09-074
296-62-05407	AMD	88-14-108	296-62-07527	NEW-E	88-16-044	296-62-3020	NEW-W	88-14-141
296-62-05409	AMD-P	88-09-074	296-62-07527	NEW-P	88-16-092	296-62-3020	NEW-E	88-16-044
296-62-05409	AMD	88-14-108	296-62-07527	NEW-E	88-21-001	296-62-3020	NEW-P	88-16-092
296-62-05411	AMD-P	88-09-074	296-62-07527	NEW	88-21-002	296-62-3020	NEW-E	88-21-001
296-62-05411	AMD	88-14-108	296-62-07529	NEW-P	88-09-074	296-62-3020	NEW	88-21-002
296-62-05413	AMD-P	88-09-074	296-62-07529	NEW-W	88-14-141	296-62-3030	NEW-P	88-09-074
296-62-05413	AMD	88-14-108	296-62-07529	NEW-E	88-16-044	296-62-3030	NEW-W	88-14-141
296-62-05415	AMD-P	88-09-074	296-62-07529	NEW-P	88-16-092	296-62-3030	NEW-E	88-16-044
296-62-05415	AMD-W	88-14-141	296-62-07529	NEW-E	88-21-001	296-62-3030	NEW-P	88-16-092
296-62-05417	AMD-P	88-09-074	296-62-07529	NEW	88-21-002	296-62-3030	NEW-E	88-21-001
296-62-05417	AMD	88-14-108	296-62-07531	NEW-P	88-09-074	296-62-3030	NEW	88-21-002
296-62-05421	AMD-P	88-09-074	296-62-07531	NEW-W	88-14-141	296-62-3040	NEW-P	88-09-074
296-62-05421	AMD	88-14-108	296-62-07531	NEW-E	88-16-044	296-62-3040	NEW-W	88-14-141
296-62-05423	AMD-P	88-09-074	296-62-07531	NEW-P	88-16-092	296-62-3040	NEW-E	88-16-044
296-62-05423	AMD	88-14-108	296-62-07531	NEW-E	88-21-001	296-62-3040	NEW-P	88-16-092
296-62-05425	AMD-P	88-09-074	296-62-07531	NEW	88-21-002	296-62-3040	NEW-E	88-21-001
296-62-05425	AMD	88-14-108	296-62-07533	NEW-P	88-09-074	296-62-3040	NEW	88-21-002
296-62-07113	AMD-P	88-09-074	296-62-07533	NEW-W	88-14-141	296-62-3050	NEW-P	88-09-074
296-62-07113	AMD	88-14-108	296-62-07533	NEW-E	88-16-044	296-62-3050	NEW-W	88-14-141
296-62-07115	AMD-P	88-09-074	296-62-07533	NEW-P	88-16-092	296-62-3050	NEW-E	88-16-044
296-62-07115	AMD	88-14-108	296-62-07533	NEW-E	88-21-001	296-62-3050	NEW-P	88-16-092
296-62-07336	NEW-P	88-06-073	296-62-07533	NEW	88-21-002	296-62-3050	NEW-E	88-21-001
296-62-07336	NEW	88-11-021	296-62-07540	NEW-P	88-09-074	296-62-3050	NEW	88-21-002
296-62-07337	NEW-P	88-06-073	296-62-07540	NEW-W	88-14-141	296-62-3060	NEW-P	88-09-074
296-62-07337	NEW	88-11-021	296-62-07540	NEW-E	88-16-044	296-62-3060	NEW-W	88-14-141
296-62-07338	NEW-P	88-06-073	296-62-07540	NEW-P	88-16-092	296-62-3060	NEW-E	88-16-044
296-62-07338	NEW	88-11-021	296-62-07540	NEW-E	88-21-001	296-62-3060	NEW-P	88-16-092
296-62-07339	NEW-P	88-06-073	296-62-07540	NEW	88-21-002	296-62-3060	NEW-E	88-21-001
296-62-07339	NEW	88-11-021	296-62-07542	NEW-P	88-09-074	296-62-3060	NEW	88-21-002
296-62-07340	NEW-P	88-06-073	296-62-07542	NEW-W	88-14-141	296-62-3070	NEW-P	88-09-074
296-62-07340	NEW	88-11-021	296-62-07542	NEW-E	88-16-044	296-62-3070	NEW-W	88-14-141
296-62-07341	REP-P	88-06-073	296-62-07542	NEW-P	88-16-092	296-62-3070	NEW-E	88-16-044
296-62-07341	REP	88-11-021	296-62-07542	NEW-E	88-21-001	296-62-3070	NEW-P	88-16-092
296-62-07342	NEW-P	88-06-073	296-62-07542	NEW	88-21-002	296-62-3070	NEW-E	88-21-001
296-62-07342	NEW	88-11-021	296-62-07544	NEW-P	88-09-074	296-62-3070	NEW	88-21-002
296-62-07343	NEW-P	88-06-073	296-62-07544	NEW-W	88-14-141	296-62-3080	NEW-P	88-09-074
296-62-07343	NEW	88-11-021	296-62-07544	NEW-E	88-16-044	296-62-3080	NEW-W	88-14-141
296-62-07344	NEW-P	88-06-073	296-62-07544	NEW-P	88-16-092	296-62-3080	NEW-E	88-16-044
296-62-07344	NEW	88-11-021	296-62-07544	NEW-E	88-21-001	296-62-3080	NEW-P	88-16-092
296-62-07345	REP-P	88-06-073	296-62-07544	NEW	88-21-002	296-62-3080	NEW-E	88-21-001
296-62-07345	REP	88-11-021	296-62-07546	NEW-P	88-09-074	296-62-3080	NEW	88-21-002
296-62-07346	NEW-P	88-06-073	296-62-07546	NEW-W	88-14-141	296-62-3090	NEW-P	88-09-074
296-62-07346	NEW	88-11-021	296-62-07546	NEW-E	88-16-044	296-62-3090	NEW-W	88-14-141
296-62-07355	AMD-P	88-18-071	296-62-07546	NEW-P	88-16-092	296-62-3090	NEW-E	88-16-044
296-62-07359	AMD-P	88-18-071	296-62-07546	NEW-E	88-21-001	296-62-3090	NEW-P	88-16-092
296-62-07361	AMD-P	88-18-071	296-62-07546	NEW	88-21-002	296-62-3090	NEW-E	88-21-001
296-62-07363	AMD-P	88-18-071	296-62-07548	NEW-P	88-09-074	296-62-3090	NEW	88-21-002
296-62-07365	AMD-P	88-18-071	296-62-07548	NEW-W	88-14-141	296-62-3100	NEW-P	88-09-074
296-62-07367	AMD-P	88-18-071	296-62-07548	NEW-E	88-16-044	296-62-3100	NEW-W	88-14-141
296-62-07373	AMD-P	88-18-071	296-62-07548	NEW-P	88-16-092	296-62-3100	NEW-E	88-16-044
296-62-07379	AMD-P	88-18-071	296-62-07548	NEW-E	88-21-001	296-62-3100	NEW-P	88-16-092
296-62-07383	AMD-P	88-09-074	296-62-07548	NEW	88-21-002	296-62-3100	NEW-E	88-21-001
296-62-07383	AMD	88-14-108	296-62-07550	NEW-P	88-09-074	296-62-3100	NEW	88-21-002
296-62-07385	AMD-P	88-09-074	296-62-07550	NEW-W	88-14-141	296-62-3110	NEW-P	88-09-074

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-62-3110	NEW-W	88-14-141	296-99-050	NEW-P	88-18-071	296-130-050	NEW-E	88-18-045
296-62-3110	NEW-E	88-16-044	296-99-055	NEW-P	88-18-071	296-130-060	NEW-P	88-14-105
296-62-3110	NEW-P	88-16-092	296-99-060	NEW-P	88-18-071	296-130-060	NEW-C	88-18-007
296-62-3110	NEW-E	88-21-001	296-99-065	NEW-P	88-18-071	296-130-060	NEW	88-18-044
296-62-3110	NEW	88-21-002	296-99-070	NEW-P	88-18-071	296-130-060	NEW-E	88-18-045
296-62-3120	NEW-P	88-09-074	296-99-075	NEW-P	88-18-071	296-130-065	NEW-P	88-14-105
296-62-3120	NEW-W	88-14-141	296-99-080	NEW-P	88-18-071	296-130-065	NEW	88-18-044
296-62-3120	NEW-E	88-16-044	296-99-085	NEW-P	88-18-071	296-130-065	NEW-E	88-18-045
296-62-3120	NEW-P	88-16-092	296-99-090	NEW-P	88-18-071	296-130-070	NEW-P	88-14-105
296-62-3120	NEW-E	88-21-001	296-99-093	NEW-P	88-18-071	296-130-070	NEW-C	88-18-007
296-62-3120	NEW	88-21-002	296-99-095	NEW-P	88-18-071	296-130-070	NEW	88-18-044
296-62-3130	NEW-P	88-09-074	296-116-020	AMD-C	88-05-016	296-130-070	NEW-E	88-18-045
296-62-3130	NEW-W	88-14-141	296-116-020	AMD	88-09-025	296-130-080	NEW-P	88-14-105
296-62-3130	NEW-E	88-16-044	296-116-030	AMD-C	88-05-017	296-130-080	NEW-C	88-18-007
296-62-3130	NEW-P	88-16-092	296-116-030	AMD	88-09-026	296-130-080	NEW	88-18-044
296-62-3130	NEW-E	88-21-001	296-116-070	AMD-P	88-10-036	296-130-080	NEW-E	88-18-045
296-62-3130	NEW	88-21-002	296-116-070	AMD	88-14-063	296-130-500	NEW-P	88-14-105
296-62-3140	NEW-P	88-09-074	296-116-080	AMD-C	88-06-066	296-130-500	NEW-C	88-18-007
296-62-3140	NEW-W	88-14-141	296-116-080	AMD	88-10-037	296-130-500	NEW	88-18-044
296-62-3140	NEW-E	88-16-044	296-116-083	NEW-P	88-06-067	296-130-500	NEW-E	88-18-045
296-62-3140	NEW-P	88-16-092	296-116-083	NEW	88-10-038	296-150B-015	AMD-P	88-14-104
296-62-3140	NEW-E	88-21-001	296-116-120	AMD-C	88-05-018	296-150B-015	AMD	88-19-010
296-62-3140	NEW	88-21-002	296-116-120	AMD	88-09-027	296-150B-220	AMD-P	88-14-104
296-62-3150	NEW-P	88-09-074	296-116-185	AMD	88-05-043	296-150B-220	AMD	88-19-010
296-62-3150	NEW-W	88-14-141	296-116-300	AMD	88-05-039	296-150B-225	AMD-P	88-14-104
296-62-3150	NEW-E	88-16-044	296-116-320	REP-P	88-06-068	296-150B-225	AMD	88-19-010
296-62-3150	NEW-P	88-16-092	296-116-320	REP	88-10-039	296-150B-245	AMD-P	88-14-104
296-62-3150	NEW-E	88-21-001	296-116-360	NEW-C	88-05-019	296-150B-245	AMD	88-19-010
296-62-3150	NEW	88-21-002	296-116-360	NEW	88-09-015	296-155-160	AMD-P	88-09-074
296-62-3152	NEW-P	88-09-074	296-116-370	NEW-P	88-06-069	296-155-160	AMD	88-14-108
296-62-3152	NEW-W	88-14-141	296-116-370	NEW-C	88-10-035	296-155-265	AMD-P	88-18-071
296-62-3152	NEW-E	88-16-044	296-116-370	NEW	88-14-062	296-155-270	AMD-P	88-18-071
296-62-3152	NEW-P	88-16-092	296-116-400	NEW-C	88-05-020	296-155-405	AMD-P	88-18-071
296-62-3152	NEW-E	88-21-001	296-116-400	NEW	88-09-016	296-155-425	REP-P	88-06-073
296-62-3152	NEW	88-21-002	296-116-410	NEW-C	88-05-021	296-155-425	REP	88-11-021
296-62-3160	NEW-P	88-09-074	296-116-410	NEW	88-09-017	296-155-426	NEW-P	88-06-073
296-62-3160	NEW-W	88-14-141	296-116-420	NEW-P	88-06-070	296-155-426	NEW	88-11-021
296-62-3160	NEW-E	88-16-044	296-116-420	NEW	88-10-040	296-155-428	NEW-P	88-06-073
296-62-3160	NEW-P	88-16-092	296-127	AMD-C	88-21-021	296-155-428	NEW	88-11-021
296-62-3160	NEW-E	88-21-001	296-127-010	AMD-P	88-16-090	296-155-429	NEW-P	88-06-073
296-62-3160	NEW	88-21-002	296-127-011	AMD-P	88-16-090	296-155-429	NEW	88-11-021
296-62-3170	NEW-P	88-09-074	296-127-013	NEW-P	88-16-090	296-155-430	REP-P	88-06-073
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296-62-3170	NEW-E	88-16-044	296-127-015	NEW-P	88-16-090	296-155-432	NEW-P	88-06-073
296-62-3170	NEW-P	88-16-092	296-127-016	NEW-P	88-16-090	296-155-432	NEW	88-11-021
296-62-3170	NEW-E	88-21-001	296-127-019	NEW-P	88-16-090	296-155-434	NEW-P	88-06-073
296-62-3170	NEW	88-21-002	296-127-022	NEW-E	88-13-045	296-155-434	NEW	88-11-021
296-62-3180	NEW-P	88-09-074	296-127-022	NEW-P	88-14-106	296-155-435	REP-P	88-06-073
296-62-3180	NEW-W	88-14-141	296-127-022	NEW-E	88-16-013	296-155-435	REP	88-11-021
296-62-3180	NEW-E	88-16-044	296-127-022	NEW-C	88-18-008	296-155-437	NEW-P	88-06-073
296-62-3180	NEW-P	88-16-092	296-127-022	NEW	88-19-055	296-155-437	NEW	88-11-021
296-62-3180	NEW-E	88-21-001	296-127-023	NEW-P	88-16-090	296-155-440	REP-P	88-06-073
296-62-3180	NEW	88-21-002	296-127-025	NEW-P	88-16-090	296-155-440	REP	88-11-021
296-62-3190	NEW-P	88-09-074	296-127-026	NEW-P	88-16-090	296-155-441	NEW-P	88-06-073
296-62-3190	NEW-W	88-14-141	296-127-040	AMD-P	88-16-090	296-155-441	NEW	88-11-021
296-62-3190	NEW-E	88-16-044	296-127-045	AMD-P	88-16-090	296-155-444	NEW-P	88-06-073
296-62-3190	NEW-P	88-16-092	296-130-010	NEW-P	88-14-105	296-155-444	NEW	88-11-021
296-62-3190	NEW-E	88-21-001	296-130-010	NEW-C	88-18-007	296-155-447	NEW-P	88-06-073
296-62-3190	NEW	88-21-002	296-130-010	NEW	88-18-044	296-155-447	NEW	88-11-021
296-78-56505	AMD-P	88-18-071	296-130-010	NEW-E	88-18-045	296-155-449	NEW-P	88-06-073
296-81-007	AMD-P	88-13-128	296-130-020	NEW-P	88-14-105	296-155-449	NEW	88-11-021
296-81-007	AMD	88-19-053	296-130-020	NEW-C	88-18-007	296-155-450	REP-P	88-06-073
296-81-008	AMD-P	88-04-053	296-130-020	NEW	88-18-044	296-155-450	REP	88-11-021
296-81-008	AMD	88-07-101	296-130-020	NEW-E	88-18-045	296-155-452	NEW-P	88-06-073
296-81-275	NEW-P	88-13-128	296-130-030	NEW-P	88-14-105	296-155-452	NEW	88-11-021
296-81-275	NEW	88-19-053	296-130-030	NEW-C	88-18-007	296-155-455	REP-P	88-06-073
296-81-276	NEW-P	88-13-129	296-130-030	NEW	88-18-044	296-155-455	REP	88-11-021
296-81-276	NEW-W	88-19-054	296-130-030	NEW-E	88-18-045	296-155-456	NEW-P	88-06-073
296-81-277	NEW-P	88-18-101	296-130-035	NEW-E	88-18-045	296-155-456	NEW	88-11-021
296-99-010	NEW-P	88-18-071	296-130-035	NEW-P	88-19-110	296-155-459	NEW-P	88-06-073
296-99-015	NEW-P	88-18-071	296-130-040	NEW-P	88-14-105	296-155-459	NEW	88-11-021
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296-99-025	NEW-P	88-18-071	296-130-040	NEW	88-18-044	296-155-462	NEW	88-11-021
296-99-030	NEW-P	88-18-071	296-130-040	NEW-E	88-18-045	296-155-745	AMD-P	88-18-071
296-99-035	NEW-P	88-18-071	296-130-050	NEW-P	88-14-105	296-304-06013	AMD-P	88-09-074
296-99-040	NEW-P	88-18-071	296-130-050	NEW-C	88-18-007	296-304-06013	AMD	88-14-108
296-99-045	NEW-P	88-18-071	296-130-050	NEW	88-18-044	296-305-007	AMD-P	88-09-074

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296-305-060	AMD-P	88-09-074	296-402-030	AMD	88-16-002	308-25-090	NEW-P	88-15-043
296-305-060	AMD	88-14-108	296-402-140	AMD-P	88-11-085	308-25-100	NEW-P	88-15-043
296-305-06003	AMD-P	88-09-074	296-402-140	AMD	88-16-002	308-25-110	NEW-P	88-15-043
296-305-06003	AMD	88-14-108	296-402-150	AMD-P	88-11-085	308-25-120	NEW-P	88-15-043
296-305-06005	AMD-P	88-09-074	296-402-150	AMD	88-16-002	308-25-130	NEW-P	88-15-043
296-305-06005	AMD	88-14-108	296-402-190	AMD-P	88-11-085	308-25-140	NEW-P	88-15-043
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296-305-063	AMD-P	88-09-074	296-402-200	NEW	88-16-002	308-25-300	NEW-P	88-17-103
296-305-063	AMD	88-14-108	296-403-010	AMD-P	88-11-085	308-26-055	NEW-P	88-15-043
296-305-06301	REP-P	88-09-074	296-403-010	AMD	88-16-002	308-26-065	NEW-P	88-15-043
296-305-06301	REP	88-14-108	296-403-070	AMD-P	88-11-085	308-26-075	NEW-P	88-15-043
296-305-06303	REP-P	88-09-074	296-403-070	AMD	88-16-002	308-26-085	NEW-P	88-15-043
296-305-06303	REP	88-14-108	304-12-290	AMD-E	88-02-046	308-26-095	NEW-P	88-15-043
296-305-06305	REP-P	88-09-074	304-12-290	AMD-P	88-03-018	308-26-105	NEW-P	88-15-043
296-305-06305	REP	88-14-108	304-12-290	AMD-E	88-07-086	308-26-115	NEW-P	88-15-043
296-305-06307	REP-P	88-09-074	304-12-290	AMD	88-07-087	308-26-125	NEW-P	88-15-043
296-305-06307	REP	88-14-108	308-04-001	AMD-E	88-15-062	308-26-135	NEW-P	88-15-043
296-305-06309	REP-P	88-09-074	308-04-001	AMD-P	88-16-098	308-26-200	NEW-P	88-17-103
296-305-06309	REP	88-14-108	308-08-700	NEW-P	88-15-040	308-31-010	AMD-P	88-08-075
296-305-06311	REP-P	88-09-074	308-11-050	AMD-P	88-15-081	308-31-010	AMD	88-11-034
296-305-06311	REP	88-14-108	308-12-031	AMD-P	88-14-007	308-31-010	AMD-P	88-20-088
296-305-06313	REP-P	88-09-074	308-12-031	AMD	88-17-085	308-31-015	REP-P	88-08-075
296-305-06313	REP	88-14-108	308-12-050	AMD-P	88-05-037	308-31-015	REP	88-11-034
296-305-064	NEW-P	88-09-074	308-12-050	AMD	88-09-066	308-31-056	NEW-P	88-08-075
296-305-064	NEW	88-14-108	308-13-020	AMD-P	88-02-069	308-31-057	NEW-P	88-20-088
296-305-06505	AMD-P	88-09-074	308-13-020	AMD	88-05-025	308-34-010	REP-P	88-15-080
296-305-06505	AMD	88-14-108	308-13-025	AMD-P	88-12-041	308-34-010	REP-C	88-17-096
296-305-06507	AMD-P	88-09-074	308-13-025	AMD	88-15-041	308-34-020	REP-P	88-15-080
296-305-06507	AMD	88-14-108	308-13-032	AMD-P	88-06-059	308-34-020	REP-C	88-17-096
296-305-06509	AMD-P	88-09-074	308-13-032	AMD	88-12-018	308-34-030	REP-P	88-15-080
296-305-06509	AMD	88-14-108	308-13-150	AMD	88-04-027	308-34-030	REP-C	88-17-096
296-305-07001	AMD-P	88-09-074	308-20-010	AMD-P	88-13-130	308-34-040	REP-P	88-15-080
296-305-07001	AMD	88-14-108	308-20-010	AMD	88-19-047	308-34-040	REP-C	88-17-096
296-305-07003	AMD-P	88-09-074	308-20-020	AMD-P	88-13-130	308-34-050	REP-P	88-15-080
296-305-07003	AMD	88-14-108	308-20-020	AMD	88-19-047	308-34-050	REP-C	88-17-096
296-305-100	AMD-P	88-09-074	308-20-030	AMD-P	88-13-130	308-34-060	REP-P	88-15-080
296-305-100	AMD	88-14-108	308-20-030	AMD	88-19-047	308-34-060	REP-C	88-17-096
296-305-9901	REP-P	88-09-074	308-20-040	AMD-P	88-13-130	308-34-070	REP-P	88-15-080
296-305-9901	REP	88-14-108	308-20-040	AMD	88-19-047	308-34-070	REP-C	88-17-096
296-305-9902	REP-P	88-09-074	308-20-050	AMD-P	88-13-130	308-34-080	REP-P	88-15-080
296-305-9902	REP	88-14-108	308-20-050	AMD	88-19-047	308-34-080	REP-C	88-17-096
296-305-9903	REP-P	88-09-074	308-20-060	AMD-P	88-13-130	308-34-090	REP-P	88-15-080
296-305-9903	REP	88-14-108	308-20-060	AMD	88-19-047	308-34-090	REP-C	88-17-096
296-305-9904	REP-P	88-09-074	308-20-070	AMD-P	88-13-130	308-34-110	NEW-P	88-11-090
296-305-9904	REP	88-14-108	308-20-070	AMD	88-19-047	308-34-110	NEW	88-14-009
296-305-9905	REP-P	88-09-074	308-20-080	AMD-P	88-13-130	308-34-110	AMD-P	88-15-079
296-305-9905	REP	88-14-108	308-20-080	AMD	88-19-047	308-34-110	AMD-E	88-16-019
296-305-9906	REP-P	88-09-074	308-20-090	AMD-P	88-13-130	308-34-110	AMD-C	88-17-097
296-305-9906	REP	88-14-108	308-20-090	AMD	88-19-047	308-34-120	NEW-P	88-11-090
296-306-010	AMD-P	88-09-074	308-20-100	AMD-P	88-13-130	308-34-120	NEW	88-14-009
296-306-010	AMD	88-14-108	308-20-100	AMD	88-19-047	308-34-130	NEW-P	88-11-090
296-306-085	AMD-P	88-09-074	308-20-105	AMD-P	88-13-130	308-34-130	NEW	88-14-009
296-306-085	AMD	88-14-108	308-20-105	AMD	88-19-047	308-34-140	NEW-P	88-11-090
296-306-090	AMD-P	88-09-074	308-20-107	NEW-P	88-13-130	308-34-140	NEW	88-14-009
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296-306-320	AMD-P	88-18-071	308-20-109	NEW-P	88-13-130	308-34-150	NEW	88-14-009
296-400-045	AMD	88-06-037	308-20-109	NEW	88-19-047	308-34-160	NEW-P	88-11-090
296-401-030	AMD-P	88-11-085	308-20-110	AMD-P	88-13-130	308-34-160	NEW	88-14-009
296-401-030	AMD	88-16-002	308-20-110	AMD	88-19-047	308-34-170	NEW-P	88-11-090
296-401-080	AMD-P	88-11-085	308-20-120	AMD-P	88-13-130	308-34-170	NEW	88-14-009
296-401-080	AMD	88-16-002	308-20-120	AMD	88-19-047	308-34-170	AMD-P	88-15-039
296-401-085	NEW-P	88-11-085	308-20-130	AMD-P	88-13-130	308-34-170	AMD-E	88-15-042
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296-401-087	NEW	88-16-002	308-20-140	AMD	88-19-047	308-34-170	AMD	88-20-075
296-401-090	AMD-P	88-11-085	308-20-150	AMD-P	88-13-130	308-34-180	NEW-P	88-11-090
296-401-090	AMD	88-16-002	308-20-150	AMD	88-19-047	308-34-180	NEW	88-14-009
296-401-100	AMD-P	88-11-085	308-20-155	NEW-P	88-13-130	308-34-190	NEW-P	88-11-090
296-401-100	AMD	88-16-002	308-20-155	NEW	88-19-047	308-34-190	NEW	88-14-009
296-401-120	AMD-P	88-11-085	308-20-171	AMD-P	88-13-130	308-34-310	NEW-P	88-15-080
296-401-120	AMD	88-16-002	308-20-171	AMD	88-19-047	308-34-310	NEW-C	88-17-096
296-401-170	AMD-P	88-11-085	308-20-190	AMD-P	88-13-130	308-34-320	NEW-P	88-15-080
296-401-170	AMD	88-16-002	308-20-190	AMD	88-19-047	308-34-320	NEW-C	88-17-096
296-401-180	AMD-P	88-11-085	308-20-205	AMD-P	88-13-130	308-34-330	NEW-P	88-15-080
296-401-180	AMD	88-16-002	308-20-205	AMD	88-19-047	308-34-330	NEW-C	88-17-096

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308-34-410	NEW-C	88-17-096	308-51-110	AMD-P	88-06-034	308-55-095	NEW-P	88-15-043
308-34-420	NEW-P	88-15-080	308-51-110	AMD	88-11-011	308-55-105	NEW-P	88-15-043
308-34-420	NEW-C	88-17-096	308-51-125	AMD-P	88-06-034	308-55-115	NEW-P	88-15-043
308-34-430	NEW-P	88-15-080	308-51-125	AMD	88-11-011	308-55-200	NEW-P	88-17-103
308-34-430	NEW-C	88-17-096	308-51-140	AMD-P	88-06-034	308-56A-125	AMD-P	88-11-023
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308-34-450	NEW-P	88-15-080	308-51-140	AMD	88-19-048	308-56A-275	AMD	88-20-035
308-34-450	NEW-C	88-17-096	308-51-150	REP-P	88-06-034	308-56A-285	AMD-P	88-11-023
308-34-460	NEW-P	88-15-080	308-51-150	REP	88-11-011	308-56A-285	AMD	88-20-035
308-34-460	NEW-C	88-17-096	308-51-210	AMD-P	88-18-081	308-56A-465	AMD-P	88-11-023
308-34-470	NEW-E	88-15-002	308-51-210	AMD-E	88-19-002	308-56A-465	AMD-P	88-19-113
308-34-470	NEW-P	88-15-080	308-51-220	NEW-P	88-06-034	308-58-020	AMD-P	88-11-023
308-34-470	NEW-C	88-17-096	308-51-220	NEW	88-11-011	308-58-020	AMD-P	88-19-113
308-34-480	NEW-P	88-15-080	308-51-230	NEW-P	88-15-043	308-58-030	AMD-P	88-11-023
308-34-480	NEW-C	88-17-096	308-51-240	NEW-P	88-15-043	308-58-030	AMD	88-20-035
308-37-190	AMD-P	88-17-042	308-51-250	NEW-P	88-15-043	308-61-026	AMD-E	88-04-026
308-40-030	REP-P	88-09-067	308-51-260	NEW-P	88-15-043	308-61-026	AMD	88-06-025
308-40-030	REP	88-13-131	308-51-270	NEW-P	88-15-043	308-61-050	REP-E	88-04-026
308-40-101	AMD-P	88-09-067	308-51-280	NEW-P	88-15-043	308-61-050	REP	88-06-025
308-40-101	AMD	88-13-131	308-51-290	NEW-P	88-15-043	308-61-108	AMD-E	88-04-026
308-40-102	AMD-P	88-09-067	308-51-300	NEW-P	88-15-043	308-61-108	AMD	88-06-025
308-40-102	AMD	88-13-131	308-51-310	NEW-P	88-15-043	308-61-135	AMD-E	88-04-026
308-40-103	AMD-P	88-09-067	308-51-320	NEW-P	88-17-103	308-61-135	AMD	88-06-025
308-40-103	AMD	88-13-131	308-51A-010	NEW-P	88-08-088	308-61-158	AMD-E	88-04-026
308-40-104	AMD-P	88-20-034	308-51A-010	NEW	88-13-038	308-61-158	AMD	88-06-025
308-40-105	AMD-P	88-09-067	308-51A-020	NEW-P	88-08-088	308-61-175	AMD-E	88-04-026
308-40-105	AMD	88-13-131	308-51A-020	NEW	88-13-038	308-61-175	AMD	88-06-025
308-42-010	AMD-P	88-17-104	308-51A-030	NEW-P	88-08-088	308-61-210	AMD-E	88-04-026
308-42-015	NEW-P	88-03-033	308-51A-030	NEW	88-13-038	308-61-210	AMD	88-06-025
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308-42-123	NEW-P	88-17-104	308-51A-050	NEW	88-13-038	308-61-260	AMD	88-06-025
308-48-030	AMD	88-08-015	308-51A-060	NEW-P	88-08-088	308-61-330	AMD-E	88-04-026
308-48-030	AMD-E	88-08-016	308-51A-060	NEW	88-13-038	308-61-330	AMD	88-06-025
308-48-031	NEW	88-08-015	308-52-138	AMD	88-06-008	308-61-430	AMD-E	88-04-026
308-48-031	NEW-E	88-08-016	308-52-139	AMD	88-06-008	308-61-430	AMD	88-06-025
308-48-085	AMD	88-08-015	308-52-139	AMD-P	88-16-018	308-72-502	NEW-P	88-04-029
308-48-085	AMD-E	88-08-016	308-52-139	AMD-E	88-16-020	308-72-502	NEW	88-07-095
308-48-140	AMD-P	88-08-037	308-52-139	AMD	88-21-047	308-72-502	AMD-P	88-19-076
308-48-140	AMD	88-13-010	308-52-140	AMD	88-06-008	308-72-504	NEW-P	88-04-029
308-48-350	NEW-P	88-19-050	308-52-147	NEW	88-06-008	308-72-504	NEW	88-07-095
308-48-790	AMD-P	88-08-037	308-52-148	NEW	88-06-008	308-72-506	NEW-P	88-04-029
308-48-790	AMD	88-13-010	308-52-149	NEW	88-06-008	308-72-506	NEW	88-07-095
308-49-140	AMD-P	88-08-037	308-52-600	NEW-P	88-16-018	308-72-508	NEW-P	88-04-029
308-49-140	AMD	88-13-010	308-52-600	NEW-E	88-16-020	308-72-508	NEW	88-07-095
308-49-170	AMD-P	88-08-037	308-52-600	NEW	88-21-047	308-72-512	NEW-P	88-04-029
308-49-170	AMD	88-13-010	308-52-610	NEW-P	88-16-018	308-72-512	NEW	88-07-095
308-50-010	AMD-P	88-21-078	308-52-610	NEW-E	88-16-020	308-72-540	AMD-P	88-04-029
308-50-020	AMD-P	88-21-078	308-52-610	NEW	88-21-047	308-72-540	AMD	88-07-095
308-50-035	AMD-P	88-21-078	308-53-010	AMD-P	88-03-071	308-90-010	REP-E	88-03-001
308-50-130	AMD-P	88-21-078	308-53-010	AMD	88-07-047	308-90-010	REP	88-03-038
308-50-350	AMD-P	88-21-078	308-53-030	AMD-P	88-03-071	308-90-020	REP-E	88-03-001
308-50-420	AMD-P	88-21-078	308-53-030	AMD	88-07-047	308-90-020	REP	88-03-038
308-50-500	NEW-P	88-20-060	308-53-100	AMD-P	88-03-071	308-90-030	AMD-E	88-03-001
308-51	AMD-P	88-06-034	308-53-100	AMD	88-07-047	308-90-030	AMD	88-03-038
308-51	AMD	88-11-011	308-53-120	AMD-P	88-03-071	308-90-040	AMD-E	88-03-001
308-51-010	AMD-P	88-06-034	308-53-120	AMD	88-07-047	308-90-040	AMD	88-03-038
308-51-010	AMD	88-11-011	308-53-145	AMD-P	88-03-071	308-90-050	REP-E	88-03-001
308-51-020	REP-P	88-06-034	308-53-145	AMD	88-07-047	308-90-050	REP	88-03-038
308-51-020	REP	88-11-011	308-53-170	AMD-P	88-03-071	308-90-060	AMD-E	88-03-001
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308-51-021	NEW	88-19-048	308-53-200	AMD-P	88-14-039	308-90-070	AMD-E	88-03-001
308-51-040	REP-P	88-06-034	308-53-200	AMD-P	88-21-084	308-90-070	AMD	88-03-038
308-51-040	REP	88-11-011	308-53-400	NEW-P	88-21-085	308-90-080	AMD-E	88-03-001
308-51-050	AMD-P	88-06-034	308-54-130	AMD-P	88-19-049	308-90-080	AMD	88-03-038
308-51-050	AMD	88-11-011	308-54-140	REP-P	88-19-049	308-90-090	AMD-E	88-03-001
308-51-060	REP-P	88-06-034	308-54-162	NEW-P	88-19-049	308-90-090	AMD	88-03-038
308-51-060	REP	88-11-011	308-54-170	AMD-P	88-10-056	308-90-110	AMD-E	88-03-001
308-51-070	AMD-P	88-06-034	308-54-170	AMD-C	88-19-049	308-90-110	AMD	88-03-038
308-51-070	REP-P	88-11-055	308-55-035	NEW-P	88-15-043	308-90-120	NEW-E	88-03-001
308-51-070	REP	88-14-097	308-55-045	NEW-P	88-15-043	308-90-120	NEW	88-03-038
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308-51-080	REP	88-11-011	308-55-065	NEW-P	88-15-043	308-90-130	NEW	88-03-038
308-51-100	AMD-P	88-06-034	308-55-075	NEW-P	88-15-043	308-90-140	NEW-E	88-03-001

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308-90-150	NEW	88-03-038	308-115-240	NEW-P	88-08-035	308-120-506	AMD	88-16-034
308-90-160	NEW-E	88-03-001	308-115-240	NEW	88-12-040	308-120-507	REP-P	88-12-042
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308-91-010	AMD-E	88-03-030	308-115-250	NEW	88-12-040	308-120-508	REP-P	88-12-042
308-91-010	AMD-P	88-03-067	308-115-260	NEW-P	88-15-043	308-120-508	REP	88-16-034
308-91-010	AMD	88-06-061	308-115-270	NEW-P	88-15-043	308-120-509	REP-P	88-12-042
308-91-020	REP-E	88-03-030	308-115-280	NEW-P	88-15-043	308-120-509	REP	88-16-034
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308-91-040	AMD-P	88-03-067	308-115-500	NEW-P	88-17-103	308-120-513	REP-P	88-12-042
308-91-040	AMD	88-06-061	308-117-010	AMD-P	88-21-024	308-120-513	REP	88-16-034
308-91-050	AMD-E	88-03-030	308-117-030	AMD-P	88-04-077	308-120-514	REP-P	88-12-042
308-91-050	AMD-P	88-03-067	308-117-030	AMD	88-08-034	308-120-514	REP	88-16-034
308-91-050	AMD	88-06-061	308-117-030	AMD-P	88-13-094	308-120-515	REP-P	88-12-042
308-91-060	AMD-E	88-03-030	308-117-030	AMD	88-18-005	308-120-515	REP	88-16-034
308-91-060	AMD-P	88-03-067	308-117-030	AMD-P	88-21-024	308-120-516	REP-P	88-12-042
308-91-060	AMD	88-06-061	308-117-040	AMD-P	88-13-094	308-120-516	REP	88-16-034
308-91-070	AMD-E	88-03-030	308-117-040	AMD	88-18-005	308-120-517	REP-P	88-12-042
308-91-070	AMD-P	88-03-067	308-117-050	AMD-P	88-13-094	308-120-517	REP	88-16-034
308-91-070	AMD	88-06-061	308-117-050	AMD	88-18-005	308-120-518	REP-P	88-12-042
308-91-080	AMD-E	88-03-030	308-117-060	AMD-P	88-21-024	308-120-518	REP	88-16-034
308-91-080	AMD-P	88-03-067	308-117-080	AMD	88-05-011	308-120-519	REP-P	88-12-042
308-91-080	AMD	88-06-061	308-117-090	AMD-P	88-13-094	308-120-519	REP	88-16-034
308-91-090	AMD-E	88-03-030	308-117-090	AMD	88-18-005	308-120-520	REP-P	88-12-042
308-91-090	AMD-P	88-03-067	308-117-090	AMD-P	88-21-024	308-120-520	REP	88-16-034
308-91-090	AMD	88-06-061	308-117-095	NEW-P	88-13-094	308-120-521	REP-P	88-12-042
308-91-100	REP-E	88-03-030	308-117-095	NEW	88-18-005	308-120-521	REP	88-16-034
308-91-100	REP-P	88-03-067	308-117-100	AMD-P	88-13-094	308-120-522	REP-P	88-12-042
308-91-100	REP	88-06-061	308-117-100	AMD	88-18-005	308-120-522	REP	88-16-034
308-91-110	REP-E	88-03-030	308-117-100	AMD-P	88-21-024	308-120-525	NEW-P	88-12-042
308-91-110	REP-P	88-03-067	308-117-105	NEW-P	88-13-094	308-120-525	NEW	88-16-034
308-91-110	REP	88-06-061	308-117-105	NEW	88-18-005	308-120-530	NEW-P	88-12-042
308-91-120	NEW-E	88-03-030	308-117-360	NEW-P	88-21-024	308-120-530	NEW	88-16-034
308-91-120	NEW-P	88-03-067	308-117-410	NEW-P	88-13-094	308-120-535	NEW-P	88-12-042
308-91-120	NEW	88-06-061	308-117-410	NEW	88-18-005	308-120-535	NEW	88-16-034
308-91-130	NEW-E	88-03-030	308-117-420	NEW-P	88-13-094	308-120-540	NEW-P	88-12-042
308-91-130	NEW-P	88-03-067	308-117-420	NEW	88-18-005	308-120-540	NEW	88-16-034
308-91-130	NEW	88-06-061	308-117-500	AMD-P	88-15-039	308-120-545	NEW-P	88-12-042
308-91-140	NEW-E	88-03-030	308-117-500	AMD-E	88-15-042	308-120-545	NEW	88-16-034
308-91-140	NEW-P	88-03-067	308-117-500	AMD-P	88-16-099	308-120-550	NEW-P	88-12-042
308-91-140	NEW	88-06-061	308-117-500	AMD-E	88-16-105	308-120-550	NEW	88-16-034
308-91-150	NEW-E	88-03-030	308-117-500	AMD	88-20-075	308-120-555	NEW-P	88-12-042
308-91-150	NEW-P	88-03-067	308-120-100	AMD-P	88-12-042	308-120-555	NEW	88-16-034
308-91-150	NEW	88-06-061	308-120-100	AMD	88-16-034	308-120-560	NEW-P	88-12-042
308-91-160	NEW-E	88-03-030	308-120-100	AMD-P	88-19-116	308-120-560	NEW	88-16-034
308-91-160	NEW-P	88-03-067	308-120-161	AMD-P	88-19-116	308-120-565	NEW-P	88-12-042
308-91-160	NEW	88-06-061	308-120-163	AMD-P	88-12-042	308-120-565	NEW	88-16-034
308-91-170	NEW-E	88-03-030	308-120-163	AMD	88-16-034	308-120-570	NEW-P	88-12-042
308-91-170	NEW-P	88-03-067	308-120-164	AMD-P	88-12-042	308-120-570	NEW	88-16-034
308-91-170	NEW	88-06-061	308-120-164	AMD	88-16-034	308-120-575	NEW-P	88-12-042
308-93-087	NEW-P	88-19-118	308-120-166	AMD-P	88-19-116	308-120-575	NEW	88-16-034
308-96A-065	AMD-P	88-07-116	308-120-168	AMD-P	88-19-116	308-120-610	NEW-P	88-19-116
308-96A-065	AMD	88-12-043	308-120-170	AMD-P	88-12-042	308-120-750	NEW-P	88-19-116
308-96A-066	NEW-P	88-07-116	308-120-170	AMD	88-16-034	308-120-760	NEW-P	88-19-116
308-96A-450	NEW-E	88-14-038	308-120-180	AMD-P	88-12-042	308-120-770	NEW-P	88-19-116
308-96A-450	NEW-P	88-14-111	308-120-180	AMD	88-16-034	308-120-780	NEW-P	88-19-116
308-96A-450	NEW	88-19-017	308-120-180	AMD-P	88-19-116	308-121-010	REP-P	88-19-117
308-96A-460	NEW-E	88-14-038	308-120-185	AMD-P	88-12-042	308-121-010	REP-E	88-20-006
308-96A-460	NEW-P	88-14-111	308-120-185	AMD	88-16-034	308-121-020	REP-P	88-19-117
308-96A-460	NEW	88-19-017	308-120-186	AMD	88-05-010	308-121-020	REP-E	88-20-006
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308-96A-470	NEW-P	88-14-111	308-120-275	AMD-E	88-15-042	308-121-030	AMD-E	88-20-006
308-96A-470	NEW	88-19-017	308-120-275	AMD-P	88-16-099	308-121-040	AMD-P	88-19-117
308-96A-480	NEW-E	88-14-038	308-120-275	AMD-E	88-16-105	308-121-040	AMD-E	88-20-006
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308-121-070	NEW-E	88-16-105	308-124H-030	AMD-P	88-20-091	308-138-055	AMD	88-14-113
308-121-070	NEW-P	88-19-117	308-124H-033	NEW-P	88-20-091	308-138-070	AMD-P	88-20-059
308-121-070	NEW-E	88-20-006	308-124H-035	AMD-P	88-20-091	308-138-320	AMD-P	88-03-035
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308-122-005	NEW-E	88-21-023	308-127-155	NEW	88-15-017	308-138-340	NEW-P	88-11-088
308-122-006	NEW-P	88-19-115	308-128A-010	AMD-P	88-08-087	308-138-340	NEW	88-14-113
308-122-006	NEW-E	88-21-023	308-128A-010	AMD	88-19-016	308-138-340	AMD-P	88-17-098
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308-122-200	AMD	88-09-029	308-128A-020	AMD	88-19-016	308-138-350	NEW-P	88-20-059
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308-122-215	AMD	88-09-029	308-128A-030	AMD	88-19-016	308-138A-020	AMD-P	88-03-035
308-122-235	NEW-P	88-06-007	308-128A-040	AMD-P	88-08-087	308-138A-020	AMD	88-09-030
308-122-235	NEW	88-09-029	308-128A-040	AMD	88-19-016	308-138A-020	AMD-P	88-11-088
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308-122-350	AMD-E	88-21-023	308-128B-020	AMD	88-19-016	308-138A-030	NEW-P	88-17-098
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308-122-640	AMD	88-09-029	308-128B-030	AMD	88-19-016	308-138A-040	NEW-P	88-20-059
308-122-720	NEW-P	88-06-007	308-128B-040	REP-P	88-08-087	308-138A-050	NEW-P	88-20-059
308-122-720	NEW	88-09-029	308-128B-040	REP	88-19-016	308-138A-060	NEW-P	88-20-059
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308-124A-025	AMD-P	88-16-109	308-128B-060	AMD	88-19-016	308-138B-190	NEW-P	88-20-059
308-124A-025	AMD	88-20-036	308-128B-090	NEW-P	88-08-087	308-138B-200	NEW-P	88-20-059
308-124A-025	AMD-P	88-20-089	308-128B-090	NEW	88-19-016	308-140-010	REP-P	88-11-027
308-124A-100	REP-P	88-16-097	308-128C-010	REP-P	88-08-087	308-140-010	REP	88-15-031
308-124A-100	REP	88-20-037	308-128C-010	REP	88-19-016	308-140-020	REP-P	88-11-027
308-124A-110	AMD-P	88-16-097	308-128C-040	AMD-P	88-08-087	308-140-020	REP	88-15-031
308-124A-110	AMD	88-20-037	308-128C-040	AMD	88-19-016	308-140-030	REP-P	88-11-027
308-124A-115	REP-P	88-16-097	308-128C-050	AMD-P	88-08-087	308-140-030	REP	88-15-031
308-124A-115	REP	88-20-037	308-128C-050	AMD	88-19-016	308-140-040	REP-P	88-11-027
308-124A-120	AMD-P	88-16-109	308-128C-050	AMD	88-19-016	308-140-040	REP	88-15-031
308-124A-120	AMD	88-20-036	308-128D-010	AMD-P	88-08-087	308-140-040	REP	88-11-027
308-124A-130	AMD-P	88-02-051	308-128D-010	AMD	88-19-016	308-140-070	REP	88-15-031
308-124A-130	AMD	88-06-039	308-128D-020	AMD	88-19-016	308-140-100	REP-P	88-11-027
308-124A-200	AMD-P	88-16-097	308-128D-020	AMD-P	88-18-084	308-140-100	REP	88-15-031
308-124A-200	AMD	88-20-037	308-128D-030	AMD-P	88-08-087	308-140-250	REP-P	88-11-027
308-124A-420	AMD-P	88-16-097	308-128D-030	AMD	88-19-016	308-140-250	REP	88-15-031
308-124A-420	AMD	88-20-037	308-128D-040	AMD-P	88-08-087	308-140-270	REP-P	88-11-027
308-124A-425	NEW-P	88-16-097	308-128D-040	AMD-P	88-18-084	308-140-270	REP	88-15-031
308-124A-425	NEW	88-20-037	308-128D-060	AMD-P	88-08-087	308-140-300	REP-P	88-11-027
308-124A-430	AMD-P	88-16-109	308-128D-060	AMD-P	88-18-084	308-140-300	REP	88-15-031
308-124A-430	AMD	88-20-036	308-128D-070	AMD-P	88-08-087	308-150-013	AMD-P	88-05-041
308-124A-440	AMD-P	88-16-109	308-128D-070	AMD	88-19-016	308-150-013	AMD	88-08-033
308-124A-440	AMD	88-20-036	308-128D-080	NEW-P	88-08-087	308-150-014	AMD-P	88-21-080
308-124A-460	AMD-P	88-20-089	308-128D-080	NEW	88-19-016	308-151-080	AMD-P	88-05-041
308-124B-010	REP-E	88-02-050	308-128E-010	REP-P	88-08-087	308-151-080	AMD	88-08-033
308-124B-010	REP-P	88-02-051	308-128E-010	REP-P	88-18-084	308-151-090	AMD-P	88-05-041
308-124B-010	REP	88-06-039	308-128E-011	NEW-P	88-08-087	308-151-090	AMD	88-08-033
308-124B-130	AMD-E	88-02-050	308-128E-011	NEW-P	88-18-084	308-153-010	AMD-P	88-21-080
308-124B-130	AMD-P	88-02-051	308-128F-010	AMD-P	88-08-087	308-153-020	AMD-P	88-05-041
308-124B-130	AMD	88-06-039	308-128F-010	AMD	88-19-016	308-153-020	AMD	88-08-033
308-124B-150	NEW-E	88-02-050	308-128F-020	AMD-P	88-08-087	308-153-030	AMD-P	88-05-041
308-124B-150	NEW-P	88-02-051	308-128F-020	AMD	88-19-016	308-153-030	AMD	88-08-033
308-124B-150	NEW	88-06-039	308-128F-030	REP-P	88-08-087	308-153-030	AMD-P	88-21-080
308-124D-040	AMD-P	88-16-097	308-128F-030	REP	88-19-016	308-153-045	AMD-P	88-21-080
308-124D-040	AMD	88-20-037	308-128F-040	AMD-P	88-08-087	308-154-085	NEW-P	88-21-080
308-124D-040	AMD-P	88-20-090	308-128F-040	AMD	88-19-016	308-156-060	AMD-P	88-05-041
308-124D-060	NEW-P	88-20-091	308-128F-050	AMD-P	88-08-087	308-156-060	AMD	88-08-033
308-124D-065	NEW-P	88-20-091	308-128F-050	AMD	88-19-016	308-156-090	AMD-P	88-05-041
308-124E-011	REP-P	88-02-049	308-128F-070	AMD-P	88-08-087	308-156-090	AMD	88-08-033
308-124E-011	REP	88-06-040	308-128F-070	AMD	88-19-016	308-156-100	AMD-P	88-05-041
308-124E-012	NEW-P	88-02-049	308-130-320	NEW-P	88-15-043	308-156-100	AMD	88-08-033
308-124E-012	NEW	88-06-040	308-130-330	NEW-P	88-15-043	308-156-200	NEW-P	88-21-080
308-124E-012	AMD-P	88-20-091	308-130-340	NEW-P	88-15-043	308-157-010	NEW-P	88-21-080
308-124E-013	NEW-P	88-02-049	308-130-350	NEW-P	88-15-043	308-171-010	AMD-P	88-05-061
308-124E-013	NEW	88-06-040	308-130-360	NEW-P	88-15-043	308-171-010	AMD	88-09-031
308-124E-013	AMD-E	88-10-057	308-130-370	NEW-P	88-15-043	308-171-020	AMD-P	88-05-061
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308-124E-013	AMD	88-16-102	308-130-400	NEW-P	88-15-043	308-173-010	NEW-P	88-15-043
308-124E-013	AMD-E	88-17-003	308-130-410	NEW-P	88-17-103	308-173-020	NEW-P	88-15-043

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308-173-040	NEW-P 88-15-043	308-190-040	NEW-P 88-05-059	308-220-050	NEW 88-11-079
308-173-050	NEW-P 88-15-043	308-190-040	NEW 88-11-024	308-220-060	NEW 88-11-079
308-173-060	NEW-P 88-15-043	308-190-050	NEW-P 88-05-059	308-220-070	NEW-P 88-05-062
308-173-070	NEW-P 88-15-043	308-190-050	NEW 88-11-024	308-220-070	NEW 88-11-079
308-173-080	NEW-P 88-15-043	308-190-060	NEW-P 88-15-043	308-220-080	NEW-P 88-05-062
308-173-090	NEW-P 88-15-043	308-190-070	NEW-P 88-15-043	308-220-090	NEW-P 88-15-043
308-173-100	NEW-P 88-17-103	308-190-080	NEW-P 88-15-043	308-220-100	NEW-P 88-15-043
308-173-130	NEW 88-20-075	308-190-090	NEW-P 88-15-043	308-220-110	NEW-P 88-15-043
308-175-080	REP-P 88-14-094	308-190-100	NEW-P 88-15-043	308-220-120	NEW-P 88-15-043
308-175-080	REP 88-17-043	308-190-110	NEW-P 88-15-043	308-220-130	NEW-P 88-15-043
308-175-200	NEW-P 88-17-102	308-190-120	NEW-P 88-15-043	308-220-140	NEW-P 88-15-043
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308-177-030	NEW-P 88-15-043	308-190-200	NEW-P 88-17-103	308-220-170	NEW-P 88-15-043
308-177-040	NEW-P 88-15-043	308-195-020	NEW-P 88-03-034	308-220-200	NEW-P 88-17-103
308-177-050	NEW-P 88-15-043	308-195-020	NEW 88-10-015	308-230-010	NEW-P 88-05-063
308-177-060	NEW-P 88-15-043	308-195-030	NEW-P 88-03-034	308-230-010	NEW 88-11-078
308-177-070	NEW-P 88-15-043	308-195-030	NEW 88-10-015	308-230-020	NEW-P 88-05-063
308-177-080	NEW-P 88-15-043	308-195-040	NEW-P 88-03-034	308-230-020	NEW 88-11-078
308-177-090	NEW-P 88-15-043	308-195-040	NEW 88-10-015	308-230-030	NEW-P 88-05-063
308-177-100	NEW-P 88-17-103	308-195-050	NEW-P 88-03-034	308-230-030	NEW 88-11-078
308-180-120	AMD-P 88-02-061	308-195-050	NEW 88-10-015	308-230-040	NEW-P 88-05-063
308-180-120	AMD 88-07-031	308-195-060	NEW-P 88-03-034	308-230-040	NEW 88-11-078
308-180-210	AMD-P 88-02-061	308-195-060	NEW 88-10-015	308-230-050	NEW-P 88-05-063
308-180-210	AMD 88-07-031	308-195-070	NEW-P 88-03-034	308-230-050	NEW 88-11-078
308-180-220	AMD-P 88-02-061	308-195-070	NEW 88-10-015	308-230-060	NEW-P 88-15-043
308-180-220	AMD 88-07-031	308-195-070	AMD-P 88-19-114	308-230-070	NEW-P 88-15-043
308-180-250	AMD-P 88-02-061	308-195-080	NEW-P 88-03-034	308-230-080	NEW-P 88-15-043
308-180-250	AMD 88-07-031	308-195-080	NEW 88-10-015	308-230-090	NEW-P 88-15-043
308-180-260	AMD-P 88-11-026	308-195-090	NEW-P 88-03-034	308-230-100	NEW-P 88-15-043
308-180-260	AMD 88-15-030	308-195-090	NEW 88-10-015	308-230-110	NEW-P 88-15-043
308-180-270	NEW-P 88-02-061	308-195-100	NEW-P 88-03-034	308-230-120	NEW-P 88-15-043
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308-180-280	NEW-P 88-02-061	308-195-110	NEW-P 88-03-034	308-230-140	NEW-P 88-15-043
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308-180-350	NEW-P 88-15-043	308-195-160	NEW-P 88-15-043	308-310-040	NEW-P 88-18-080
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308-180-370	NEW-P 88-15-043	308-195-180	NEW-P 88-15-043	308-400	AMD-E 88-14-044
308-180-400	NEW-P 88-17-103	308-195-190	NEW-P 88-15-043	308-400	AMD-P 88-14-045
308-183-010	NEW-P 88-15-043	308-195-200	NEW-P 88-17-103	308-400	AMD-E 88-20-025
308-183-020	NEW-P 88-15-043	308-210-010	NEW-P 88-05-060	308-400-010	AMD-E 88-14-044
308-183-030	NEW-P 88-15-043	308-210-010	NEW 88-11-025	308-400-010	AMD-P 88-14-045
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308-183-050	NEW-P 88-15-043	308-210-020	NEW 88-11-025	308-400-020	AMD-E 88-14-044
308-183-060	NEW-P 88-15-043	308-210-030	NEW-P 88-05-060	308-400-020	AMD-P 88-14-045
308-183-070	NEW-P 88-15-043	308-210-030	NEW 88-11-025	308-400-020	AMD-E 88-20-025
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308-183-110	NEW-P 88-16-071	308-210-060	NEW 88-11-025	308-400-030	AMD-E 88-20-025
308-183-110	NEW-P 88-21-079	308-210-080	NEW-P 88-15-043	308-400-044	REP-E 88-14-044
308-183-120	NEW-P 88-16-071	308-210-090	NEW-P 88-15-043	308-400-044	REP-P 88-14-045
308-183-120	NEW-P 88-21-079	308-210-100	NEW-P 88-15-043	308-400-044	REP-E 88-20-025
308-183-130	NEW-P 88-16-071	308-210-110	NEW-P 88-15-043	308-400-047	AMD-E 88-14-044
308-183-130	NEW-P 88-21-079	308-210-120	NEW-P 88-15-043	308-400-047	AMD-P 88-14-045
308-183-140	NEW-P 88-16-071	308-210-130	NEW-P 88-15-043	308-400-047	AMD-E 88-20-025
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308-183-160	NEW-P 88-21-079	308-220-010	NEW-P 88-05-062	308-400-050	REP-P 88-14-045
308-183-170	NEW-P 88-16-071	308-220-010	NEW 88-11-079	308-400-050	REP-E 88-20-025
308-183-170	NEW-P 88-21-079	308-220-020	NEW-P 88-05-062	308-400-052	AMD-E 88-14-044
308-183-180	NEW-P 88-16-071	308-220-020	NEW 88-11-079	308-400-052	AMD-P 88-14-045
308-183-180	NEW-P 88-21-079	308-220-030	NEW-P 88-05-062	308-400-052	AMD-E 88-20-025
308-183-190	NEW-P 88-21-079	308-220-030	NEW 88-11-079	308-400-058	AMD-E 88-14-044
308-183-200	NEW-P 88-17-103	308-220-040	NEW-P 88-05-062	308-400-058	AMD-P 88-14-045
308-190-030	NEW-P 88-05-059	308-220-040	NEW 88-11-079	308-400-058	AMD-E 88-20-025

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308-400-059	AMD-E	88-20-025	314-36-090	AMD-P	88-04-087	315-20-090	AMD-P	88-02-062
308-400-080	REP-E	88-14-044	314-36-090	AMD	88-07-025	315-20-090	AMD	88-06-031
308-400-080	REP-P	88-14-045	314-36-100	AMD-P	88-04-087	315-30-080	AMD-P	88-02-062
308-400-080	REP-E	88-20-025	314-36-100	AMD	88-07-025	315-32-050	AMD-P	88-02-066
308-400-095	AMD-E	88-14-044	314-36-110	AMD-P	88-04-087	315-32-050	AMD	88-05-030
308-400-095	AMD-P	88-14-045	314-36-110	AMD	88-07-025	316-02-350	AMD-P	88-06-057
308-400-095	AMD-E	88-20-025	314-36-120	REP-P	88-04-087	316-02-350	AMD	88-10-019
308-400-120	NEW-E	88-14-044	314-36-120	REP	88-07-025	316-02-820	AMD-P	88-06-057
308-400-120	NEW-P	88-14-045	314-36-130	AMD-P	88-04-087	316-02-820	AMD	88-10-019
308-400-120	NEW-E	88-20-025	314-36-130	AMD	88-07-025	316-45-110	AMD-P	88-06-057
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308-410-020	NEW	88-03-037	314-40-040	AMD	88-07-060	316-45-550	AMD-P	88-06-057
308-410-030	NEW	88-03-037	314-40-080	AMD-P	88-06-055	316-45-550	AMD	88-10-019
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308-410-050	NEW	88-03-037	314-52-114	AMD-P	88-04-060	320-18-030	NEW-P	88-09-068
308-410-060	NEW	88-03-037	314-52-114	AMD-E	88-04-061	320-18-030	NEW	88-14-112
308-410-070	NEW	88-03-037	314-52-114	AMD	88-07-026	326-02-030	AMD	88-08-031
314-08-080	AMD-P	88-06-056	314-60-030	AMD-P	88-13-067	326-02-030	AMD-P	88-09-060
314-08-080	AMD	88-08-057	314-60-030	AMD	88-16-026	326-02-030	AMD	88-12-060
314-12-037	NEW-P	88-05-012	314-64-030	AMD-P	88-11-084	326-02-040	NEW-P	88-14-129
314-12-037	NEW-P	88-13-003	314-64-030	AMD	88-14-001	326-02-040	NEW-C	88-18-006
314-12-038	NEW-P	88-06-054	314-64-050	AMD-P	88-11-084	326-02-050	NEW-P	88-14-129
314-12-038	NEW-P	88-13-003	314-64-050	AMD	88-14-001	326-02-050	NEW-C	88-18-006
314-12-040	AMD-P	88-13-066	314-70-020	AMD-P	88-13-065	326-02-060	NEW-P	88-14-129
314-12-040	AMD	88-16-025	314-70-020	AMD	88-16-040	326-02-060	NEW-C	88-18-006
314-12-090	AMD-P	88-20-028	315-06-090	AMD-P	88-13-122	326-02-070	NEW-P	88-14-129
314-12-100	AMD	88-04-028	315-06-090	AMD	88-17-024	326-02-070	NEW-C	88-18-006
314-12-145	AMD-E	88-07-076	315-10-030	AMD-P	88-13-122	326-02-080	NEW-P	88-14-129
314-12-145	AMD-P	88-07-091	315-10-030	AMD	88-17-024	326-02-080	NEW-C	88-18-006
314-12-145	AMD-C	88-09-061	315-11-310	NEW-P	88-02-062	326-02-090	NEW-P	88-14-129
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314-12-170	AMD-P	88-14-036	315-11-311	NEW-P	88-02-062	326-20-080	AMD-P	88-09-060
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314-12-175	NEW-P	88-17-113	315-11-312	NEW-P	88-02-062	326-20-090	REP-E	88-06-029
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314-16-070	AMD	88-20-086	315-11-321	NEW-P	88-06-049	326-20-091	NEW-C	88-09-010
314-16-120	AMD-P	88-17-093	315-11-321	NEW	88-09-014	326-20-091	NEW	88-09-047
314-16-120	AMD	88-20-085	315-11-322	NEW-P	88-06-049	326-20-092	NEW-E	88-06-043
314-16-160	AMD-P	88-21-070	315-11-322	NEW	88-09-014	326-20-092	NEW-P	88-06-074
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314-16-190	AMD	88-07-058	315-11-330	NEW	88-13-008	326-20-092	NEW	88-09-047
314-18-030	AMD-P	88-19-019	315-11-331	NEW-P	88-09-069	326-20-093	NEW-E	88-06-043
314-20-020	AMD-P	88-12-075	315-11-331	NEW	88-13-008	326-20-093	NEW-P	88-06-074
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388-37-190	AMD-E	88-12-086	388-49-470	AMD-P	88-06-081	388-70-013	AMD	88-17-059
388-37-190	AMD-P	88-12-094	388-49-470	AMD	88-08-079	388-77-005	NEW-P	88-04-089
388-37-190	AMD	88-15-013	388-49-470	AMD-P	88-18-054	388-77-005	NEW-W	88-08-038
388-38-110	AMD-P	88-04-038	388-49-470	AMD-E	88-18-060	388-77-005	NEW-P	88-09-079
388-38-110	AMD	88-07-118	388-49-470	AMD	88-21-096	388-77-005	NEW	88-12-093
388-38-120	AMD-P	88-21-036	388-49-480	AMD-P	88-12-030	388-77-005	AMD-P	88-14-081
388-40	AMD-P	88-10-042	388-49-480	AMD	88-16-081	388-77-005	AMD-E	88-14-082
388-40	AMD-E	88-10-045	388-49-500	AMD-P	88-06-082	388-77-005	AMD	88-18-024
388-40	AMD	88-13-110	388-49-500	AMD	88-08-078	388-77-010	NEW-P	88-04-089
388-40-040	AMD-P	88-10-042	388-49-500	AMD-E	88-20-044	388-77-010	NEW-W	88-08-038
388-40-040	AMD-E	88-10-045	388-49-500	AMD-P	88-20-046	388-77-010	NEW-P	88-09-079
388-40-040	AMD	88-13-110	388-49-505	NEW	88-04-042	388-77-010	NEW	88-12-093
388-40-080	AMD-P	88-07-053	388-49-505	AMD-E	88-20-044	388-77-015	NEW-P	88-04-089
388-40-080	AMD-E	88-07-054	388-49-505	AMD-P	88-20-046	388-77-015	NEW-W	88-08-038
388-40-080	AMD-W	88-08-001	388-49-510	AMD-E	88-20-044	388-77-015	NEW-P	88-09-079
388-40-080	AMD-P	88-10-042	388-49-510	AMD-P	88-20-046	388-77-015	NEW	88-12-093
388-40-080	AMD-E	88-10-045	388-49-515	NEW-P	88-12-091	388-77-015	AMD-P	88-14-081
388-40-080	AMD	88-13-110	388-49-515	NEW	88-16-082	388-77-015	AMD-E	88-14-082
388-40-080	AMD-P	88-21-037	388-49-520	AMD-P	88-12-091	388-77-015	AMD	88-18-024
388-40-080	AMD-E	88-21-040	388-49-520	AMD	88-16-082	388-77-020	NEW-P	88-04-089
388-40-090	AMD-P	88-07-053	388-49-530	AMD-P	88-12-091	388-77-020	NEW-W	88-08-038
388-40-090	AMD-E	88-07-054	388-49-530	AMD	88-16-082	388-77-025	NEW-P	88-04-089
388-40-090	AMD-W	88-08-001	388-49-535	NEW-P	88-12-091	388-77-025	NEW-W	88-08-038
388-40-090	AMD-P	88-10-042	388-49-535	NEW	88-16-082	388-77-030	NEW-P	88-04-089
388-40-090	AMD-E	88-10-045	388-49-550	AMD-P	88-18-053	388-77-030	NEW-W	88-08-038
388-40-090	AMD	88-13-110	388-49-550	AMD-E	88-18-059	388-77-035	NEW-P	88-04-089
388-40-095	NEW-P	88-10-042	388-49-550	AMD-E	88-20-045	388-77-035	NEW-W	88-08-038
388-40-095	NEW-E	88-10-045	388-49-550	AMD-P	88-20-048	388-77-040	NEW-P	88-04-089
388-40-095	NEW	88-13-110	388-49-600	AMD-P	88-21-090	388-77-040	NEW-W	88-08-038
388-40-100	AMD-P	88-07-053	388-49-610	AMD-P	88-12-092	388-77-045	NEW-P	88-04-089
388-40-100	AMD-E	88-07-054	388-49-610	AMD	88-16-080	388-77-045	NEW-W	88-08-038
388-40-100	AMD-W	88-08-001	388-49-620	AMD-P	88-12-092	388-77-045	NEW-P	88-09-079
388-40-100	AMD-P	88-10-042	388-49-620	AMD	88-16-080	388-77-045	NEW	88-12-093
388-40-100	AMD-E	88-10-045	388-49-640	AMD-P	88-04-088	388-77-055	NEW-P	88-04-089
388-40-100	AMD	88-13-110	388-49-640	AMD	88-08-039	388-77-055	NEW-W	88-08-038
388-40-100	AMD-P	88-21-037	388-49-660	AMD-P	88-04-046	388-77-065	NEW-P	88-04-089
388-40-100	AMD-E	88-21-040	388-49-660	AMD	88-08-040	388-77-065	NEW-W	88-08-038
388-40-110	NEW-P	88-07-053	388-55-010	AMD-P	88-19-091	388-77-200	NEW-P	88-04-089
388-40-110	NEW-E	88-07-054	388-55-010	AMD-E	88-19-093	388-77-200	NEW-W	88-08-038
388-40-110	NEW-W	88-08-001	388-55-020	AMD-P	88-19-091	388-77-200	NEW-P	88-09-079
388-40-110	NEW-P	88-10-042	388-55-020	AMD-E	88-19-093	388-77-200	NEW	88-12-093
388-40-110	NEW-E	88-10-045	388-55-040	AMD-P	88-19-091	388-77-210	NEW-P	88-04-089
388-40-110	NEW	88-13-110	388-55-040	AMD-E	88-19-093	388-77-210	NEW-W	88-08-038
388-40-110	AMD-P	88-19-027	388-57-010	REP	88-07-055	388-77-210	NEW-P	88-09-079
388-42-150	AMD-P	88-15-009	388-57-011	NEW	88-07-055	388-77-210	NEW	88-12-093
388-42-150	AMD	88-18-023	388-57-015	REP	88-07-055	388-77-215	NEW-P	88-04-089
388-42-150	AMD-E	88-18-055	388-57-020	REP	88-07-055	388-77-215	NEW-W	88-08-038
388-44-035	AMD-P	88-16-053	388-57-028	REP	88-07-055	388-77-230	NEW-P	88-09-079
388-44-035	AMD-E	88-16-061	388-57-032	REP	88-07-055	388-77-230	NEW	88-12-093
388-44-035	AMD	88-19-070	388-57-036	REP	88-07-055	388-77-240	NEW-P	88-04-089
388-44-330	NEW-P	88-10-004	388-57-040	AMD	88-07-055	388-77-240	NEW-W	88-08-038
388-44-330	NEW	88-13-059	388-57-045	REP	88-07-055	388-77-240	NEW-P	88-09-079
388-49-015	AMD-P	88-15-045	388-57-056	REP	88-07-055	388-77-240	NEW	88-12-093
388-49-015	AMD	88-18-058	388-57-057	AMD	88-07-055	388-77-245	NEW-P	88-04-089
388-49-020	AMD-P	88-06-079	388-57-059	NEW	88-07-055	388-77-245	NEW-W	88-08-038
388-49-020	AMD	88-08-080	388-57-061	REP	88-07-055	388-77-255	NEW-P	88-04-089
388-49-020	AMD-P	88-12-030	388-57-063	NEW	88-07-055	388-77-255	NEW-W	88-08-038
388-49-020	AMD	88-16-081	388-57-064	REP	88-07-055	388-77-255	NEW-P	88-09-079
388-49-190	AMD-P	88-12-030	388-57-066	NEW	88-07-055	388-77-255	NEW	88-12-093
388-49-190	AMD	88-16-081	388-57-067	NEW	88-07-055	388-77-270	NEW-P	88-04-089
388-49-191	NEW-P	88-14-080	388-57-070	REP	88-07-055	388-77-270	NEW-W	88-08-038
388-49-191	NEW-E	88-14-083	388-57-071	NEW	88-07-055	388-77-270	NEW-P	88-09-079
388-49-191	NEW	88-18-025	388-57-074	NEW	88-07-055	388-77-270	NEW	88-12-093
388-49-250	AMD-P	88-11-059	388-57-090	REP	88-07-055	388-77-270	AMD-P	88-14-081
388-49-250	AMD	88-16-083	388-57-097	AMD	88-07-055	388-77-270	AMD-E	88-14-082
388-49-260	AMD-P	88-12-030	388-57-100	AMD	88-07-055	388-77-270	AMD	88-18-024
388-49-260	AMD	88-16-081	388-57-105	NEW	88-07-055	388-77-275	NEW-P	88-04-089
388-49-310	AMD-P	88-13-027	388-57-112	NEW	88-07-055	388-77-275	NEW-W	88-08-038
388-49-310	AMD	88-16-085	388-57-115	NEW	88-07-055	388-77-280	NEW-P	88-04-089
388-49-410	AMD-P	88-06-080	388-57-117	NEW	88-07-055	388-77-280	NEW-W	88-08-038
388-49-410	AMD	88-08-081	388-57-120	AMD	88-07-055	388-77-285	NEW-P	88-04-089
388-49-410	AMD-P	88-12-030	388-57-121	REP	88-07-055	388-77-285	NEW-W	88-08-038
388-49-410	AMD	88-16-081	388-57-123	AMD	88-07-055	388-77-285	NEW-P	88-09-079
388-49-420	AMD-P	88-12-030	388-57-124	AMD	88-07-055	388-77-285	NEW	88-12-093
388-49-420	AMD	88-16-081	388-57-125	AMD	88-07-055	388-77-310	NEW-P	88-04-089
388-49-470	AMD-P	88-05-005	388-70-013	AMD-P	88-13-124	388-77-310	NEW-W	88-08-038

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-77-320	NEW-P	88-04-089	388-77-610	AMD-P	88-14-081	388-77-920	NEW-P	88-04-089
388-77-320	NEW-W	88-08-038	388-77-610	AMD-E	88-14-082	388-77-920	NEW-W	88-08-038
388-77-320	NEW-P	88-09-079	388-77-610	AMD	88-18-024	388-77-925	NEW-P	88-04-089
388-77-320	NEW	88-12-093	388-77-615	NEW-P	88-04-089	388-77-925	NEW-W	88-08-038
388-77-330	NEW-P	88-04-089	388-77-615	NEW-W	88-08-038	388-77-930	NEW-P	88-04-089
388-77-330	NEW-W	88-08-038	388-77-615	NEW-P	88-09-079	388-77-930	NEW-W	88-08-038
388-77-335	NEW-P	88-04-089	388-77-615	NEW	88-12-093	388-77-940	NEW-P	88-04-089
388-77-335	NEW-W	88-08-038	388-77-640	NEW-P	88-04-089	388-77-940	NEW-W	88-08-038
388-77-340	NEW-P	88-04-089	388-77-640	NEW-W	88-08-038	388-77-945	NEW-P	88-04-089
388-77-340	NEW-W	88-08-038	388-77-700	NEW-P	88-04-089	388-77-945	NEW-W	88-08-038
388-77-350	NEW-P	88-04-089	388-77-700	NEW-W	88-08-038	388-77-975	NEW-P	88-04-089
388-77-350	NEW-W	88-08-038	388-77-710	NEW-P	88-04-089	388-77-975	NEW-W	88-08-038
388-77-355	NEW-P	88-04-089	388-77-710	NEW-W	88-08-038	388-78-005	NEW-P	88-06-078
388-77-355	NEW-W	88-08-038	388-77-720	NEW-P	88-04-089	388-78-005	NEW	88-12-088
388-77-360	NEW-P	88-04-089	388-77-720	NEW-W	88-08-038	388-78-010	NEW-P	88-06-078
388-77-360	NEW-W	88-08-038	388-77-725	NEW-P	88-04-089	388-78-010	NEW	88-12-088
388-77-365	NEW-P	88-04-089	388-77-725	NEW-W	88-08-038	388-78-015	NEW-P	88-06-078
388-77-365	NEW-W	88-08-038	388-77-730	NEW-P	88-04-089	388-78-015	NEW	88-12-088
388-77-370	NEW-P	88-04-089	388-77-730	NEW-W	88-08-038	388-78-020	NEW-P	88-06-078
388-77-370	NEW-W	88-08-038	388-77-735	NEW-P	88-04-089	388-78-020	NEW	88-12-088
388-77-375	NEW-P	88-04-089	388-77-735	NEW-W	88-08-038	388-78-100	NEW-P	88-06-078
388-77-375	NEW-W	88-08-038	388-77-735	NEW-P	88-09-079	388-78-100	NEW	88-12-088
388-77-500	NEW-P	88-04-089	388-77-735	NEW	88-12-093	388-78-120	NEW-P	88-06-078
388-77-500	NEW-W	88-08-038	388-77-737	NEW-P	88-04-089	388-78-120	NEW	88-12-088
388-77-500	NEW-P	88-09-079	388-77-737	NEW-W	88-08-038	388-78-205	NEW-P	88-06-078
388-77-500	NEW	88-12-093	388-77-737	NEW-P	88-09-079	388-78-205	NEW	88-12-088
388-77-500	AMD-P	88-14-081	388-77-737	NEW	88-12-093	388-78-210	NEW-P	88-06-078
388-77-500	AMD-E	88-14-082	388-77-740	NEW-P	88-04-089	388-78-210	NEW	88-12-088
388-77-500	AMD	88-18-024	388-77-740	NEW-W	88-08-038	388-78-215	NEW-P	88-06-078
388-77-505	NEW-P	88-04-089	388-77-745	NEW-P	88-04-089	388-78-215	NEW	88-12-088
388-77-505	NEW-W	88-08-038	388-77-745	NEW-W	88-08-038	388-78-220	NEW-P	88-06-078
388-77-510	NEW-P	88-04-089	388-77-750	NEW-P	88-04-089	388-78-220	NEW	88-12-088
388-77-510	NEW-W	88-08-038	388-77-750	NEW-W	88-08-038	388-81-043	AMD-P	88-21-038
388-77-515	NEW-P	88-04-089	388-77-755	NEW-P	88-04-089	388-81-047	NEW	88-03-050
388-77-515	NEW-W	88-08-038	388-77-755	NEW-W	88-08-038	388-81-060	AMD-P	88-21-091
388-77-515	NEW-P	88-09-079	388-77-760	NEW-P	88-04-089	388-82-008	NEW-P	88-14-051
388-77-515	NEW	88-12-093	388-77-760	NEW-W	88-08-038	388-82-008	NEW-E	88-14-059
388-77-515	AMD-P	88-14-081	388-77-765	NEW-P	88-04-089	388-82-008	NEW	88-17-062
388-77-515	AMD-E	88-14-082	388-77-765	NEW-W	88-08-038	388-82-010	AMD-P	88-06-077
388-77-520	NEW-P	88-04-089	388-77-770	NEW-P	88-04-089	388-82-010	AMD	88-09-037
388-77-520	NEW-W	88-08-038	388-77-770	NEW-W	88-08-038	388-82-115	AMD-P	88-06-077
388-77-520	NEW-P	88-09-079	388-77-780	NEW-P	88-04-089	388-82-115	AMD	88-09-037
388-77-520	NEW	88-12-093	388-77-780	NEW-W	88-08-038	388-82-115	AMD-P	88-14-050
388-77-525	NEW-P	88-04-089	388-77-810	NEW-P	88-04-089	388-82-115	AMD-E	88-14-057
388-77-525	NEW-W	88-08-038	388-77-810	NEW-W	88-08-038	388-82-115	AMD	88-17-063
388-77-525	NEW-P	88-09-079	388-77-810	NEW-P	88-09-079	388-82-115	AMD-P	88-21-053
388-77-525	NEW	88-12-093	388-77-810	NEW	88-12-093	388-82-115	AMD-E	88-21-055
388-77-530	NEW-P	88-04-089	388-77-815	NEW-P	88-04-089	388-82-140	NEW-P	88-21-091
388-77-530	NEW-W	88-08-038	388-77-815	NEW-W	88-08-038	388-83-032	AMD-P	88-08-041
388-77-530	NEW-P	88-14-081	388-77-820	NEW-P	88-04-089	388-83-032	AMD-E	88-08-042
388-77-530	NEW-E	88-14-082	388-77-820	NEW-W	88-08-038	388-83-032	AMD	88-11-063
388-77-530	NEW	88-18-024	388-77-820	NEW-P	88-09-079	388-83-032	AMD-P	88-16-054
388-77-545	NEW-P	88-04-089	388-77-820	NEW	88-12-093	388-83-032	AMD-E	88-16-060
388-77-545	NEW-W	88-08-038	388-77-820	AMD-P	88-14-080	388-83-032	AMD	88-19-033
388-77-550	NEW-P	88-04-089	388-77-820	AMD-E	88-14-083	388-83-032	AMD-E	88-20-043
388-77-550	NEW-W	88-08-038	388-77-820	AMD	88-18-025	388-83-032	AMD-P	88-20-047
388-77-555	NEW-P	88-04-089	388-77-825	NEW-P	88-04-089	388-83-036	AMD-P	88-14-051
388-77-555	NEW-W	88-08-038	388-77-825	NEW-W	88-08-038	388-83-036	AMD-E	88-14-059
388-77-555	NEW-P	88-09-079	388-77-830	NEW-P	88-04-089	388-83-036	AMD	88-17-062
388-77-555	NEW	88-12-093	388-77-830	NEW-W	88-08-038	388-83-130	AMD-P	88-14-051
388-77-560	NEW-P	88-04-089	388-77-835	NEW-P	88-04-089	388-83-130	AMD-E	88-14-059
388-77-560	NEW-W	88-08-038	388-77-835	NEW-W	88-08-038	388-83-130	AMD	88-17-062
388-77-600	NEW-P	88-04-089	388-77-870	NEW-P	88-04-089	388-84-105	AMD-P	88-14-051
388-77-600	NEW-W	88-08-038	388-77-870	NEW-W	88-08-038	388-84-105	AMD-E	88-14-059
388-77-600	NEW-P	88-09-079	388-77-880	NEW-P	88-04-089	388-84-105	AMD	88-17-062
388-77-600	NEW	88-12-093	388-77-880	NEW-W	88-08-038	388-85-105	AMD-P	88-14-051
388-77-600	AMD-P	88-14-081	388-77-900	NEW-P	88-04-089	388-85-105	AMD-E	88-14-059
388-77-600	AMD-E	88-14-082	388-77-900	NEW-W	88-08-038	388-85-105	AMD	88-17-062
388-77-600	AMD	88-18-024	388-77-900	NEW-P	88-09-079	388-86-005	AMD-P	88-03-021
388-77-605	NEW-P	88-04-089	388-77-900	NEW	88-12-093	388-86-005	AMD	88-06-083
388-77-605	NEW-W	88-08-038	388-77-900	AMD-P	88-14-081	388-86-009	AMD-P	88-09-078
388-77-605	NEW-P	88-09-079	388-77-900	AMD-E	88-14-082	388-86-009	AMD	88-12-089
388-77-605	NEW	88-12-093	388-77-900	AMD	88-18-024	388-86-021	AMD-P	88-11-043
388-77-610	NEW-P	88-04-089	388-77-905	NEW-P	88-04-089	388-86-021	AMD-E	88-11-044
388-77-610	NEW-W	88-08-038	388-77-905	NEW-W	88-08-038	388-86-021	AMD	88-15-010
388-77-610	NEW-P	88-09-079	388-77-915	NEW-P	88-04-089	388-86-040	AMD-P	88-16-055
388-77-610	NEW	88-12-093	388-77-915	NEW-W	88-08-038	388-86-040	AMD	88-19-030

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-86-050	AMD	88-04-048	388-98-010	NEW	88-06-086	391-55-420	AMD-P	88-07-083
388-86-050	AMD-P	88-11-043	388-98-015	NEW-E	88-03-051	391-55-420	AMD	88-12-055
388-86-050	AMD-E	88-11-044	388-98-015	NEW-P	88-03-054	391-55-425	AMD-P	88-07-083
388-86-050	AMD	88-15-010	388-98-015	NEW	88-06-086	391-55-425	AMD	88-12-055
388-86-051	NEW	88-04-048	388-98-020	NEW-E	88-03-051	391-55-430	AMD-P	88-07-083
388-86-075	AMD-P	88-11-043	388-98-020	NEW-P	88-03-054	391-55-430	AMD	88-12-055
388-86-075	AMD-E	88-11-044	388-98-020	NEW	88-06-086	391-55-435	AMD-P	88-07-083
388-86-075	AMD	88-15-010	388-99-010	AMD-P	88-06-077	391-55-435	AMD	88-12-055
388-86-085	AMD-P	88-03-021	388-99-010	AMD	88-09-037	391-55-440	AMD-P	88-07-083
388-86-085	AMD	88-06-083	388-99-010	AMD-P	88-19-067	391-55-440	AMD	88-12-055
388-86-085	AMD-P	88-16-056	388-99-010	AMD-E	88-19-071	391-55-445	AMD-P	88-07-083
388-86-085	AMD-E	88-16-059	388-99-011	AMD-P	88-19-067	391-55-445	AMD	88-12-055
388-86-085	AMD	88-20-042	388-99-011	AMD-E	88-19-071	391-55-450	AMD-P	88-07-083
388-86-086	NEW-P	88-03-021	388-99-020	AMD	88-05-056	391-55-450	AMD	88-12-055
388-86-086	NEW	88-06-083	388-99-020	AMD-P	88-20-079	391-55-455	AMD-P	88-07-083
388-86-090	AMD-P	88-21-054	388-99-020	AMD-E	88-20-080	391-55-455	AMD	88-12-055
388-86-090	AMD-E	88-21-056	388-99-030	AMD-P	88-21-092	391-55-505	REP-P	88-07-083
388-86-095	AMD-P	88-11-043	388-99-030	AMD-E	88-21-097	391-55-505	REP	88-12-055
388-86-095	AMD-E	88-11-044	388-99-040	AMD-P	88-20-079	391-65-050	AMD-P	88-07-084
388-86-095	AMD	88-15-010	388-99-040	AMD-E	88-20-080	391-65-050	AMD	88-12-057
388-86-09601	AMD-P	88-11-043	390-05-210	AMD-P	88-11-064	391-65-074	REP-P	88-07-084
388-86-09601	AMD-E	88-11-044	390-05-210	AMD	88-14-064	391-65-074	REP	88-12-057
388-86-09601	AMD	88-15-010	390-16-223	NEW-P	88-11-064	391-65-094	REP-P	88-07-084
388-86-098	AMD-P	88-11-043	390-16-223	NEW	88-14-064	391-65-094	REP	88-12-057
388-86-098	AMD-E	88-11-044	390-16-223	REP-P	88-17-110	391-95-010	AMD-P	88-07-085
388-86-098	AMD	88-15-010	390-16-223	REP-E	88-17-111	391-95-010	AMD	88-12-058
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388-87-007	AMD-P	88-13-107	390-20-022	NEW-C	88-04-062	391-95-230	AMD	88-12-058
388-87-007	AMD	88-16-084	390-20-022	NEW	88-06-019	392-103-035	AMD-P	88-19-095
388-87-010	AMD-P	88-03-021	390-20-056	NEW-P	88-04-063	392-120-001	NEW-P	88-13-075
388-87-010	AMD	88-06-083	390-20-056	NEW-C	88-09-008	392-120-001	NEW	88-19-026
388-87-011	AMD-P	88-08-060	390-20-105	AMD-P	88-11-064	392-120-005	NEW-P	88-13-075
388-87-011	AMD	88-11-061	390-20-105	AMD	88-14-064	392-120-005	NEW	88-19-026
388-87-013	AMD	88-04-048	390-24-010	AMD-P	88-17-110	392-120-010	NEW-P	88-13-075
388-87-027	AMD-P	88-03-021	390-24-010	AMD	88-20-029	392-120-010	NEW	88-19-026
388-87-027	AMD	88-06-083	390-24-200	AMD-P	88-17-110	392-120-010	NEW-P	88-13-075
388-87-035	AMD-P	88-03-021	390-24-200	AMD	88-20-029	392-120-015	NEW	88-19-026
388-87-035	AMD	88-06-083	391-08-120	AMD-P	88-07-079	392-120-020	NEW-P	88-13-075
388-87-036	NEW-P	88-03-021	391-08-120	AMD	88-12-053	392-120-020	NEW	88-19-026
388-87-036	NEW	88-06-083	391-25-090	AMD-P	88-07-080	392-120-025	NEW-P	88-13-075
388-87-070	AMD	88-04-048	391-25-090	AMD	88-12-054	392-120-025	NEW	88-19-026
388-88-050	AMD	88-04-041	391-25-110	AMD-P	88-07-080	392-121-001	NEW	88-03-013
388-88-101	AMD	88-04-041	391-25-110	AMD	88-12-054	392-121-003	NEW	88-03-013
388-92-045	AMD-P	88-03-072	391-25-140	NEW-P	88-07-080	392-121-007	NEW	88-03-013
388-92-045	AMD	88-06-087	391-25-140	NEW	88-12-054	392-121-021	NEW	88-03-013
388-95-360	AMD-P	88-14-051	391-25-190	AMD-P	88-07-080	392-121-031	NEW	88-03-013
388-95-360	AMD-E	88-14-059	391-25-190	AMD	88-12-054	392-121-033	NEW	88-03-013
388-95-360	AMD-P	88-19-066	391-25-290	AMD-P	88-07-080	392-121-101	REP	88-03-013
388-95-380	AMD-P	88-03-072	391-25-290	AMD	88-12-054	392-121-103	REP	88-03-013
388-95-380	AMD	88-06-087	391-25-390	AMD-P	88-07-080	392-121-105	REP	88-03-013
388-95-400	AMD-P	88-14-051	391-25-390	AMD	88-12-054	392-121-106	NEW	88-03-013
388-95-400	AMD-E	88-14-059	391-25-470	AMD-P	88-07-080	392-121-107	NEW	88-03-013
388-95-400	AMD	88-17-062	391-25-470	AMD	88-12-054	392-121-108	NEW	88-03-013
388-96-026	AMD-P	88-21-039	391-35-020	NEW-P	88-07-081	392-121-110	REP	88-03-013
388-96-107	AMD-P	88-21-039	391-35-020	NEW	88-12-061	392-121-111	NEW	88-03-013
388-96-533	AMD-P	88-21-039	391-35-300	NEW-P	88-07-081	392-121-115	REP	88-03-013
388-96-559	AMD-P	88-13-078	391-45-013	REP-P	88-07-082	392-121-120	REP	88-03-013
388-96-559	AMD-E	88-13-079	391-45-013	REP	88-12-056	392-121-121	REP	88-03-013
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388-96-565	AMD-P	88-21-039	391-45-260	NEW-P	88-07-082	392-121-123	NEW	88-03-013
388-96-585	AMD-P	88-21-039	391-45-260	NEW	88-12-056	392-121-125	REP	88-03-013
388-96-722	AMD-P	88-21-039	391-55-002	AMD-P	88-07-083	392-121-126	REP	88-03-013
388-96-754	AMD-P	88-21-039	391-55-002	AMD	88-12-055	392-121-127	REP	88-03-013
388-96-763	AMD-P	88-21-039	391-55-033	REP-P	88-07-083	392-121-128	REP	88-03-013
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388-96-771	NEW-P	88-03-053	391-55-033	REP-E	88-12-063	392-121-130	REP	88-03-013
388-96-771	NEW	88-06-085	391-55-071	NEW-P	88-07-083	392-121-131	REP	88-03-013
388-96-774	AMD-P	88-21-039	391-55-071	NEW	88-12-055	392-121-133	NEW	88-03-013
388-96-807	AMD-P	88-21-039	391-55-071	NEW-E	88-12-064	392-121-135	REP	88-03-013
388-96-904	AMD-P	88-21-039	391-55-400	AMD-P	88-07-083	392-121-136	NEW	88-03-013
388-98-005	NEW-E	88-03-051	391-55-400	AMD	88-12-055	392-121-140	REP	88-03-013
388-98-005	NEW-P	88-03-054	391-55-410	AMD-P	88-07-083	392-121-145	REP	88-03-013
388-98-005	NEW	88-06-086	391-55-410	AMD	88-12-055	392-121-150	REP	88-03-013
388-98-010	NEW-E	88-03-051	391-55-415	AMD-P	88-07-083	392-121-155	REP	88-03-013
388-98-010	NEW-P	88-03-054	391-55-415	AMD	88-12-055	392-121-160	REP	88-03-013

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392-164-050	REP	88-13-002	392-164-250	NEW-P	88-07-113	392-168	AMD	88-09-042
392-164-055	REP-P	88-09-043	392-164-250	NEW	88-13-089	392-168-005	REP-P	88-06-094
392-164-055	REP	88-13-002	392-164-255	NEW-P	88-07-113	392-168-005	REP	88-09-042
392-164-060	REP-P	88-09-043	392-164-255	NEW	88-13-089	392-168-105	NEW-P	88-06-094
392-164-060	REP	88-13-002	392-164-260	NEW-P	88-07-113	392-168-105	NEW	88-09-042
392-164-065	REP-P	88-09-043	392-164-260	NEW	88-13-089	392-168-110	NEW-P	88-06-094
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392-164-075	REP	88-13-002	392-164-275	NEW-P	88-07-113	392-168-120	NEW	88-09-042
392-164-080	REP-P	88-09-043	392-164-275	NEW	88-13-089	392-168-125	NEW-P	88-06-094
392-164-080	REP	88-13-002	392-164-280	NEW-P	88-07-113	392-168-125	NEW	88-09-042
392-164-085	REP-P	88-09-043	392-164-280	NEW	88-13-089	392-168-130	NEW-P	88-06-094
392-164-085	REP	88-13-002	392-164-285	NEW-P	88-07-113	392-168-130	NEW	88-09-042
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392-164-090	REP	88-13-002	392-164-290	NEW-P	88-07-113	392-168-135	NEW	88-09-042
392-164-095	REP-P	88-09-043	392-164-290	NEW	88-13-089	392-168-140	NEW-P	88-06-094
392-164-095	REP	88-13-002	392-164-295	NEW-P	88-07-113	392-168-140	NEW	88-09-042
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392-164-160	NEW-P	88-07-113	392-164-350	NEW	88-13-089	392-171-761	AMD	88-15-020
392-164-160	NEW	88-13-089	392-164-355	NEW-P	88-07-113	392-171-766	REP-P	88-07-112
392-164-165	NEW-P	88-07-113	392-164-355	NEW	88-13-089	392-171-766	REP	88-12-017
392-164-165	NEW	88-13-089	392-164-360	NEW-P	88-07-113	392-171-771	REP-P	88-07-112
392-164-170	NEW-P	88-07-113	392-164-360	NEW	88-13-089	392-171-771	REP	88-12-017
392-164-170	NEW	88-13-089	392-164-365	NEW-P	88-07-113	392-171-776	REP-P	88-07-112
392-164-175	NEW-P	88-07-113	392-164-365	NEW	88-13-089	392-171-776	REP	88-12-017
392-164-175	NEW	88-13-089	392-164-370	NEW-P	88-07-113	392-171-781	REP-P	88-07-112
392-164-180	NEW-P	88-07-113	392-164-370	NEW	88-13-089	392-171-781	REP	88-12-017
392-164-180	NEW	88-13-089	392-164-375	NEW-P	88-07-113	392-171-781	REP	88-12-017
392-164-185	NEW-P	88-07-113	392-164-375	NEW	88-13-089	392-195-010	AMD	88-03-006
392-164-185	NEW	88-13-089	392-164-380	NEW-P	88-07-113	392-195-015	AMD	88-03-006
392-164-190	NEW-P	88-07-113	392-164-380	NEW	88-13-089	392-196-020	AMD-P	88-15-026
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392-164-195	NEW-P	88-07-113	392-164-385	NEW	88-13-089	392-196-020	AMD	88-18-038
392-164-195	NEW	88-13-089	392-164-390	NEW-P	88-07-113	392-196-045	AMD-P	88-15-026
392-164-200	NEW-P	88-07-113	392-164-390	NEW	88-13-089	392-196-045	AMD-E	88-15-027
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392-164-215	NEW	88-13-089	392-164-410	NEW-P	88-07-113	392-196-055	AMD-P	88-15-026
392-164-220	NEW-P	88-07-113	392-164-410	NEW	88-13-089	392-196-055	AMD-E	88-15-027
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392-164-230	NEW	88-13-089	392-165-342	NEW-P	88-17-120	392-196-070	AMD-P	88-15-026
392-164-235	NEW-P	88-07-113	392-165-342	NEW	88-21-017	392-196-070	AMD-E	88-15-027
392-164-235	NEW	88-13-089	392-165-345	AMD-P	88-17-120	392-196-070	AMD	88-18-038
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392-196-075	AMD	88-18-038	392-310-025	NEW	88-06-042	415-02-090	AMD-P	88-13-121
392-196-080	AMD-P	88-15-026	392-315-005	NEW	88-09-044	415-02-090	AMD	88-17-053
392-196-080	AMD-E	88-15-027	392-315-010	NEW	88-09-044	415-108-450	NEW	88-11-030
392-196-080	AMD	88-18-038	392-315-015	NEW	88-09-044	415-108-460	NEW	88-11-030
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392-220-005	NEW-E	88-03-012	392-315-025	NEW	88-09-044	415-112-330	NEW	88-17-052
392-220-010	NEW-P	88-03-011	392-315-030	NEW	88-09-044	415-112-410	AMD	88-11-031
392-220-010	NEW-E	88-03-012	392-315-035	NEW	88-09-044	415-112-411	NEW	88-11-031
392-220-015	NEW-P	88-03-011	392-315-040	NEW	88-09-044	419-32-070	REP-P	88-11-049
392-220-015	NEW-E	88-03-012	392-315-045	NEW	88-09-044	419-32-070	REP	88-17-032
392-220-020	NEW-P	88-03-011	392-315-050	NEW	88-09-044	419-32-080	REP-P	88-11-049
392-220-020	NEW-E	88-03-012	392-315-055	NEW	88-09-044	419-32-080	REP	88-17-032
392-220-025	NEW-P	88-03-011	392-315-060	NEW	88-09-044	419-32-090	REP-P	88-11-049
392-220-025	NEW-E	88-03-012	392-315-065	NEW	88-09-044	419-32-090	REP	88-17-032
392-220-030	NEW-P	88-03-011	392-315-070	NEW	88-09-044	419-32-100	REP-P	88-11-049
392-220-030	NEW-E	88-03-012	392-315-075	NEW	88-09-044	419-32-100	REP	88-17-032
392-220-035	NEW-P	88-03-011	392-315-080	NEW	88-09-044	419-32-110	REP-P	88-11-049
392-220-035	NEW-E	88-03-012	392-315-085	NEW	88-09-044	419-32-110	REP	88-17-032
392-220-040	NEW-P	88-03-011	392-315-090	NEW	88-09-044	419-32-120	REP-P	88-11-049
392-220-040	NEW-E	88-03-012	392-315-095	NEW	88-09-044	419-32-120	REP	88-17-032
392-220-045	NEW-P	88-03-011	392-315-100	NEW	88-09-044	419-32-130	REP-P	88-11-049
392-220-045	NEW-E	88-03-012	392-315-105	NEW	88-09-044	419-32-130	REP	88-17-032
392-220-050	NEW-P	88-03-011	392-315-110	NEW	88-09-044	419-32-140	REP-P	88-11-049
392-220-050	NEW-E	88-03-012	392-315-115	NEW	88-09-044	419-32-140	REP	88-17-032
392-220-055	NEW-P	88-03-011	392-315-120	NEW	88-09-044	419-32-150	REP-P	88-11-049
392-220-055	NEW-E	88-03-012	392-315-125	NEW	88-09-044	419-32-150	REP	88-17-032
392-220-060	NEW-P	88-03-011	392-315-130	NEW	88-09-044	419-32-160	REP-P	88-11-049
392-220-060	NEW-E	88-03-012	392-315-135	NEW	88-09-044	419-32-160	REP	88-17-032
392-220-065	NEW-P	88-03-011	392-315-140	NEW	88-09-044	419-32-170	REP-P	88-11-049
392-220-065	NEW-E	88-03-012	392-315-145	NEW	88-09-044	419-32-170	REP	88-17-032
392-220-070	NEW-P	88-03-011	392-315-150	NEW	88-09-044	419-56-010	NEW	88-02-068
392-220-070	NEW-E	88-03-012	392-315-155	NEW	88-09-044	419-56-020	NEW	88-02-068
392-220-075	NEW-P	88-03-011	392-315-160	NEW	88-09-044	419-56-030	NEW	88-02-068
392-220-075	NEW-E	88-03-012	392-315-165	NEW	88-09-044	419-56-040	NEW	88-02-068
392-220-080	NEW-P	88-03-011	399-30-040	AMD-P	88-06-045	419-56-050	NEW	88-02-068
392-220-080	NEW-E	88-03-012	399-30-040	AMD	88-10-009	419-56-060	NEW	88-02-068
392-220-085	NEW-P	88-03-011	399-30-042	NEW-P	88-13-023	419-56-070	NEW	88-02-068
392-220-085	NEW-E	88-03-012	399-30-042	NEW-E	88-13-024	419-56-080	NEW	88-02-068
392-220-090	NEW-P	88-03-011	399-30-042	NEW	88-17-080	419-56-090	NEW	88-02-068
392-220-090	NEW-E	88-03-012	399-30-060	AMD-P	88-19-107	419-60-010	NEW	88-02-067
392-220-095	NEW-P	88-03-011	400-12	NEW-C	88-04-023	419-60-020	NEW	88-02-067
392-220-095	NEW-E	88-03-012	400-12-100	NEW	88-06-053	419-60-030	NEW	88-02-067
392-220-100	NEW-P	88-03-011	400-12-110	NEW	88-06-053	419-64-010	NEW-P	88-11-050
392-220-100	NEW-E	88-03-012	400-12-120	NEW	88-06-053	419-64-020	NEW-P	88-11-050
392-220-105	NEW-P	88-03-011	400-12-200	NEW	88-06-053	419-64-030	NEW-P	88-11-050
392-220-105	NEW-E	88-03-012	400-12-210	NEW	88-06-053	419-64-040	NEW-P	88-11-050
392-220-110	NEW-P	88-03-011	400-12-220	NEW	88-06-053	434-19-010	NEW-P	88-05-054
392-220-110	NEW-E	88-03-012	400-12-300	NEW	88-06-053	434-19-010	NEW	88-09-028
392-220-115	NEW-P	88-03-011	400-12-310	NEW	88-06-053	434-19-012	NEW-P	88-05-054
392-220-115	NEW-E	88-03-012	400-12-320	NEW	88-06-053	434-19-012	NEW	88-09-028
392-220-120	NEW-P	88-03-011	400-12-400	NEW	88-06-053	434-19-013	NEW-P	88-05-054
392-220-120	NEW-E	88-03-012	400-12-410	NEW	88-06-053	434-19-013	NEW	88-09-028
392-220-125	NEW-P	88-03-011	400-12-420	NEW	88-06-053	434-19-014	NEW-P	88-05-054
392-220-125	NEW-E	88-03-012	400-12-500	NEW	88-06-053	434-19-014	NEW	88-09-028
392-220-130	NEW-P	88-03-011	400-12-510	NEW	88-06-053	434-19-015	NEW-P	88-05-054
392-220-130	NEW-E	88-03-012	400-12-520	NEW	88-06-053	434-19-015	NEW	88-09-028
392-220-135	NEW-P	88-03-011	400-12-530	NEW	88-06-053	434-19-016	NEW-P	88-05-054
392-220-135	NEW-E	88-03-012	400-12-540	NEW	88-06-053	434-19-016	NEW	88-09-028
392-220-140	NEW-P	88-03-011	400-12-550	NEW	88-06-053	434-19-017	NEW-P	88-05-054
392-220-140	NEW-E	88-03-012	400-12-560	NEW	88-06-053	434-19-017	NEW	88-09-028
392-220-145	NEW-P	88-03-011	400-12-570	NEW	88-06-053	434-19-018	NEW-P	88-05-054
392-220-145	NEW-E	88-03-012	400-12-600	NEW	88-06-053	434-19-018	NEW	88-09-028
392-220-150	NEW-P	88-03-011	400-12-610	NEW	88-06-053	434-19-020	NEW-P	88-05-054
392-220-150	NEW-E	88-03-012	400-12-620	NEW	88-06-053	434-19-020	NEW	88-09-028
392-220-155	NEW-P	88-03-011	400-12-630	NEW	88-06-053	434-19-050	NEW-P	88-05-054
392-220-155	NEW-E	88-03-012	400-12-640	NEW	88-06-053	434-19-050	NEW	88-09-028
392-310-010	NEW-P	88-03-073	400-12-650	NEW	88-06-053	434-19-051	NEW-P	88-05-054
392-310-010	NEW-E	88-04-002	400-12-660	NEW	88-06-053	434-19-051	NEW	88-09-028
392-310-010	NEW	88-06-042	400-12-700	NEW	88-06-053	434-19-052	NEW-P	88-05-054
392-310-015	NEW-P	88-03-073	400-12-710	NEW	88-06-053	434-19-052	NEW	88-09-028
392-310-015	NEW-E	88-04-002	400-12-720	NEW	88-06-053	434-19-053	NEW-P	88-05-054
392-310-015	NEW	88-06-042	402-80-040	AMD-P	88-14-052	434-19-053	NEW	88-09-028
392-310-020	NEW-P	88-03-073	402-80-040	AMD	88-17-060	434-19-054	NEW-P	88-05-054
392-310-020	NEW-E	88-04-002	402-80-060	AMD-P	88-14-052	434-19-054	NEW	88-09-028

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434-19-060	NEW 88-09-028	434-40-180	NEW 88-03-019	458-20-24002	AMD 88-17-047
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434-19-065	NEW-P 88-05-054	434-40-200	NEW 88-03-019	458-20-244	AMD-P 88-12-024
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434-19-077	NEW 88-09-028	434-40-240	NEW 88-03-019	458-30-010	REP-P 88-17-118
434-19-078	NEW-P 88-05-054	434-40-250	NEW 88-03-019	458-30-015	REP-P 88-17-118
434-19-078	NEW 88-09-028	434-40-260	NEW 88-03-019	458-30-020	REP-P 88-17-118
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434-19-082	NEW-P 88-05-054	434-40-310	NEW 88-03-019	458-30-055	REP-P 88-17-118
434-19-082	NEW 88-09-028	440-44-062	NEW-P 88-14-053	458-30-056	REP-P 88-17-118
434-19-083	NEW-P 88-05-054	440-44-062	NEW 88-17-061	458-30-057	REP-P 88-17-118
434-19-083	NEW 88-09-028	440-44-095	AMD-P 88-11-060	458-30-060	REP-P 88-17-118
434-19-084	NEW-P 88-05-054	440-44-095	AMD 88-15-011	458-30-070	REP-P 88-17-118
434-19-084	NEW 88-09-028	446-20-020	AMD-P 88-03-056	458-30-075	REP-P 88-17-118
434-19-086	NEW-P 88-05-054	446-20-020	AMD 88-07-066	458-30-080	REP-P 88-17-118
434-19-086	NEW 88-09-028	446-20-020	AMD-E 88-07-072	458-30-085	REP-P 88-17-118
434-19-087	NEW-P 88-05-054	446-20-285	NEW-P 88-03-056	458-30-090	REP-P 88-17-118
434-19-087	NEW 88-09-028	446-20-285	NEW 88-07-066	458-30-095	REP-P 88-17-118
434-19-088	NEW-P 88-05-054	446-20-285	NEW-E 88-07-072	458-30-100	REP-P 88-17-118
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434-19-100	NEW-P 88-05-054	446-20-300	AMD-P 88-03-056	458-30-120	REP-P 88-17-118
434-19-100	NEW 88-09-028	446-20-300	AMD 88-07-066	458-30-125	REP-P 88-17-118
434-19-101	NEW-P 88-05-054	446-20-300	AMD-E 88-07-072	458-30-130	REP-P 88-17-118
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434-19-102	NEW-P 88-05-054	446-20-310	AMD 88-07-066	458-30-140	REP-P 88-17-118
434-19-102	NEW 88-09-028	446-20-310	AMD-E 88-07-072	458-30-145	REP-P 88-17-118
434-19-105	NEW-P 88-05-054	446-40-020	AMD-P 88-14-023	458-30-146	REP-P 88-17-118
434-19-110	NEW-P 88-05-054	446-40-025	NEW-P 88-14-023	458-30-150	REP-P 88-17-118
434-19-110	NEW 88-09-028	456-08-006	AMD-P 88-10-051	458-30-155	REP-P 88-17-118
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434-19-113	NEW 88-09-028	456-08-006	AMD 88-13-021	458-30-200	NEW-P 88-17-118
434-19-114	NEW-P 88-05-054	456-08-009	NEW-E 88-13-020	458-30-205	NEW-P 88-17-118
434-19-114	NEW 88-09-028	456-08-705	AMD-P 88-10-051	458-30-210	NEW-P 88-17-118
434-19-115	NEW-P 88-05-054	456-08-705	AMD-E 88-13-020	458-30-215	NEW-P 88-17-118
434-19-115	NEW 88-09-028	456-08-705	AMD 88-13-021	458-30-220	NEW-P 88-17-118
434-19-116	NEW-P 88-05-054	458-12-012	NEW 88-04-020	458-30-225	NEW-P 88-17-118
434-19-118	NEW-P 88-05-054	458-14-020	AMD 88-07-005	458-30-230	NEW-P 88-17-118
434-19-118	NEW 88-09-028	458-14-040	AMD 88-07-005	458-30-235	NEW-P 88-17-118
434-19-190	NEW-P 88-05-054	458-14-045	AMD 88-07-005	458-30-240	NEW-P 88-17-118
434-19-190	NEW 88-09-028	458-16-030	AMD-P 88-10-025	458-30-245	NEW-P 88-17-118
434-19-191	NEW-P 88-05-054	458-16-030	AMD 88-13-041	458-30-250	NEW-P 88-17-118
434-19-191	NEW 88-09-028	458-16-111	AMD-P 88-10-025	458-30-255	NEW-P 88-17-118
434-19-192	NEW-P 88-05-054	458-16-111	AMD 88-13-041	458-30-260	NEW-P 88-17-118
434-19-192	NEW 88-09-028	458-16-130	AMD-P 88-10-025	458-30-265	NEW-P 88-17-118
434-19-193	NEW-P 88-05-054	458-16-130	AMD 88-13-041	458-30-270	NEW-P 88-17-118
434-19-193	NEW 88-09-028	458-18-010	AMD-P 88-10-026	458-30-275	NEW-P 88-17-118
434-19-194	NEW-P 88-05-054	458-18-010	AMD 88-13-042	458-30-280	NEW-P 88-17-118
434-19-194	NEW 88-09-028	458-18-020	AMD-P 88-10-026	458-30-285	NEW-P 88-17-118
434-19-195	NEW-P 88-05-054	458-18-020	AMD 88-13-042	458-30-290	NEW-P 88-17-118
434-19-195	NEW 88-09-028	458-18-060	AMD-P 88-10-026	458-30-295	NEW-P 88-17-118
434-19-230	NEW-P 88-05-054	458-18-060	AMD 88-13-042	458-30-300	NEW-P 88-17-118
434-19-230	NEW 88-09-028	458-18-220	AMD-E 88-02-070	458-30-305	NEW-P 88-17-118
434-40-005	NEW 88-03-019	458-18-220	AMD-P 88-03-016	458-30-310	NEW-P 88-17-118
434-40-010	NEW 88-03-019	458-18-220	AMD 88-07-003	458-30-315	NEW-P 88-17-118
434-40-020	NEW 88-03-019	458-20-115	AMD-P 88-17-072	458-30-320	NEW-P 88-17-118
434-40-030	NEW 88-03-019	458-20-115	AMD 88-20-014	458-30-325	NEW-P 88-17-118
434-40-040	NEW 88-03-019	458-20-136	AMD-P 88-17-114	458-30-330	NEW-P 88-17-118
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434-40-090	NEW 88-03-019	458-20-169	AMD 88-21-014	458-30-520	AMD-P 88-13-034
434-40-100	NEW 88-03-019	458-20-176	AMD 88-03-055	458-30-530	AMD-P 88-13-034

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458-30-550	AMD-P	88-13-034	468-66-050	AMD-P	88-18-034	480-80-330	NEW-P	88-18-062
458-30-560	AMD-P	88-13-034	468-66-140	AMD-P	88-18-034	480-80-330	AMD-P	88-18-077
458-30-570	AMD-P	88-13-034	468-66-175	NEW-P	88-18-034	480-80-330	AMD-W	88-19-106
458-30-580	AMD-P	88-13-034	468-70-070	AMD-P	88-18-032	480-80-335	NEW-P	88-18-062
458-30-590	AMD-P	88-03-017	468-95-020	AMD-P	88-18-033	480-80-335	NEW-P	88-18-077
458-30-590	AMD	88-07-004	468-310-020	AMD-P	88-16-031	480-80-335	NEW-W	88-19-106
458-40-540	AMD-P	88-20-055	468-310-020	AMD	88-19-040	480-80-385	NEW-P	88-18-064
458-40-650	AMD-P	88-10-048	468-310-050	AMD-P	88-16-031	480-80-390	NEW-P	88-18-064
458-40-650	AMD-E	88-14-031	468-310-050	AMD	88-19-040	480-80-395	NEW-P	88-18-063
458-40-650	AMD	88-14-032	478-136-030	AMD-P	88-14-084	480-90-071	AMD-P	88-04-076
458-40-660	AMD-P	88-10-048	478-136-030	AMD-E	88-19-044	480-90-071	AMD	88-07-070
458-40-660	AMD-E	88-14-031	478-136-030	AMD	88-19-045	480-100-071	AMD-P	88-04-076
458-40-660	AMD	88-14-032	478-138-030	AMD-P	88-14-139	480-100-071	AMD	88-07-070
458-40-670	AMD-P	88-10-048	478-138-030	AMD	88-19-042	480-120-021	AMD-P	88-17-044
458-40-670	AMD-E	88-14-031	478-138-030	AMD-E	88-19-043	480-120-028	NEW-P	88-07-069
458-40-670	AMD	88-14-032	478-355-020	AMD-P	88-14-140	480-120-028	NEW-C	88-13-031
458-50-070	AMD-P	88-12-084	478-355-020	AMD	88-19-041	480-120-028	NEW-C	88-16-037
458-50-070	AMD-E	88-12-085	478-355-030	AMD-P	88-14-140	480-120-028	NEW-C	88-16-072
458-50-070	AMD	88-15-016	478-355-030	AMD	88-19-041	480-120-041	AMD-P	88-17-044
460-16A-050	AMD	88-03-015	478-355-040	AMD-P	88-14-140	480-120-056	AMD-C	88-04-057
460-16A-100	REP	88-03-015	478-355-040	AMD	88-19-041	480-120-056	AMD-P	88-07-027
460-16A-101	NEW	88-03-015	478-355-060	AMD-P	88-14-140	480-120-056	AMD-C	88-10-050
460-16A-102	NEW	88-03-015	478-355-060	AMD	88-19-041	480-120-056	AMD	88-13-099
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460-16A-104	NEW	88-03-015	480-12-375	AMD-P	88-21-115	480-120-081	AMD-W	88-19-105
460-16A-105	AMD	88-03-015	480-12-990	AMD-P	88-21-115	480-120-089	NEW-P	88-13-098
460-16A-106	AMD	88-03-015	480-40-010	AMD-E	88-13-033	480-120-089	NEW-C	88-16-036
460-16A-107	REP	88-03-015	480-40-010	AMD-P	88-15-072	480-120-089	NEW-C	88-16-073
460-16A-108	AMD	88-03-015	480-40-010	AMD	88-18-012	480-120-089	NEW-C	88-17-067
460-16A-109	AMD	88-03-015	480-40-020	AMD-E	88-13-033	480-120-089	NEW	88-18-011
460-16A-110	AMD	88-03-015	480-40-020	AMD-P	88-15-072	480-120-106	AMD-P	88-17-044
460-16A-126	AMD	88-03-015	480-40-020	AMD	88-18-012	480-120-141	NEW-P	88-17-044
460-16A-130	REP	88-03-015	480-40-030	AMD-E	88-13-033	480-149-120	AMD-P	88-05-044
460-16A-135	REP	88-03-015	480-40-030	AMD-P	88-15-072	480-149-120	AMD	88-08-047
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460-16A-145	REP	88-03-015	480-40-033	REP-E	88-13-033	504-17-220	AMD-P	88-07-098
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460-17A-010	NEW	88-17-012	480-40-033	REP	88-18-012	504-17-235	AMD-P	88-07-098
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460-17A-040	NEW-P	88-12-026	480-40-039	REP-P	88-15-072	508-12-020	AMD	88-13-037
460-17A-040	NEW	88-17-012	480-40-039	REP	88-18-012	508-12-030	AMD-P	88-09-054
460-17A-050	NEW-P	88-12-026	480-40-040	AMD-E	88-13-033	508-12-030	AMD	88-13-037
460-17A-050	NEW	88-17-012	480-40-040	AMD-P	88-15-072	508-12-050	AMD-P	88-09-054
460-17A-060	NEW-P	88-12-026	480-40-040	AMD	88-18-012	508-12-050	AMD	88-13-037
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460-20A-220	AMD	88-17-011	480-40-060	AMD-P	88-15-072	508-12-080	AMD-P	88-09-054
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