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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of June 1989 pursuant to RCW 19.52.020 is thirteen point one six percent (13.16%).

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 1989 pursuant to RCW 63.14.130(1)(a) is thirteen and one-half percent (13.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fifteen and one-quarter percent (15.25%) for the second calendar quarter of 1989.

WASHINGTON STATE REGISTER

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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
88-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
88-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
88-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
88-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
88-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
88-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
88-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1989
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89-01	Nov 23	Dec 7	Dec 21, 1988	Jan 4, 1989	Jan 24
89-02	Dec 7	Dec 21, 1988	Jan 4, 1989	Jan 18	Feb 7
89-03	Dec 21, 1988	Jan 4, 1989	Jan 18	Feb 1	Feb 21
89-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 7
89-05	Jan 18	Feb 1	Feb 15	Mar 1	Mar 21
89-06	Feb 1	Feb 15	Mar 1	Mar 15	Apr 4
89-07	Feb 22	Mar 8	Mar 22	Apr 5	Apr 25
89-08	Mar 8	Mar 22	Apr 5	Apr 19	May 9
89-09	Mar 22	Apr 5	Apr 19	May 3	May 23
89-10	Apr 5	Apr 19	May 3	May 17	Jun 6
89-11	Apr 26	May 10	May 24	Jun 7	Jun 27
89-12	May 10	May 24	Jun 7	Jun 21	Jul 11
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89-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1990

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.

³No 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 89-11-001
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 89-31—Filed May 4, 1989]

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 there are adequate spring chinook stock available to allow increased area opportunity for recreational harvest. 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 May 3, 1989.

By Judith Merchant
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-57-14000J CHEHALIS RIVER. Notwithstanding the provisions of WAC 220-57-140, effective immediately, until further notice, it is unlawful to take, fish for, or possess salmon for personal use, except: Bag Limit A. Open May 6 to June 30, 1989, in those waters of the Chehalis River downstream from the Mellon Street Bridge in Centralia (approximately 1 mile upstream from the mouth of the Skookumchuck River).

WSR 89-11-002
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2791—Filed May 4, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to effective date of eligibility, amending WAC 388-84-115.

This action is taken pursuant to Notice No. WSR 89-07-011 filed with the code reviser on March 6, 1989. 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 May 2, 1989.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-84-115 EFFECTIVE DATE OF ELIGIBILITY. (1) The effective date of eligibility for medical assistance shall be no ~~((later))~~ earlier than the third month before the month of application provided:

(a) The medical services received were covered.

(b) Individual would have been eligible had he/she applied.

(c) The applicant met all eligibility factors in either chapter 388-83 ((or)), 388-92, or 388-99 WAC.

(2) ~~((Eligibility))~~ The effective date of eligibility for medical assistance is the first day of the month if the individual ((was)) is eligible at any time during that month.

(3) The month of application for medical assistance for SSI beneficiaries ((for purposes of determining eligibility for medical assistance)) shall be the month they apply for SSI.

WSR 89-11-003
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2792—Filed May 4, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Payment—Extended care patient—Coinsurance, amending WAC 388-87-060.

This action is taken pursuant to Notice No. WSR 89-07-012 filed with the code reviser on March 6, 1989. 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 May 2, 1989.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 1112, filed 4/15/76)

WAC 388-87-060 PAYMENT—EXTENDED CARE PATIENT—COINSURANCE. ~~((The))~~ Effective January 1, 1989, a recipient ((who is)) entitled to ((a maximum of 100 days of)) Medicare benefits ((m)) may be eligible for up to one hundred fifty days of Medicare benefits in a calendar year for extended care in a participating Medicare skilled nursing facility ((for the same spell of illness shall pay from his available resources and income the coinsurance, beginning the 21st day of his extended care. When the recipient has insufficient resources and income, according to department standards, the department will pay)). See WAC 388-87-011 for payment of the coinsurance.

WSR 89-11-004
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2793—Filed May 4, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Conditions of payment—Medicare deductible on coinsurance—When paid by department, amending WAC 388-87-011.

This action is taken pursuant to Notice No. WSR 89-07-037 filed with the code reviser on March 10, 1989. 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 May 2, 1989.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2624, filed 5/17/88)

WAC 388-87-011 CONDITIONS OF PAYMENT—MEDICARE DEDUCTIBLE AND COINSURANCE—WHEN PAID BY DEPARTMENT. The department shall be responsible for the deductible and coinsurance amounts for recipients participating in the benefits of Parts A and B of Medicare (Title XVIII of the Social Security Act) when the following conditions are met:

(1) Total combined reimbursement to the provider from Medicare and the department does not exceed the department's fee schedule, see WAC 388-87-010((-));

~~((a))~~ (2) ~~((When the patient's Part A benefits and lifetime reserve days are not exhausted,))~~ The Medicare

DRG shall be recognized as payment in full((-)), except for deductible and coinsurance amounts(~~(, Medicaid will not pay for the stay.~~

~~(b) When the patient's Part A benefits and lifetime reserve days are exhausted and no outlier status is identified, the Medicare DRG shall be recognized as payment in full. Except for deductible and coinsurance amounts, Medicaid will not pay for the stay.~~

~~(c) When the patient's Part A benefits and lifetime reserve days are exhausted and Medicaid outlier status is reached, Medicaid shall pay for the amount beyond the outlier threshold based on the policy described in (d) of this subsection. Medicaid shall not reimburse for a second separate DRG.~~

~~(d) The department's outlier policy shall be based on the methodology prescribed in the department's Title XIX state plan, methods and standards used for establishing payment rates for hospital inpatient services;); and~~

~~((2))~~ (3) The provider accepts assignment for Medicare payment.

WSR 89-11-005
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2796—Filed May 4, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Child care agencies—Adult family homes minimum licensing/certification requirements, amending chapter 388-73 WAC.

This action is taken pursuant to Notice No. WSR 89-02-033 filed with the code reviser on December 30, 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 74.15.030 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.15 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 May 4, 1989.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-014 PERSONS AND ORGANIZATIONS SUBJECT TO LICENSING. Persons and organizations operating the following types of facilities are subject to licensing under chapter 74.15 RCW and RCW 74.08.044:

(1) "Group care facility" means an agency maintained and operated for the care of a group of children on a twenty-four-hour basis.

(2) "Child-placing agency" means an agency placing children for temporary care, continued care, or for adoption.

(3) "Maternity service" means an agency providing or arranging for care or services to expectant mothers regardless of age, before or during confinement, or providing care as needed to mothers and their infants after confinement. See WAC 388-73-702.

(4) "Day care facility" means an agency regularly providing care for a group of children for periods of less than twenty-four hours. Separate requirements are adopted for the following subcategories of day care facilities:

(a) A day care center provides for the care of thirteen or more children. No such center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family.

(b) A "mini-day care program" means:

(i) A day care ~~((center))~~ facility for the care of twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care and supervision the ~~((child-is))~~ children are placed; or

(ii) A day care facility for the care of from seven through twelve children in the family abode of ~~((such))~~ the person or persons under whose care and supervision the children are placed.

(c) A family day care home means ~~((an agency regularly providing care during part of the twenty-four-hour day to six))~~ a day care facility for the care of ten or fewer children in the family abode of the person or persons under whose direct care and supervision the children are placed.

(d) A day treatment program means an agency providing care, supervision, and appropriate therapeutic and educational services during part of the twenty-four-hour day for a group of persons under the age of eighteen years and the persons unable to adjust to full-time regular or special school programs or full-time family living because of disruptive behavior, family stress, learning disabilities, or other serious emotional or social handicaps.

(5) "Foster family home" means a person or persons regularly providing care on a twenty-four-hour basis to one or more, but not more than four, children, expectant mothers, or developmentally disabled persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or developmentally disabled person is placed.

(6) "Large foster family home" means a foster family home with at least two adults providing care on a twenty-four-hour basis to five to six children.

(7) "Crisis residential center" means an agency operating under contract with the department to provide temporary, protective care to children in a semisecure residential facility in the performance of duties specified

and in the manner provided in RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036. Separate requirements are adopted for the following subcategories of crisis residential centers:

(a) A regional crisis residential center is a structured group care facility whose primary and exclusive functions are those of a crisis residential center.

(b) A group care facility, a portion of which functions as a crisis residential center.

(c) A foster family home functioning either partially or exclusively as a crisis residential center and has been designated as a crisis residential center by the department.

(8) A "facility for severely and multiply-handicapped children" means a group care facility providing residential care to a group of nonambulatory children whose severe, disabling, multiple physical, and/or mental handicaps will require intensive personal care, and may require nursing care, physical therapy, or other forms of therapy.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-016 EXCEPTIONS TO RULES.

(1) In individual cases the department, at its discretion for reasonable cause, may waive specific requirements ~~((which because of the cultural patterns of the persons served or which for other reasons are inappropriate,))~~ and may approve alternative methods of achieving the intent of specific requirements ~~((if such)).~~

(2) The waiver ~~((or))~~ and approval ~~((does))~~ under subsection (1) of this section may not jeopardize the safety or welfare of the persons in care.

(3) The department may limit or restrict licenses issued under the provisions of this section ~~((may be limited or restricted by the department)).~~

(4) Waivers shall be in writing and a copy of the waiver maintained by the licensee.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-036 LICENSURE—DENIAL, SUSPENSION, OR REVOCATION. (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of each applicant and the chief executive officer, if any, to operate the agency in accordance with the law and this chapter. Such persons shall be considered separately and jointly as applicants or licensees and if any one be deemed disqualified by the department in accordance with chapter 74.15 RCW or this chapter, the license may be denied, suspended, revoked, or not renewed.

(a) The department shall disqualify any individual engaging in illegal use of drugs or excessive use of alcohol ~~((shall be disqualified)).~~

(b) The department shall disqualify any individual convicted of a felony or released from a prison within seven years of the date of application for the license ~~((shall be disqualified by reason))~~ because of ~~((such))~~ the conviction, if ~~((such))~~:

(i) The conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation, ~~(and/)~~ or administration of an agency; and

(ii) The department determines, after investigation, ~~((that such))~~ the person has not been sufficiently rehabilitated ~~((subsequent))~~ to ~~((such conviction to))~~ warrant public trust.

(c) The department shall not grant a license to an individual~~((s))~~ who, in this state or elsewhere~~((, have for cause))~~:

(i) Has been denied a license to operate a facility for the care of children, expectant mothers, or developmentally disabled adults~~((, or adults in need of protection,))~~; or ~~((who have))~~

(ii) Had a license to operate such a facility suspended or revoked ~~((shall not be granted a license: PROVIDED HOWEVER, When such person demonstrates to the department and affirmatively establishes by))~~.

(d) An individual may establish by clear, cogent, and convincing evidence ~~((his or her))~~ the ability to operate an agency under this chapter~~((;))~~. The department may waive ~~((this))~~ the provision in subsection (1)(c) of this section and license ~~((such an))~~ the individual.

(2) A license may be denied, suspended, revoked, or not renewed for failure to comply with the provisions of chapter 74.15 RCW, and rules contained in this chapter. A license shall be denied, suspended, revoked, or not renewed for any of the following reasons:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation including ~~((the))~~;

(i) Making ~~((of))~~ materially false statements on the application; or

(ii) Material omissions which would influence appraisal of the applicant's suitability~~((;))~~.

(b) Permitting, aiding, or abetting the commission of any illegal act on the premises;

(c) Permitting, aiding, or abetting the abuse, neglect, exploitation, or cruel or indifferent care to persons under care;

(d) Repeatedly;

(i) Providing insufficient personnel relative to the number and types of persons under care; or

(ii) Allowing persons unqualified by training, experience, or temperament to care for or be in contact with the persons under care~~((;))~~.

(e) Misappropriation of the property of persons under care;

(f) Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the agency;

(g) Failure to provide adequate supervision to persons under care;

(h) Refusal to admit authorized representatives of the department or state fire marshal to inspect the premises;

(i) Refusal to permit authorized representatives of the department to have access to the records necessary for the operation of the facility or to permit them to interview agency staff and clients; and

(j) Knowingly having an employee or volunteer on the premises who has made misrepresentation or significant omissions on his or her application for employment or volunteer service.

(3) A license may be denied, suspended, revoked, or not renewed for violation of any condition or limitation upon licensure including, but not limited to, providing care for:

(a) More children than the number for which the facility is licensed; or

(b) Children of ages different from the ages for which the facility is licensed.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-056 REPORTING OF ILLNESS, DEATH, INJURY, EPIDEMIC, CHILD ABUSE, OR UNAUTHORIZED ABSENCE—ALL FACILITIES. The licensee shall report to the persons indicated the following events as soon as practical after occurrence:

(1) To the licensor, responsible relative, and child's placement worker (if any), death, or serious injuries which include, but are not limited to:

(a) An injury requiring stitches,

(b) Casting, or

(c) Hospitalization of a child in care.

(2) To the department of social and health services' child protective services or law enforcement any instance where there is reasonable cause to believe that child abuse, neglect, or exploitation may have occurred. See chapter 26.44 RCW and WAC 388-73-044 and 388-73-050.

(3) To ~~((the department's division of health and to))~~ the local public health department any occurrence of food poisoning or communicable disease as required by the state board of health.

(4) To the placement agency (if any) or responsible relative the unauthorized absence of a child.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-142 INFECTION CONTROL, COMMUNICABLE DISEASE. (1) Each licensee, employee, adult volunteer, and other adult persons having regular contact with persons in care shall have a tuberculin skin test, by the Mantoux method, upon employment or licensing unless medically contraindicated.

(a) Persons whose TB skin test is positive (ten millimeters or more induration) shall have a chest x-ray within ninety days following the skin test.

(b) Routine periodic retesting or x-ray (biennial or otherwise) after the entry testing is not required.

(c) An entry test shall not be required of persons whose TB skin test has been documented as negative (less than ten millimeters) within the last two years nor shall routine periodic retesting or x-ray (biennial or otherwise) be required of such persons.

(2) A record of skin test results, x-rays, or exemptions to such will be kept in the facility.

(3) Persons with a communicable disease in an infectious stage shall not be on duty.

(4) Providers whose minor children will be on the premises of the agency shall present, for each child, proof of full immunization under WAC 248-100-166 for:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis, whooping cough;
- (d) Poliomyelitis;
- (e) Measles, Rubella;
- (f) Rubella, German measles; and
- (g) Mumps.

Appropriate forms and information may be obtained at the local health department. If a provider's child has not received all immunizations, the department may give conditional approval if immunizations have been initiated and are completed as rapidly as medically indicated.

(5) Each facility caring for severely and multiply-handicapped children shall have an infection control program supervised by a registered nurse.

~~((5))~~ (6) Except for foster family homes, each facility shall have written policies and procedures regarding the control of infections in the facility. This shall include, but is not limited to, the following areas: Isolation, aseptic procedures, reporting of communicable diseases, handwashing and hygiene, toileting and diapering, and laundering.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-146 CARE OF YOUNGER OR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN. This section is applicable only to day care centers, mini-day care programs, family day care homes, group care facilities, and facilities for severely and multiply-handicapped children.

(1) A child under one month of age shall not be accepted for day care ~~((in mini-day programs and day care centers))~~.

(2) Separate, safe play areas for children under one year of age or children not walking are required for facilities licensed to care for thirteen or more children. Children under one year of age shall be cared for in rooms or areas separate from older children, as approved by the department with not more than ~~((ten))~~ eight such children to a room or area and with handwashing facilities in each such room or area or convenient thereto.

(3) Diaper changing. The provider shall assure:

(a) Diaper-changing places shall be sanitized between use for different children or protected by a disposable covering discarded after each use((-);

(b) Disposable towels or clean reusable towels having been laundered between children shall be used for cleaning children((-);

(c) Personnel shall wash hands before and after diapering each child((-);

(d) Diaper-changing areas shall be separate from food preparation areas and shall be adjacent to a handwashing sink((-); and

(e) The designated changing area shall be impervious to moisture and washable.

(4) Except for foster family homes and family day care homes, the provider shall use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family ((shall be used)). Soiled diapers shall be placed without rinsing into separate, cleanable,

covered containers provided with waterproof liners prior to transport to laundry, parent, or acceptable disposal. Soiled diapers shall be removed from the facility at least daily. Diaper-changing procedures shall be posted at the changing areas.

(5) Toilet training shall be initiated when readiness is indicated by the child and in consultation with the child's parents or placement agency. Potty chairs, when in use, shall be located on washable, impervious surfaces.

(6) Formula feeding of infants (under one year of age) shall be on a schedule agreed upon by the child's parent or parents, guardian, the placement agency, and the licensee. Formula feeding of severely and multiply-handicapped children shall be on a schedule agreed upon by the child's physician and the facility's dietitian (see WAC 388-73-144(8)).

(a) Feedings prepared on the premises of the facility((-);

(i) Any formula provided by the parent or parents, guardian, placement agency, or licensee shall be in a ready-to-feed strength or require no preparation other than dilution with water at the day care facility.

(ii) If the container in which the feeding was purchased does not include a sanitized bottle and nipple, then transfer of ready-to-feed formula from the bulk container to the bottle and nipple feeding unit must be done in a sanitary manner in an area separate from diapering areas.

(iii) Filled bottles shall be refrigerated if not used immediately and the contents shall be discarded if not used within twelve hours.

(iv) If bottles and nipples are to be reused by the facility, the bottles and nipples must be sanitized.

(v) When more than one bottle-fed child is in care, bottles shall be labeled with the child's name and date prepared. Milk for children requiring bottles but no longer on formula shall be poured from the original container into sanitized, labeled bottles. Sanitized nipples only shall be used on the bottles.

(b) Feedings brought to the child care facility((-);

(i) Bottles brought into the facility shall have a label showing the child's name.

(ii) Bottles shall be refrigerated immediately upon arrival at the facility and contents discarded if not used within twelve hours.

(c) Bottles shall not be propped. Semisolid foods shall be provided for infants at between four and five months of age, upon consultation with the parent or placement agency, and/or with a physician when indicated. Infants too young or unable to sit in high chairs shall be held by the care giver in a semisitting position for all feedings unless medically contraindicated. Infants six months of age or over showing a preference for holding their own bottles may do so provided an adult remains in the room and within observation range. Bottles shall be taken from the child when he or she finishes feeding or when the bottle is empty. See also WAC 388-73-144.

(7) Cribs ((shall be));

(a)(i) Providers shall furnish cribs made of wood, metal, or approved plastic ((and have)) with secure latching devices. Such cribs ((for the use of infants under six months of age)) shall also have no more than two

and three-eighths inches space between vertical slats when used for infants under six months of age.

(ii) Providers may use cribs not meeting the spacing requirement ((may be used)) provided crib bumpers or other effective methods are used to prevent the infant's body from slipping between the slats.

(b) Crib mattresses shall ((fit snugly)) be:

(i) Snug fitting to prevent the infant or severely and multiply-handicapped child being caught between the mattress and crib side rails((-Crib mattresses shall be)); and

(ii) Waterproof and easily sanitized.

(8) Children's activities ((=)).

(a) The facility shall provide infants and severely and multiply-handicapped children ((shall be provided)) opportunities for:

(i) Exercise((:));

(ii) Large and small muscle development((:));

(iii) Crawling and exploring((:));

(iv) Sensory stimulation((:));

(v) Social interaction((:)); and ((the))

(vi) Development of communication and self-help skills.

(b) The facility shall provide safe and suitable toys and equipment for the care of infants and severely and multiply-handicapped children.

(9) Nursing consultation ((=)).

(a) Except for facilities caring for severely and multiply-handicapped children requiring a registered nurse on staff or under contract, day care facilities licensed for the care of five or more infants shall arrange for regular consultation to include at least one monthly on-site visit by a registered nurse trained or experienced in the care of young children.

(b) In collaboration with the agency's administrative staff, the nurse shall ((be responsible for advising)) advise the agency on the:

(i) Operation of the infant care program; and ((on the))

(ii) Implementation of the child health program.

(c) A written agreement with the registered nurse shall be available in the facility ((and)).

(d) Nurse's on-site visits shall be documented.

(e) The nurse's name and telephone number shall be posted or otherwise available in the agency.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-310 FIRE SAFETY. (1) Every room used by persons under care((- unless provided with)) shall have:

(a) Two separate doors; or

(b) One door leading directly to the outside((- shall have)); or

(c) A window of sufficient size and free of obstructions to be readily available for emergency escape or rescue. ((All such windows shall have a minimum net clear opening of 5.7 square feet. The minimum net clear opening height dimension shall be twenty-four inches. The minimum net clear opening width dimension shall be twenty inches. Such windows shall have a finished sill height not more than forty-four inches above the floor.))

(2) Every occupied area shall have access to at least one exit not passing through rooms or spaces subject to being locked or blocked from the opposite side.

(3) No space shall be used for residential purposes accessible only by ladder, folding stairs, or a trap door.

(4) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

(5) Every closet door latch shall be such that the door can be opened from the inside.

(6) No stove or heater shall be so located as to block escape in case of malfunctioning and ensuing fire.

(7) Flammable, combustible, or poisonous material shall be stored away from exits and in areas not accessible to persons under care.

(8) Open-flame devices, heating and cooking appliances, and other similar products capable of igniting clothing shall not be left unattended or used in such a manner which could result in accidental ignition of clothing.

(9) Caregivers shall instruct all persons ((in)) under care ((shall be instructed)) in emergency evacuation procedures and conduct drills ((conducted)) at regular intervals to test and practice the procedure.

(10) There shall be readily available an approved 2A-rated fire extinguisher. Except for facilities licensed prior to June 3, 1983, an approved five pound or larger all purpose (A.B.C.) fire extinguisher will be acceptable. (Where local fire authorities require installation of a different type or size of fire extinguisher, the requirement of the local authority shall apply.)

(11) A smoke detector in working condition shall be located in proximity to the area or areas where persons under care sleep.

(12) If question arises concerning fire danger, the local fire protection authority shall be consulted.

(13) In family day care facilities licensed for the care of eight or more children, spaces above the second floor shall not be occupied by children in care. An exception is the use of toilet facilities while under the supervision of a caregiver.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-422 CAPACITY—FAMILY DAY CARE HOME. (1) ((No family day care home shall be licensed for more than six children; such number shall be reduced by the number of licensee's own children and foster children under twelve years of age who are on the premises)) A family day care home may be licensed to care for up to ten children, including the licensee's own children and all other children residing in the home eleven years of age and under.

(2) ((A family day care home may provide care for more than six children provided that:

(a) None of the additional children are in care for more than three hours; and

(b) In no event shall the total number of children under twelve years of age on the premises exceed ten; and

(c) Whenever there are more than eight children on the premises or whenever there are more than six children on the premises any of whom are under two years

of age, the day care provider shall be assisted by a competent person who is at least sixteen years of age)) The maximum number of children eleven years of age and under allowed on the premises at any one time shall not exceed ten, even with a qualified assistant present. Additional restrictions are noted in the table below:

Ages of Children	Maximum Number of Children	Number of Caretakers	Restrictions
one month-11 yrs.	6	1	No more than two children under two years of age shall be in care.
one month-11 yrs.	10	2	No more than two children under two years of age shall be in care.
2-11 yrs.	8	1	
2-11 yrs.	10	2	
5-11 yrs.	10	1	

~~(3) ((No family day care home shall care for more than two children under two years of age, including the licensee's own and foster children under two years of age)) At no time shall the number of children on the premises under two years of age exceed two including the provider's own children under two years of age.~~

(4) "Qualified assistant" as used in this section means a competent person who:

- (a) Is at least fourteen years of age;
- (b) Has had a TB test under WAC 388-73-142(1);
- (c) Has had CPR and first aid training under WAC 388-73-134;
- (d) Is of good character under WAC 388-73-030; and
- (e) Is competent to make judgments regarding safety issues.

An assistant less than eighteen years of age shall never be given sole responsibility to supervise children.

(5) A family abode may be licensed as a mini-day care center (expanded family day care home) for the care of up to twelve children, including four children under two years of age by meeting mini-center requirements.

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.

NEW SECTION

WAC 388-73-423 STAFFING—FAMILY DAY CARE. (1) Except for brief or nonroutine absences, the licensee shall provide the direct care and supervision of the children in care.

(2) Whenever there is only one caregiver present, there shall be a plan for readily obtaining the help of another qualified person in case of emergency.

(3) Children shall be under the close supervision and within easy hearing distance of an adult at all times. If the absence of the licensee is necessary, children shall be

left in the charge of a competent individual who is eighteen years of age or older.

(4) With written parental permission, school-age children may visit neighborhood friends and participate in community activities.

AMENDATORY SECTION (Amending Order 2445, filed 12/2/86)

WAC 388-73-424 FAMILY DAY CARE—PROGRAM AND EQUIPMENT. (1) A variety of play equipment suitable to the ages of the child and suitable for such activities as climbing, pulling, pushing, and riding shall be provided. Equipment shall be constructed and maintained to minimize chances of accidents. Toys or other items which might be ingested by infants or which are otherwise hazardous to young children shall be removed from areas in which they are playing.

There shall be a variety of suitable indoor play equipment including, but not limited to, art materials, musical materials, and toys suitable for table-top play.

(2) Children shall be under close supervision of an adult and within easy hearing distance at all times. If the absence of the day care parent is necessary, the child must be left in charge of a competent adult. With written parental permission, school-age children may visit neighborhood friends and participate in community activities.

(3) The day care parent shall develop a planned program of both group and individualized activities with the day care parent playing an active role, as well as periods of free play, designed to promote the physical, mental, and social skills of the children under care.

(4) Adequate play space shall be available both indoors and outdoors. There shall be a minimum of thirty-five square feet per child of indoor play area available. The outdoor play area shall be fenced if conditions require. ~~((The))~~ If a fence is required, it shall be at least four feet in height. An alternate height may be allowed if a four-foot fence is not permitted by local ordinances.

NEW SECTION

WAC 388-73-428 FAMILY DAY CARE—HEALTH INSPECTION. If a question arises concerning safety or sanitation issues, the local health department may be consulted.

WSR 89-11-006

EMERGENCY RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-299, Docket No. U-89-2748-R—Filed May 4, 1989]

In the matter of adopting WAC 480-08-208 relating to methods for obtaining data in contested cases.

On March 23, 1989, the Washington Utilities and Transportation Commission filed with the code reviser its order adopting rule on an emergency basis, together with text of WAC 480-08-208. The filing was assigned WSR 89-08-004.

Because the emergency which existed at the time the rules were adopted and filed no longer exists, the commission deems it appropriate to repeal on an emergency basis WAC 480-08-208 as adopted under General Order No. R-290, and filed under WSR 89-08-004. Since there is no continuing emergency, retention of WAC 480-08-208 for the full ninety days contemplated by RCW 34.04.030 is not consistent with the public interest, and immediate repeal is necessary for the preservation of the general welfare.

ORDER

WHEREFORE, IT IS HEREBY ORDERED That commission General Order No. R-290 filed under code reviser WSR 89-08-004 be and the same is hereby rescinded and the rule promulgated thereunder is repealed.

DATED at Olympia, Washington, and effective this 4th day of May, 1989.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner
A. J. Pardini, Commissioner

WSR 89-11-007 EMERGENCY RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 89-03—Filed May 5, 1989]

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 296-306 WAC, Safety standards for agricultural code, is amended with a federal-initiated change to incorporate amendments at least as effective as the federal rule for field sanitation as published in Federal Register Volume 52, Number 84 on May 1, 1987. The significant changes are the ratio of sanitation facilities per worker is being changed from 1 per 30 to 1 per 20; and there are revisions to delete the provision for substituting vehicular transportation for toilet facilities where locating toilet facilities within 1/4 mile is not feasible due to terrain. Toilet facilities now have to be located at the closest point of vehicular access. The amended sections are WAC 296-306-310 and 296-306-320.

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 provide immediate protection to the worker until the permanent rule is adopted and becomes effective on June 30, 1989.

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 Labor and Industries as authorized in chapters 34.04 and 49.17 RCW and chapter 1-12 WAC.

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 May 5, 1989.

By Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 86-46, filed 4/22/87)

WAC 296-306-310 **FIELD SANITATION—DEFINITIONS.** (1) "Agricultural employer" means any person, corporation, association, or other legal entity that owns or operates an agricultural establishment or on whose premises or in whose interest an agricultural establishment is operated and any person, corporation, association, or other legal entity who is responsible for the management and condition of an agricultural establishment or who acts directly or indirectly in the interest of an employer in relation to any employee.

(2) "Agricultural establishment" is a business operation that uses paid employees in the production of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants.

(3) "Accessible" means no more than one-fourth mile or five minutes travel time from the work location served.

(4) "Hand-labor operations" means agricultural activities or operations performed by hand or with hand tools. Some examples of "hand-labor operations" are the hand (~~(harvest)~~) cultivation, weeding, planting or harvesting of vegetables, nuts, fruit, (~~(hand weeding of crops, and hand planting of)~~ seedlings or other crops, including mushrooms, and the hand packing into containers. "Hand-labor" does not include such activities as logging operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses).

(5) "Handwashing facility" means a facility providing a tap with an adequate supply of water, approved by the local health authority. Soap, single-use hand towels and either a basin or other suitable container for washing shall be provided.

(6) "Potable water" means water that meets the standards for drinking purposes by the state or local authority having jurisdiction or water that meets the quality standards prescribed by the local health authority in accordance with the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141.

(7) "Toilet" means a fixed or portable facility designed for the purpose of adequate collection and containment of both defecation and urination (~~(including)~~). "Toilet" includes biological (~~(or)~~), chemical (~~(toilets)~~), flush and combustion toilets, or sanitary privies. (~~Toilets may be either fixed or portable.~~)

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-306-320 FIELD SANITATION—REQUIREMENTS. Agricultural employers shall provide the following for employees engaged in hand-labor operations in the field, without cost to the employee:

(1) Orientation: Orientation shall be given verbally to all employees in a manner readily understandable by each employee and shall include:

(a) Potable water: The location(s) of potable water supplies;

(b) Nonpotable water: Identification of all nonpotable water at the worksite and prohibition of the use of nonpotable water with an explanation of the possible consequences of using nonpotable water;

(c) Handwashing facilities: The location(s) of handwashing facilities with an explanation of when and how they should be used and the consequences of nonuse, and

(d) Toilet facilities: The location(s) of toilet facilities with an explanation of the necessity to use them and to keep them sanitary as well as the possible consequences of nonuse.

(2) Potable drinking water.

(a) The water shall be provided and shall be placed in locations readily accessible to all employees.

(b) Potable water containers shall be refilled daily or more often as necessary.

(c) Potable water dispensers shall be designed, constructed, and serviced so that sanitary conditions are maintained. They shall be capable of being closed and shall be equipped with a tap.

~~((f))~~ (d) Open containers such as barrels, pails, or tanks for drinking water from which water must be dipped or poured, whether or not they are fitted with a cover, are prohibited.

~~((g))~~ (e) Marking: Any container used to distribute drinking water shall be clearly marked, in English and with appropriate international symbol as to the nature of its contents.

~~((h))~~ (f) Use: Any container used to distribute drinking water shall not be used for any other purpose.

~~((i))~~ (g) The water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity, and the nature of the work performed, to meet employees' needs.

Note: Suitably cool water should be sixty degrees Fahrenheit or less. During hot weather, workers may require up to three gallons of water per day.

~~((j))~~ (h) The use of common drinking cups or dippers is prohibited. Water shall be dispensed in single-use drinking cups, personal containers, or by water fountains. Single-use drinking cups mean a container of any type or size whether disposable or not, and may include personal containers so long as the option to use a personal container is exercised by the employee, not the employer.

~~((k))~~ (i) Employees shall not be permitted to drink from irrigation ditches, creeks or rivers. Potable water shall meet the standards for drinking purposes by the state or local authority having jurisdiction or water that meets the quality standards prescribed by the local

health department in accordance with the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141.

(3) Handwashing facilities.

(a) One handwashing facility, providing a tap with an adequate supply of water, soap, single-use hand towels and either a basin or other suitable container for washing shall be provided for each ~~((thirty))~~ twenty employees or fraction thereof ~~((, except as stated in (h)(ii) of this subsection)).~~

Note: Nonpotable water shall not be used for washing any portion of the person, except as specifically permitted by the health authorities having jurisdiction.

(b) Running water: Each facility shall be provided with running water.

(c) Soap: Each facility shall be provided with a dispenser containing handsoap or a similar cleansing agent.

(d) Towels: Each facility shall be provided with individual single-use hand towels.

(e) Cleanliness: Facilities shall be maintained in a clean and sanitary condition in accordance with appropriate public health sanitation practices.

(f) Waste: Waste receptacles shall be provided. Disposal of wastes from the facilities shall not create a hazard or cause an unsanitary condition.

(g) Reasonable use: Employees shall be allowed reasonable opportunities during the work period to use the facilities.

(h) Location:

(i) Facilities shall be accessibly located in close proximity to toilet facilities and within one-quarter mile of each employee's place of work in the field.

~~((ii))~~ (ii) Where it is not feasible to locate facilities ((within one-quarter mile, or where facilities are otherwise inaccessible, suitable immediate transportation shall be provided within five minutes transportation time, to facilities meeting the requirements of this subsection. Under exceptional and compelling circumstances, such as adverse weather, temperatures below freezing, or isolated terrain, longer transportation times may be used)) as required by (h)(i) of this subsection, the facilities shall be located at the point of closest vehicular access.

(4) Toilet facilities.

(a) One toilet facility shall be provided for each ~~((thirty))~~ twenty employees or fraction thereof ~~((, except as stated in (h)(ii) of this subsection)).~~

(b) Each employer shall ensure, at the beginning of each day, that the toilets are inspected. If any toilet facility fails to meet the requirements of this section, immediate corrective action shall be taken. Inspections shall be documented and the record shall be maintained at the work site for at least seventy-two hours.

(c) Toilet facilities shall be adequately ventilated; appropriately screened, and have self-closing doors that can be closed and latched from the inside and shall be constructed to ensure privacy.

(d) Cleanliness: Facilities shall be maintained in a clean, sanitary, and functional condition and in accordance with the appropriate public health sanitation practices.

(e) Toilets shall be supplied with toilet paper.

(f) Waste: Disposal of wastes from the facilities shall not create a hazard or cause an unsanitary condition.

(g) Reasonable use: Employees shall be allowed reasonable opportunities during the work period to use the facilities.

(h) Location:

(i) Facilities shall be accessibly located in close proximity to hand washing facilities and within one-quarter mile of each employee's place of work in the field.

(ii) Where it is not feasible to locate facilities ((within one-quarter mile, or where facilities are otherwise inaccessible, suitable immediate transportation shall be provided within five minutes transportation time, to facilities meeting the requirements of this subsection. Under exceptional and compelling circumstances, such as adverse weather, temperature below freezing, or isolated terrain, longer transportation times may be used)) as required by (h)(i) of this subsection, the facilities shall be located at the point of closest vehicular access.

WSR 89-11-008

EMERGENCY RULES

COMMITTEE FOR DEFERRED COMPENSATION

[Order 89-01—Filed May 8, 1989]

Be it resolved by the Committee for Deferred Compensation, acting at the House Office Building, Hearing Room "A", Olympia, Washington, that it does adopt the annexed rules relating to the amending of WAC 154-12-010, 154-12-020, 154-12-030, 154-12-040, 154-12-050, 154-12-070, 154-12-080, 154-12-090, 154-12-110, 154-24-010, 154-32-010, 154-32-020 and 154-68-020; adding WAC 154-04-065, 154-12-075, 154-12-085, 154-12-086, 154-12-087 and 154-12-107; and repealing WAC 154-04-040, 154-04-060, 154-04-090, 154-12-060, 154-12-100, 154-16-010, 154-16-020, 154-20-010 and 154-20-020.

We, the Committee for Deferred Compensation, 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 to comply with existing federal regulations.

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 Committee for Deferred Compensation as authorized in RCW 41.04.260.

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 April 27, 1989.

By Mary Bush
Program Manager

NEW SECTION

WAC 154-04-065 SEPARATION FROM SERVICE. "Separation (or separates) from service" means "separation from service" as that term is interpreted for purposes of Section 402 (e)(4)(A)(iii) of the Internal Revenue Code and refers to the severance of the participant's employment with the employer. A participant will be deemed to have severed his or her employment as of the date of his or her last payroll.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 154-04-040 NORMAL RETIREMENT AGE.

WAC 154-04-060 TERMINATION OF SERVICES.

WAC 154-04-090 INCLUDIBLE COMPENSATION.

AMENDATORY SECTION (Amending Order 83-2, filed 6/10/83)

WAC 154-12-010 ENROLLMENT. Enrollment in the plan.

(1) An eligible employee may become a participant by executing a participation agreement. Compensation will be deferred for any calendar month only if a participation agreement providing for such deferral is executed by the participant and approved by the committee or its designee before the beginning of such month.

(2) In signing the participation agreement, the participant elects to participate in this plan and consents to the employer deferring the amount specified in the participation agreement from the participant's gross compensation for each pay period. The dollar amount deferred ("deferred compensation") must equal at least thirty dollars per month. Once a participant has specified an amount of deferral, such specification shall continue unless changed or revoked pursuant to WAC 154-12-050 or ~~((154-12-060))~~ 154-12-070 of this plan. Participants must have at least one monthly deferral.

AMENDATORY SECTION (Amending Order 88-1, filed 5/25/88)

WAC 154-12-020 DEFERRAL LIMITATION((S)). (1) Except as provided in WAC 154-12-030, relating to catch-up, the maximum that may be deferred under the plan for any taxable year of a participant shall not exceed the lesser of ~~((1) \$7,500))~~ seven thousand five hundred dollars or ~~((2) 33 1/3%))~~ thirty-three and one-third percent of the participant's includible compensation, each reduced:

(a) By any amount excludable from the participant's gross income for that taxable year under Section 403(b) of the Internal Revenue Code ~~((on account of participating employer contributions. In the case of a person who participates in more than one deferred compensation plan governed by Section 457 of the Internal Revenue Code, the limitations set forth shall apply to all such plans considered together for the taxable year, or as may~~

~~be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import); and~~

~~(b) By any amount:~~

~~(i) Excluded from gross income under Section 402 (a)(8) or 402 (h)(1)(B) of the Internal Revenue Code (relating to a participant's elective deferrals to simplified employee pensions) for that taxable year;~~

~~(ii) For which a deduction is allowable for that taxable year by reason of a contribution to an organization described in Section 501 (c)(18) of the Internal Revenue Code (relating to pension trusts created before June 25, 1959, forming part of a plan for payment of benefits under a pension plan funded only by contributions of employees); or~~

~~(iii) Which is deferred by a participant under Section 401(k) of the Internal Revenue Code (relating to qualified cash or deferred arrangement) during that taxable year; and~~

~~(c) By any amount the participant contributes to any other Section 457 of the Internal Revenue Code plan (relating to deferred compensation plan(s)) during the taxable year.~~

~~(2) "Includible compensation" for purposes of this section means includible compensation as defined in Section 457 (e)(5) of the Internal Revenue Code and as further defined by Treasury Department Regulation 1.457-2 (e)(2) interpreting that section, and is determined without regard to community property laws. Includible compensation for a taxable year includes only compensation from the employer that is attributable to services performed for the employer and that is includible in the participant's gross income for the taxable year for federal income tax purposes. Accordingly, a participant's includible compensation for a taxable year does not include an amount payable by the employer that is excludable from the employee's gross income under:~~

~~(a) Section 457 of the Internal Revenue Code;~~

~~(b) Section 403(b) of the Internal Revenue Code (relating to annuity contracts purchased by Section 501 (c)(3) of the Internal Revenue Code organizations or public schools);~~

~~(c) Section 105(d) of the Internal Revenue Code (relating to wage continuation plans);~~

~~(d) Section 911 of the Internal Revenue Code (relating to citizens or residents of the United States living abroad);~~

~~(e) Section 402 (a)(8) or 402 (h)(1)(B) of the Internal Revenue Code (relating to simplified employee pensions);~~

~~(f) Section 501 (c)(18) of the Internal Revenue Code (relating to certain pension trusts); or~~

~~(g) Section 401(k) of the Internal Revenue Code (relating to qualified cash or deferred arrangements).~~

~~(3) In computing includible compensation, total gross compensation as shown on state earnings statements must be reduced by:~~

~~(a) Section 414(h) of the Internal Revenue Code, before tax contributions to retirement plans (including those described in RCW 41.04.440, 41.04.445, and 41.04.450); and~~

~~(b) Any Section 125 of the Internal Revenue Code contributions to cafeteria plans (including those which include such items as dependent care salary reduction plans) before excluding the items listed in subsection (2)(a) through (g) of this section.~~

AMENDATORY SECTION (Amending Order 88-1, filed 5/25/88)

WAC 154-12-030 CATCH-UP PROVISION. For one or more of the participant's last three taxable years ending before attaining normal retirement age under the plan, the maximum deferral shall be the lesser of:

~~(1) ((\$15,000)) Fifteen thousand dollars for the taxable year, reduced ((by any amount excludible from the participant's gross income for the taxable year under Section 403(b) on account of contributions made by your employer)) in the same manner as the seven thousand five hundred dollars limitation is reduced in WAC 154-12-020, or~~

~~(2) The sum of:~~

~~(a) The limitations established for purposes of WAC 154-12-020 of the plan for the taxable year (determined without regard to this section), plus~~

~~(b) So much of the limitation established under WAC 154-12-020 for taxable years before the taxable year as has not theretofore been used under WAC 154-12-020 or 154-12-030((; or as may be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import)). A prior taxable year shall be taken into account only if:~~

~~(i) It begins after December 31, 1978;~~

~~(ii) The participant was eligible to participate in the plan during all or any portion of the taxable year; and;~~

~~(iii) Compensation deferred (if any) under the plan during the taxable year was subject to a maximum limitation (as established under WAC 154-12-020).~~

~~A prior taxable year includes a taxable year in which the participant was eligible to participate in an eligible plan sponsored by another entity. In no event can the participant elect to have the catch-up provision apply more than once whether or not the full catch-up had been utilized.~~

~~"Normal retirement age," as used in chapters 154-01 through 154-68 WAC, means the range of ages:~~

~~Ending not later than age seventy and one-half; and~~

~~Beginning not earlier than the earliest age at which the participant has the right to retire under a state authorized pension for which the participant is eligible without consent of the state and under which the participant will receive immediate retirement benefits without actuarial adjustment due to retirement prior to some later specified age in a state authorized pension plan.~~

~~Provided, however, if the participant elects to defer amounts in excess of the maximum deferral allowed by WAC 154-12-020 but within the limited catch-up permitted by this section, the participant thereby establishes a date (i.e., a specific "normal retirement age"):~~

~~Before which date, amounts deferred can be paid to the participant only under the unforeseeable emergency exception in WAC 154-24-010 (even if the participant separates from service); and~~

After which date, if the participant separates from service or has separated from service, amounts deferred must be paid out as described in WAC 154-12-090 (1)(b).

This catch-up provision may not be used in the year in which the participant attains age seventy and one-half, and may not be used in any year thereafter.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-040 COMMITTEE MAY DISALLOW DEFERRAL. The participant acknowledges the right of the committee ((or the administrator)) to disallow deferral of compensation under the plan in excess of the limitations ((stated above)) in WAC 154-12-020 and 154-12-030. However, ((neither)) the committee ((nor the administrator)) shall have ((any)) no duty to assure that amounts deferred are in compliance with such limitations. ((In the case of a person who participates in more than one deferred compensation plan governed by Section 457 of the Internal Revenue Code, the limitations set forth in WAC 154-12-020 and 154-12-030 shall apply to all such plans considered together.))

AMENDATORY SECTION (Amending Order 87-1, filed 8/26/87)

WAC 154-12-050 MODIFICATION OF DEFERRAL. A participant may ((modify)) change his/her deferral ((no)) not more ((frequently)) than ((twice)) four times in any calendar year ((, unless the committee by specific action authorizes a special additional open change period. Such change may be in the decreasing of)). Changes in the amount of deferral must equal at least ten dollars or more per month.

An increase (or an increase and a change in investment option(s) which are effective the same date) shall not be counted as a change. Only a decrease in the amount of deferral ((specified and/or the investment mode pursuant to WAC 154-12-010(2)). An increase in the amount of deferral would not count as a change. A change in the investment mode may apply to the redirection of amounts previously deferred as well as current deferrals. Such change or changes increasing or decreasing the amount of the deferral)), a transfer, or a change in investment option(s) not accompanied by an increase, shall be counted as a change.

Any combination of a decrease, a transfer, or a change in investment option(s) effective the same date, shall be considered one change.

A change (whether counted as such or not) shall be effective ((as to)) for any calendar month only if the participant signs a new participation agreement ((is executed by the participant)) and it is approved by the committee or its designee before the beginning of ((such)) that calendar month. All participation agreements indicating changes in ((the)) investment ((mode)) option(s) must be filed with the committee ((by completing the proper forms)) no later than fifteen days prior to the established pay date((s)) for which the change will occur. The committee reserves the right to defer the effective date of any ((such)) change ((or changes)).

During the payout process, the committee may periodically liquidate mutual fund shares in amounts necessary to meet distribution requirements for a six-month period.

AMENDATORY SECTION (Amending Order 87-1, filed 8/26/87)

WAC 154-12-070 SUSPENSION AND REINSTATEMENT OF DEFERRALS. SUSPENSION. A participant may at any time direct that deferrals under the participant's participation agreement cease by completing the proper form and filing it with the committee no later than the last day of the payroll period prior to the payroll period during which the deferrals are to cease; however, accrued benefits shall only be paid as provided in WAC 154-12-080 through 154-12-110.

REINSTATEMENT. A participant who has directed the cessation of deferrals ((under the participant's participation agreement as set forth in WAC 154-12-060)) may resume deferrals for any calendar month commencing no sooner than six months after such deferrals ceased by executing a new participation agreement to defer compensation. The six-month waiting period ((would)) shall not apply to ((those)) participants who are on leave without pay as ((pursuant to)) discussed in WAC 154-28-010.

NEW SECTION

WAC 154-12-075 INVESTMENT OPTIONS. Each participant shall designate on his/her participation agreement the investment option(s) in which he/she wishes to have funds invested. The investment option(s) shall be selected from those options made available for this purpose from time to time by the committee, in its sole discretion.

The committee may make available as options for investment:

(1) A fixed rate investment or pool of investments including deposits with a credit union, savings and loan association, mutual savings bank and fixed annuities;

(2) Specified mutual fund shares, shares of an investment company, or variable annuities; or

(3) Fixed or variable life insurance, or other options permitted by law and selected by the committee. In the event that a selected investment option experiences a loss, the participant's benefits payable hereunder shall likewise reflect a loss, rather than income, for the period.

Nothing in this section shall require the employer to invest any amount in the investments selected and whether or not the employer so invests, no participant shall have any right, title, or interest in the amounts deferred or assets so invested.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-080 DESIGNATION OF BENEFICIARIES. Each participant shall have the right to designate a beneficiary or beneficiaries to receive any benefit to which said participant may be entitled in the event of death prior to the complete distribution of benefits. If no such designation is in effect on a participant's death,

the beneficiary shall be the surviving spouse. If there be no such surviving spouse, then the beneficiary shall be the participant's estate. A participant may change his/her beneficiary designation at any time by filing a change of beneficiary form with the committee. A participant may also change his/her beneficiary designation by completing the beneficiary designation portion of a participation agreement form.

The participant may name:

(1) A designated organization or person (including without limitation his/her unborn or later adopted children). If unborn or later adopted children are to be included, the designation must so indicate. The date of birth must be furnished for any living person who is named and who is under the age of eighteen.

(2) His or her estate;

(3) A trust which is in existence, or which is to be established under the participant's last will. For an existing trust, the participant must provide the name of the trust and the date it was established.

The participant may name contingent beneficiaries in addition to primary beneficiaries.

NEW SECTION

WAC 154-12-085 DISTRIBUTION TO PARTICIPANT AFTER SEPARATION FROM SERVICE. After separation from service, an amount equal to the sum of all compensation theretofore deferred under the plan, together with investment income or loss thereon to the date of payment, calculated in accordance with WAC 154-12-107 shall be paid to the participant in one or more installments as elected by the participant pursuant to WAC 154-12-090.

NEW SECTION

WAC 154-12-086 DISTRIBUTION IN THE EVENT OF DEATH OF PARTICIPANT. Should the participant die at any time, whether before or after separation from service, an amount shall be paid to the beneficiary or beneficiaries designated by the participant pursuant to WAC 154-12-080 which is equal to the sum of all compensation theretofore deferred under the plan, together with investment income or loss thereon to the date of payment, calculated in accordance with WAC 154-12-107. The amount shall be paid out as provided in WAC 154-12-080 through 154-12-110. If no beneficiary is designated as provided in the participation agreement, or if the designated beneficiary does not survive by a period of thirty days, then a lump sum or series of payments shall be paid, in accordance with WAC 154-12-080 through 154-12-110, to the surviving spouse, or if none, a lump sum shall be paid to the estate of the participant.

NEW SECTION

WAC 154-12-087 DISTRIBUTION IN EVENT OF DEATH OF BENEFICIARY. In the event a beneficiary survives the participant by thirty days and becomes entitled to receive benefits, the remaining amount deferred shall become payable to the beneficiary's estate

on the twenty-fifth day of the second month following the beneficiary's death, unless benefits are being paid in the form of an annuity, in which case the disposition of the remaining amount shall be determined by the annuity contract. Such annuity contracts shall be issued pursuant to the rules set forth in WAC 154-12-110.

AMENDATORY SECTION (Amending Order 83-2, filed 6/10/83)

WAC 154-12-090 ELECTIONS REGARDING DISTRIBUTION. Each participant (or in the event of death, ((the participant's)) each beneficiary other than an organization, an estate, or a trust) ((may elect the payout method)) shall elect when his/her payout will begin and the payout period ((for each event stated in chapters 154-16 and 154-20 WAC. The payout period must be selected prior to the time any amounts become payable in the plan, and must be set to a fixed or determinable future time. Such election once made is irrevocable. If such election is made, the payout method from among options provided by rule by the committee need not be selected, or if selected, may be changed until the date not later than sixty days before the date upon which payments are to commence. In the absence of such election a payout option of one hundred twenty monthly installments, or such lesser number of monthly installments as is required by treasury regulations promulgated from time to time under Section 457 of the Internal Revenue Code or any successor statute of similar import shall be automatically invoked by the committee. PROVIDED, That the mode of payment of a deceased participant's benefit shall be determined by the committee within the limitations of WAC 154-16-020 and 154-20-020)).

(1) Election regarding time of payment. The election regarding the time when payment will begin shall be made when a participant separates from service (or dies having separated from service and having previously elected when payment will begin).

Once made, the election regarding when payout will begin is irrevocable as to the participant or beneficiary making the election. The election regarding when payment will begin:

(a) By a participant who separates from service other than by reason of death, and who has not used catch-up, must be made not later than the earlier of:

(i) Sixty days after separation from service; or

(ii) January 31st following the year of separation; payment may begin on the central payroll date nearest the twenty-fifth day of the month following the month in which an election is filed with the committee on forms provided for that purpose, and payment must begin within the time prescribed by WAC 154-12-110;

(b) By a participant who separates from service other than by reason of death and who has used the catch-up provision in WAC 154-12-030, will be deemed to have been made by use of catch-up; payment will begin on the central payroll date nearest the twenty-fifth day of the month following the month in which he/she separates from service having reached normal retirement age.

(c) By a beneficiary, other than an organization, estate or trust, where the participant was not already receiving payments, must be made not later than the earlier of:

(i) Sixty days after the participant's death; or

(ii) The January 31st following the year in which the participant died; payment may begin on the central payroll date nearest the twenty-fifth day of the month following the month in which an election is filed with the committee on forms provided for that purpose, and payment must begin within the time prescribed by WAC 154-12-110.

(2) Election regarding method of payment. The participant (beneficiary) who makes an election regarding the date payment will begin, may also elect the period over which payments will be made. The payout period election may be made either at the time he/she elects a beginning date for payout or at any time not later than sixty days prior to the date payout is to begin. Once having made this election, the participant (or beneficiary, other than an organization, estate, or trust) may change the payout period election not later than sixty days prior to the date payout is to begin. Such a beneficiary may also make this election where the participant was already receiving payments but, as provided in WAC 154-12-110 (3)(a), must receive distribution at least as rapidly as it was being distributed to the participant. Such a beneficiary must make the payout period election not later than sixty days after the death of the participant and payout will be suspended following the participant's death until the beneficiary either makes a payout period election or begins receiving payment as provided in subsection (4) of this section. Provided, if the participant was receiving payout in the form of an annuity contract, then the successor's right shall be limited by the terms of that contract.

(3) How elections are made. A participant or beneficiary makes elections allowed under this section by completing and filing applicable payment request forms with the committee. As described in subsection (1)(b) of this section, a participant who uses the catch-up provision is deemed to have made an irrevocable election regarding the time payment will begin.

(4) Consequences in absence of a timely election regarding time of payment. Absent a timely election regarding when payout is to begin, payout will begin on the central payroll date nearest the twenty-fifth day of the month following the month in which the election period ends, and will be made, in a lump sum if the amounts deferred as of the end of the election period are less than twenty-five thousand dollars or, if the amounts deferred are twenty-five thousand dollars or more, in equal monthly installments over a period of one hundred twenty months or such lesser period:

(a) As may be necessary under the minimum payout requirements of Section 457 (d)(2)(B)(i)(I) of the Internal Revenue Code, requiring amounts to be paid not later than as determined under Section 401 (a)(9)(G) of the Internal Revenue Code; or

(b) As may be necessary under Section 457 (d)(2)(B)(i)(II) of the Internal Revenue Code, requiring amounts not distributed to the participant during his/her life to be distributed at least as rapidly as they were being distributed as of the participant's death.

(5) Consequences in absence of a timely election regarding method of payment. In the absence of a timely election regarding the period of time over which payment will be made, payment will be made in the manner described in subsection (4) of this section.

(6) Payment to an organization, estate, or trust. Any amount payable to an organization, estate, or trust shall be paid in a lump sum as prescribed in WAC 154-12-110(3).

NEW SECTION

WAC 154-12-107 AMOUNTS DEFERRED REDUCED BY COSTS. For purposes of determining the amount of benefits payable to a participant or the participant's beneficiary or beneficiaries under the plan, the amounts deferred shall be reduced by costs of the plan paid from the deferred compensation revolving fund pursuant to WAC 154-08-050, and any investment income which would otherwise have been earned thereon and any amounts paid previously, including any amounts paid pursuant to WAC 154-24-010 by reason of an unforeseeable emergency.

AMENDATORY SECTION (Amending Order 88-1, filed 5/25/88)

WAC 154-12-110 DISTRIBUTION OF DEFERRALS. ((Distribution of deferrals:

(1) Notwithstanding anything in this plan to the contrary, payment of amounts deferred shall commence not later than the latest of (a) sixty days after the close of the plan year in which the participant attains (or would have attained) normal retirement age, (b) sixty days after the close of the plan year in which the participant separates from service with the employer.

(2) Amounts deferred under this plan shall be paid according to options provided by rule by the committee pursuant to WAC 154-12-090, but such options shall provide payment of amounts deferred primarily for the benefit of participants (or former participants). Benefits paid to a beneficiary are not to be more than incidental, within the meaning of Section 1.457-2 (i)(2).

(3) Notwithstanding anything in this plan to the contrary, once payments have commenced to the participant, in accordance with WAC 154-12-090, said participant may not elect to accelerate the payment schedule. However, upon the occurrence of an unforeseeable emergency (as defined in WAC 154-24-010), the participant may accelerate the amount remaining payable in the amount not exceeding that described in WAC 154-24-010.

(4) The entire interest of the participant will be distributed, not later than the April 1st following the calendar year in which the participant attains age seventy and one-half ("required beginning date"), in equal or

substantially equal amounts over (a) the life of the participant, (b) the lives of the participant and his beneficiary, (c) a period not extending beyond the life expectancy of the participant, (d) a period not extending beyond the joint and last survivor expectancy of the participant and the beneficiary, or (e) a combination of the foregoing:

(5) Notwithstanding any other provision of this plan, distributions shall be subject to the following limitations:

(a) If distribution first commences under subsection (4) of this section, WAC 154-16-010, 154-16-020, or 154-20-010 such distribution shall be made in a form under which:

(i) The amount distributed in each year commencing with the required beginning date must be either (A) a level amount determined by applying the participant's entire interest to the purchase of an annuity contract commencing payments at least annually on or before the required beginning date over a period consistent with subsection (4) of this section, or (B) at least equal to the quotient obtained by dividing the participant's then remaining interest by the life expectancy of the participant or the joint and last survivor expectancy of the participant and the beneficiary, as relevant;

(ii) If provision is made for the payment of a portion of the benefits to a beneficiary, the amount payable to the participant actuarially must exceed two-thirds of the maximum amount payable to the participant had no provision been made for payments to the beneficiary (determined as of the commencement of the distribution); and

(iii) Any amount not distributed to the participant during his life will be distributed after the death of the participant at least as being used under section 6.7 (a)(ii) as of the date of his death.

(b) If distribution first commences after the participant's death under WAC 154-16-020 the participant's entire interest must be distributed over a period not to exceed (i) the beneficiary's life or life expectancy, if the beneficiary is the participant's surviving spouse and if distribution commences on or before the date the deceased participant would have attained age seventy and one-half, (ii) the lesser of fifteen years or the life expectancy of the beneficiary, if the beneficiary is not the participant's surviving spouse and if distributions commence within one year of the date of the participant's death in equal or substantially equal payments, or (iii) the lesser of five years from the date of the participant's death or the beneficiary's life expectancy, if (i) and (ii) of this subsection are inapplicable. For purposes of this subsection, any amount paid to a child of the participant will be treated as if it had been paid to the surviving spouse if the remainder of the interest becomes payable to the surviving spouse when the child reaches the age of majority:

(c) For purposes of (a) and (b) of this subsection, life expectancies will be computed by use of the expected return multiples in Treasury Regulations 1.72-9 or, if distribution is to be effected through a contract issued by an insurance company, by use of the mortality tables of such company. For purposes of (a)(i) and (b)(i) of this subsection, the life expectancy of the participant and the

participant's surviving spouse (if such spouse is the beneficiary) may be recalculated annually.) (1) General rule. Assuming a timely election is allowed and has been made pursuant to WAC 154-12-090, payment will be made in at least annual, substantially nonincreasing amounts. Payments are also subject to the limitations in subsections (2) through (5) of this section.

(2) Distribution to participant. A participant must either:

(a) Receive his/her entire interest prior to the latest of:

(i) The March 1st immediately following the close of the plan year in which the participant attains age seventy and one-half; or

(ii) The March 1st immediately following the close of the plan year in which the participant separates from service with the employer; or

(b) Begin receiving his/her interest not later than the time specified in (a) of this subsection and receive it over a period not longer than either:

(i) The life of the participant;

(ii) The life of the participant and a beneficiary designated by the participant;

(iii) The life expectancy of the participant; or

(iv) The life expectancy of the participant and a designated beneficiary.

However, if the participant has used the catch-up provision in WAC 154-12-030, the date before which the participant must receive, or begin to receive payment is the March 1st immediately following the year established by use of catch-up as his/her normal retirement age as defined in WAC 154-12-030.

Payment must be sufficiently rapid to satisfy the requirements of Section 457 (d)(2)(B)(i)(I) and Section 401 (a)(9)(G) of the Internal Revenue Code. Provided, that until tables are issued by the Secretary of the Treasury, if provision is made for the payment of a portion of the benefits to a beneficiary, the amount payable to the participant actuarially must exceed two-thirds of the maximum amount payable to the participant had no provision been made for payments to the beneficiary (determined as of the commencement of the distribution).

Once payments to a participant begin, the participant may accelerate the payment schedule only in the event of an unforeseeable emergency (and subject to the provisions of WAC 154-24-010 regarding such emergencies).

(3) Distribution to beneficiaries.

(a) When distribution begins prior to the participant's death, then payout must be made at least as rapidly as it was being made to the participant. When the beneficiary is an organization, estate or trust, then payment will be payable in a lump sum on the twenty-fifth day of the second month following the participant's death.

(b) When distribution does not begin prior to the participant's death, and is to be made:

(i) To an organization, estate or trust, then payment will be payable in a lump sum on the twenty-fifth day of the second month following the participant's death;

(ii) To a living beneficiary designated by the participant other than the participant's surviving spouse, and,

by election, not to begin within one year of the participant's death, then payment must be made within five years of the participant's death;

(iii) To a living beneficiary designated by the participant other than the participant's surviving spouse, and, by election, beginning within one year of the participant's death, then payment must be made within fifteen years of the participant's death;

(iv) To the participant's surviving spouse, whether as designated beneficiary, or by default, then payment must begin prior to the March 1st immediately following the later of the close of the plan year in which the participant would have attained age seventy and one-half or, if later, the year in which the participant separated from service, and payment may be made over the lifetime of the surviving spouse or over a period not longer than the life expectancy of the surviving spouse. Provided, if the participant used the catch-up provision in WAC 154-12-030, then payment must begin prior to the March 1st immediately following the year in which the participant attained (or would have attained) normal retirement age as defined in WAC 154-12-030.

(4) For purposes of this section, life expectancies will be computed by use of the expected return multiples in Treasury Department Regulation 1.72-9 or, if distribution is to be effected through a contract issued by an insurance company, by use of the mortality tables of such company. Where payment is being made over the joint lives of the participant and the participant's surviving spouse, the life expectancy of the participant and the participant's surviving spouse may be recalculated annually.

(5) Notwithstanding anything in this plan to the contrary, distributions from the plan will be made in compliance with the minimum distribution rules of Section 457 (d)(2) of the Internal Revenue Code, and in compliance with Treasury Department Regulations issued under Sections 401 (a)(9) and 457 (d)(2) of the Internal Revenue Code.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 154-12-060 REVOCATION OF DEFERRAL.

WAC 154-12-100 INVESTMENT MODE ELECTION.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-16-010 NORMAL RETIREMENT.

WAC 154-16-020 UPON DEATH OF PARTICIPANT.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-20-010 TERMINATION OF SERVICES.

WAC 154-20-020 DEATH OF PARTICIPANT.

AMENDATORY SECTION (Amending Order 88-1, filed 5/25/88)

WAC 154-24-010 UNFORESEEABLE EMERGENCY. Notwithstanding any other provisions (~~therein~~) in plan chapters 154-01 through 154-68 WAC, in the event of an unforeseeable emergency, a participant may request the committee to pay benefits. If the application for payment is approved by the committee, payment will be made within sixty days following such an approval. Benefits to be paid shall be limited strictly to that amount reasonably necessary to satisfy emergency need. (~~Any remaining benefits shall be paid in accordance with chapters 154-16 and 154-20 WAC of the plan.~~)

For purposes of this plan, an unforeseeable emergency shall be severe financial hardship to the participant resulting from:

(1) A sudden and unexpected illness or accident of the participant or of a dependent (as defined in Section 152(a) of the Internal Revenue Code) of the participant,

(2) Loss of the participant's property due to casualty, or

(3) Other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. The circumstances that will constitute an unforeseeable emergency will depend upon the facts of each case, but, in any case, payment shall not be made to the extent that such hardship is or may be relieved (~~((+))~~) (a) through reimbursement or compensation by insurance or otherwise, (~~((2))~~) (b) by liquidation of the participant's assets, to the extent liquidation of such assets would not itself cause severe financial hardship; or (~~((3))~~) (c) by cessation of deferrals under the plan. Examples of what shall not be considered to be unforeseeable emergencies include the need to send a participant's child to college or the desire to purchase a home.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-32-010 TERMINATION OF PLAN. The employer or the committee may at any time terminate this plan. Upon such termination, benefits will be paid to each participant pursuant to chapter (~~(154-20))~~ 154-12 WAC of the plan. Each participant's full compensation on a nondeferred basis will thereupon be restored.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-32-020 AMENDMENT OF PLAN. The committee may also amend the provisions of this plan at any time: PROVIDED, HOWEVER, That no amendment shall affect the rights of participants or their beneficiaries to the receipt of payment of benefits, to the extent of any compensation deferred before the time of the amendment and investment income or loss thereon

accrued to the date of the amendment, calculated in accordance with WAC (~~(154-12-010)~~) 154-12-107 and 154-12-075.

AMENDATORY SECTION (Amending Order 83-2, filed 6/10/83)

WAC 154-68-020 PLAN TO CONFORM TO FEDERAL LAW. This plan is intended to be an eligible state deferred compensation plan within the meaning of Section 457 of the Internal Revenue Code, and ((Section)) Treasury Department Regulation 1.457-2(a), and shall be interpreted ((consistent with such sections and all regulations promulgated thereunder)) accordingly.

WSR 89-11-009

EMERGENCY RULES

COMMITTEE FOR DEFERRED COMPENSATION

[Order 89-02—Filed May 8, 1989]

Be it resolved by the Committee for Deferred Compensation, acting at the House Office Building, Hearing Room "A", Olympia, Washington, that it does adopt the annexed rules relating to the amending of WAC 154-120-015.

We, the Committee for Deferred Compensation, 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 to comply with existing federal regulations.

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 Committee for Deferred Compensation as authorized in RCW 41.04.640.

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 April 27, 1989.

By Mary Bush
Program Manager

AMENDATORY SECTION (Amending Resolution No. 88-2, filed 5/11/88)

WAC 154-120-015 DEPENDENT(S). "Dependent(s)" means:

(1) An individual with respect to whom the participant is entitled to a dependency exemption under Internal Revenue Code section 151(c) and who is:

(a) Under the age of ((fifteen)) thirteen; or

(b) Physically or mentally incapable of self-care (regardless of age); or

(2) The spouse of a participant, if such spouse is physically or mentally incapable of self-care.

WSR 89-11-010

ADOPTED RULES

COMMITTEE FOR DEFERRED COMPENSATION

[Order 89-03—Filed May 8, 1989]

Be it resolved by the Committee for Deferred Compensation, acting at the House Office Building, Hearing Room "A", Olympia, Washington, that it does adopt the annexed rules relating to the amending of WAC 154-12-010, 154-12-020, 154-12-030, 154-12-040, 154-12-050, 154-12-070, 154-12-080, 154-12-090, 154-12-110, 154-24-010, 154-32-010, 154-32-020 and 154-68-020; adding WAC 154-04-065, 154-12-075, 154-12-085, 154-12-086, 154-12-087 and 154-12-107; and repealing WAC 154-04-040, 154-04-060, 154-04-090, 154-12-060, 154-12-100, 154-16-010, 154-16-020, 154-20-010 and 154-20-020.

This action is taken pursuant to Notice No. WSR 89-07-090 filed with the code reviser on March 22, 1989. 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 Committee for Deferred Compensation as authorized in RCW 41.04.260.

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 April 27, 1989.

By Mary Bush
Program Manager

NEW SECTION

WAC 154-04-065 SEPARATION FROM SERVICE. "Separation (or separates) from service" means "separation from service" as that term is interpreted for purposes of Section 402 (e)(4)(A)(iii) of the Internal Revenue Code and refers to the severance of the participant's employment with the employer. A participant will be deemed to have severed his or her employment as of the date of his or her last payroll.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 154-04-040 NORMAL RETIREMENT AGE.

WAC 154-04-060 TERMINATION OF SERVICES.

WAC 154-04-090 INCLUDIBLE COMPENSATION.

AMENDATORY SECTION (Amending Order 83-2, filed 6/10/83)

WAC 154-12-010 ENROLLMENT. Enrollment in the plan.

(1) An eligible employee may become a participant by executing a participation agreement. Compensation will

be deferred for any calendar month only if a participation agreement providing for such deferral is executed by the participant and approved by the committee or its designee before the beginning of such month.

(2) In signing the participation agreement, the participant elects to participate in this plan and consents to the employer deferring the amount specified in the participation agreement from the participant's gross compensation for each pay period. The dollar amount deferred ("deferred compensation") must equal at least thirty dollars per month. Once a participant has specified an amount of deferral, such specification shall continue unless changed or revoked pursuant to WAC 154-12-050 or ~~((154-12-060))~~ 154-12-070 of this plan. Participants must have at least one monthly deferral.

AMENDATORY SECTION (Amending Order 88-1, filed 5/25/88)

WAC 154-12-020 DEFERRAL LIMITATION(S). (1) Except as provided in WAC 154-12-030, relating to catch-up, the maximum that may be deferred under the plan for any taxable year of a participant shall not exceed the lesser of ~~((1) \$7,500))~~ seven thousand five hundred dollars or ~~((2) 33 1/3%))~~ thirty-three and one-third percent of the participant's includible compensation, each reduced:

(a) By any amount excludable from the participant's gross income for that taxable year under Section 403(b) of the Internal Revenue Code ~~((on account of participating employer contributions. In the case of a person who participates in more than one deferred compensation plan governed by Section 457 of the Internal Revenue Code, the limitations set forth shall apply to all such plans considered together for the taxable year, or as may be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import:)); and~~

(b) By any amount:

(i) Excluded from gross income under Section 402(a)(8) or 402(h)(1)(B) of the Internal Revenue Code (relating to a participant's elective deferrals to simplified employee pensions) for that taxable year;

(ii) For which a deduction is allowable for that taxable year by reason of a contribution to an organization described in Section 501(c)(18) of the Internal Revenue Code (relating to pension trusts created before June 25, 1959, forming part of a plan for payment of benefits under a pension plan funded only by contributions of employees); or

(iii) Which is deferred by a participant under Section 401(k) of the Internal Revenue Code (relating to qualified cash or deferred arrangement) during that taxable year; and

(c) By any amount the participant contributes to any other Section 457 of the Internal Revenue Code plan (relating to deferred compensation plan(s)) during the taxable year.

(2) "Includible compensation" for purposes of this section means includible compensation as defined in Section 457(e)(5) of the Internal Revenue Code and as further defined by Treasury Department Regulation

1.457-2(e)(2) interpreting that section, and is determined without regard to community property laws. Includible compensation for a taxable year includes only compensation from the employer that is attributable to services performed for the employer and that is includible in the participant's gross income for the taxable year for federal income tax purposes. Accordingly, a participant's includible compensation for a taxable year does not include an amount payable by the employer that is excludable from the employee's gross income under:

(a) Section 457 of the Internal Revenue Code;

(b) Section 403(b) of the Internal Revenue Code (relating to annuity contracts purchased by Section 501(c)(3) of the Internal Revenue Code organizations or public schools);

(c) Section 105(d) of the Internal Revenue Code (relating to wage continuation plans);

(d) Section 911 of the Internal Revenue Code (relating to citizens or residents of the United States living abroad);

(e) Section 402(a)(8) or 402(h)(1)(B) of the Internal Revenue Code (relating to simplified employee pensions);

(f) Section 501(c)(18) of the Internal Revenue Code (relating to certain pension trusts); or

(g) Section 401(k) of the Internal Revenue Code (relating to qualified cash or deferred arrangements).

(3) In computing includible compensation, total gross compensation as shown on state earnings statements must be reduced by:

(a) Section 414(h) of the Internal Revenue Code, before tax contributions to retirement plans (including those described in RCW 41.04.440, 41.04.445, and 41.04.450); and

(b) Any Section 125 of the Internal Revenue Code contributions to cafeteria plans (including those which include such items as dependent care salary reduction plans) before excluding the items listed in subsection (2)(a) through (g) of this section.

AMENDATORY SECTION (Amending Order 88-1, filed 5/25/88)

WAC 154-12-030 CATCH-UP PROVISION. For one or more of the participant's last three taxable years ending before attaining normal retirement age under the plan, the maximum deferral shall be the lesser of:

(1) ~~((15,000))~~ Fifteen thousand dollars for the taxable year, reduced ~~((by any amount excludable from the participant's gross income for the taxable year under Section 403(b) on account of contributions made by your employer))~~ in the same manner as the seven thousand five hundred dollars limitation is reduced in WAC 154-12-020, or

(2) The sum of:

(a) The limitations established for purposes of WAC 154-12-020 of the plan for the taxable year (determined without regard to this section), plus

(b) So much of the limitation established under WAC 154-12-020 for taxable years before the taxable year as has not theretofore been used under WAC 154-12-020 or 154-12-030 ~~((or as may be otherwise provided in~~

~~Section 457 of the Internal Revenue Code or any successor statute of similar import~~). A prior taxable year shall be taken into account only if:

(i) It begins after December 31, 1978;

(ii) The participant was eligible to participate in the plan during all or any portion of the taxable year, and;

(iii) Compensation deferred (if any) under the plan during the taxable year was subject to a maximum limitation (as established under WAC 154-12-020).

A prior taxable year includes a taxable year in which the participant was eligible to participate in an eligible plan sponsored by another entity. In no event can the participant elect to have the catch-up provision apply more than once whether or not the full catch-up had been utilized.

"Normal retirement age," as used in chapters 154-01 through 154-68 WAC, means the range of ages:

Ending not later than age seventy and one-half; and

Beginning not earlier than the earliest age at which the participant has the right to retire under a state authorized pension for which the participant is eligible without consent of the state and under which the participant will receive immediate retirement benefits without actuarial adjustment due to retirement prior to some later specified age in a state authorized pension plan.

Provided, however, if the participant elects to defer amounts in excess of the maximum deferral allowed by WAC 154-12-020 but within the limited catch-up permitted by this section, the participant thereby establishes a date (i.e., a specific "normal retirement age"):

Before which date, amounts deferred can be paid to the participant only under the unforeseeable emergency exception in WAC 154-24-010 (even if the participant separates from service); and

After which date, if the participant separates from service or has separated from service, amounts deferred must be paid out as described in WAC 154-12-090 (1)(b).

This catch-up provision may not be used in the year in which the participant attains age seventy and one-half, and may not be used in any year thereafter.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-040 COMMITTEE MAY DISALLOW DEFERRAL. The participant acknowledges the right of the committee ~~((or the administrator))~~ to disallow deferral of compensation under the plan in excess of the limitations ~~((stated above))~~ in WAC 154-12-020 and 154-12-030. However, ~~((neither))~~ the committee ~~((nor the administrator))~~ shall have ~~((any))~~ no duty to assure that amounts deferred are in compliance with such limitations. ~~((In the case of a person who participates in more than one deferred compensation plan governed by Section 457 of the Internal Revenue Code, the limitations set forth in WAC 154-12-020 and 154-12-030 shall apply to all such plans considered together.))~~

AMENDATORY SECTION (Amending Order 87-1, filed 8/26/87)

WAC 154-12-050 MODIFICATION OF DEFERRAL. A participant may ~~((modify))~~ change his/her deferral ~~((no))~~ not more ~~((frequently))~~ than ~~((twice))~~ four times in any calendar year ~~((, unless the committee by specific action authorizes a special additional open change period. Such change may be in the decreasing of))~~. Changes in the amount of deferral must equal at least ten dollars or more per month.

An increase (or an increase and a change in investment option(s) which are effective the same date) shall not be counted as a change. Only a decrease in the amount of deferral ((specified and/or the investment mode pursuant to WAC 154-12-010(2)). An increase in the amount of deferral would not count as a change. A change in the investment mode may apply to the redirection of amounts previously deferred as well as current deferrals. Such change or changes increasing or decreasing the amount of the deferral), a transfer, or a change in investment option(s) not accompanied by an increase, shall be counted as a change.

Any combination of a decrease, a transfer, or a change in investment option(s) effective the same date, shall be considered one change.

A change (whether counted as such or not) shall be effective ((as to)) for any calendar month only if the participant signs a new participation agreement ((is executed by the participant)) and it is approved by the committee or its designee before the beginning of ((such)) that calendar month. All participation agreements indicating changes in ((the)) investment ((mode)) option(s) must be filed with the committee ((by completing the proper forms)) no later than fifteen days prior to the established pay date(s) for which the change will occur. The committee reserves the right to defer the effective date of any ((such)) change ((or changes)).

During the payout process, the committee may periodically liquidate mutual fund shares in amounts necessary to meet distribution requirements for a six-month period.

AMENDATORY SECTION (Amending Order 87-1, filed 8/26/87)

WAC 154-12-070 SUSPENSION AND REINSTATEMENT OF DEFERRALS. SUSPENSION. A participant may at any time direct that deferrals under the participant's participation agreement cease by completing the proper form and filing it with the committee no later than the last day of the payroll period prior to the payroll period during which the deferrals are to cease; however, accrued benefits shall only be paid as provided in WAC 154-12-080 through 154-12-110.

REINSTATEMENT. A participant who has directed the cessation of deferrals ~~((under the participant's participation agreement as set forth in WAC 154-12-060.))~~ may resume deferrals for any calendar month commencing no sooner than six months after such deferrals ceased by executing a new participation agreement to defer compensation. The six-month waiting period ~~((would))~~ shall not apply to ~~((those))~~ participants who are on leave

without pay as ((pursuant to)) discussed in WAC 154-28-010.

NEW SECTION

WAC 154-12-075 INVESTMENT OPTIONS. Each participant shall designate on his/her participation agreement the investment option(s) in which he/she wishes to have funds invested. The investment option(s) shall be selected from those options made available for this purpose from time to time by the committee, in its sole discretion.

The committee may make available as options for investment:

(1) A fixed rate investment or pool of investments including deposits with a credit union, savings and loan association, mutual savings bank and fixed annuities;

(2) Specified mutual fund shares, shares of an investment company, or variable annuities; or

(3) Fixed or variable life insurance, or other options permitted by law and selected by the committee. In the event that a selected investment option experiences a loss, the participant's benefits payable hereunder shall likewise reflect a loss, rather than income, for the period.

Nothing in this section shall require the employer to invest any amount in the investments selected and whether or not the employer so invests, no participant shall have any right, title, or interest in the amounts deferred or assets so invested.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-080 DESIGNATION OF BENEFICIARIES. Each participant shall have the right to designate a beneficiary or beneficiaries to receive any benefit to which said participant may be entitled in the event of death prior to the complete distribution of benefits. If no such designation is in effect on a participant's death, the beneficiary shall be the surviving spouse. If there be no such surviving spouse, then the beneficiary shall be the participant's estate. A participant may change his/her beneficiary designation at any time by filing a change of beneficiary form with the committee. A participant may also change his/her beneficiary designation by completing the beneficiary designation portion of a participation agreement form.

The participant may name:

(1) A designated organization or person (including without limitation his/her unborn or later adopted children). If unborn or later adopted children are to be included, the designation must so indicate. The date of birth must be furnished for any living person who is named and who is under the age of eighteen.

(2) His or her estate;

(3) A trust which is in existence, or which is to be established under the participant's last will. For an existing trust, the participant must provide the name of the trust and the date it was established.

The participant may name contingent beneficiaries in addition to primary beneficiaries.

NEW SECTION

WAC 154-12-085 DISTRIBUTION TO PARTICIPANT AFTER SEPARATION FROM SERVICE. After separation from service, an amount equal to the sum of all compensation theretofore deferred under the plan, together with investment income or loss thereon to the date of payment, calculated in accordance with WAC 154-12-107 shall be paid to the participant in one or more installments as elected by the participant pursuant to WAC 154-12-090.

NEW SECTION

WAC 154-12-086 DISTRIBUTION IN THE EVENT OF DEATH OF PARTICIPANT. Should the participant die at any time, whether before or after separation from service, an amount shall be paid to the beneficiary or beneficiaries designated by the participant pursuant to WAC 154-12-080 which is equal to the sum of all compensation theretofore deferred under the plan, together with investment income or loss thereon to the date of payment, calculated in accordance with WAC 154-12-107. The amount shall be paid out as provided in WAC 154-12-080 through 154-12-110. If no beneficiary is designated as provided in the participation agreement, or if the designated beneficiary does not survive by a period of thirty days, then a lump sum or series of payments shall be paid, in accordance with WAC 154-12-080 through 154-12-110, to the surviving spouse, or if none, a lump sum shall be paid to the estate of the participant.

NEW SECTION

WAC 154-12-087 DISTRIBUTION IN EVENT OF DEATH OF BENEFICIARY. In the event a beneficiary survives the participant by thirty days and becomes entitled to receive benefits, the remaining amount deferred shall become payable to the beneficiary's estate on the twenty-fifth day of the second month following the beneficiary's death, unless benefits are being paid in the form of an annuity, in which case the disposition of the remaining amount shall be determined by the annuity contract. Such annuity contracts shall be issued pursuant to the rules set forth in WAC 154-12-110.

AMENDATORY SECTION (Amending Order 83-2, filed 6/10/83)

WAC 154-12-090 ELECTIONS REGARDING DISTRIBUTION. Each participant (or in the event of death, ~~((the participant's))~~ each beneficiary other than an organization, an estate, or a trust) ~~((may elect the payout method))~~ shall elect when his/her payout will begin and the payout period ~~((for each event stated in chapters 154-16 and 154-20 WAC. The payout period must be selected prior to the time any amounts become payable in the plan, and must be set to a fixed or determinable future time. Such election once made is irrevocable. If such election is made, the payout method from among options provided by rule by the committee need not be selected, or if selected, may be changed until the date not later than sixty days before the date upon~~

which payments are to commence. In the absence of such election a payout option of one hundred twenty monthly installments, or such lesser number of monthly installments as is required by treasury regulations promulgated from time to time under Section 457 of the Internal Revenue Code or any successor statute of similar import shall be automatically invoked by the committee. PROVIDED, That the mode of payment of a deceased participant's benefit shall be determined by the committee within the limitations of WAC 154-16-020 and 154-20-020).

(1) Election regarding time of payment. The election regarding the time when payment will begin shall be made when a participant separates from service (or dies having separated from service and having previously elected when payment will begin).

Once made, the election regarding when payout will begin is irrevocable as to the participant or beneficiary making the election. The election regarding when payment will begin:

(a) By a participant who separates from service other than by reason of death, and who has not used catch-up, must be made not later than the earlier of:

(i) Sixty days after separation from service; or

(ii) January 31st following the year of separation; payment may begin on the central payroll date nearest the twenty-fifth day of the month following the month in which an election is filed with the committee on forms provided for that purpose, and payment must begin within the time prescribed by WAC 154-12-110;

(b) By a participant who separates from service other than by reason of death and who has used the catch-up provision in WAC 154-12-030, will be deemed to have been made by use of catch-up; payment will begin on the central payroll date nearest the twenty-fifth day of the month following the month in which he/she separates from service having reached normal retirement age.

(c) By a beneficiary, other than an organization, estate or trust, where the participant was not already receiving payments, must be made not later than the earlier of:

(i) Sixty days after the participant's death; or

(ii) The January 31st following the year in which the participant died; payment may begin on the central payroll date nearest the twenty-fifth day of the month following the month in which an election is filed with the committee on forms provided for that purpose, and payment must begin within the time prescribed by WAC 154-12-110.

(2) Election regarding method of payment. The participant (beneficiary) who makes an election regarding the date payment will begin, may also elect the period over which payments will be made. The payout period election may be made either at the time he/she elects a beginning date for payout or at any time not later than sixty days prior to the date payout is to begin. Once having made this election, the participant (or beneficiary, other than an organization, estate, or trust) may change the payout period election not later than sixty days prior to the date payout is to begin. Such a beneficiary may also make this election where the participant

was already receiving payments but, as provided in WAC 154-12-110 (3)(a), must receive distribution at least as rapidly as it was being distributed to the participant. Such a beneficiary must make the payout period election not later than sixty days after the death of the participant and payout will be suspended following the participant's death until the beneficiary either makes a payout period election or begins receiving payment as provided in subsection (4) of this section. Provided, if the participant was receiving payout in the form of an annuity contract, then the successor's right shall be limited by the terms of that contract.

(3) How elections are made. A participant or beneficiary makes elections allowed under this section by completing and filing applicable payment request forms with the committee. As described in subsection (1)(b) of this section, a participant who uses the catch-up provision is deemed to have made an irrevocable election regarding the time payment will begin.

(4) Consequences in absence of a timely election regarding time of payment. Absent a timely election regarding when payout is to begin, payout will begin on the central payroll date nearest the twenty-fifth day of the month following the month in which the election period ends, and will be made, in a lump sum if the amounts deferred as of the end of the election period are less than twenty-five thousand dollars or, if the amounts deferred are twenty-five thousand dollars or more, in equal monthly installments over a period of one hundred twenty months or such lesser period:

(a) As may be necessary under the minimum payout requirements of Section 457 (d)(2)(B)(i)(I) of the Internal Revenue Code, requiring amounts to be paid not later than as determined under Section 401 (a)(9)(G) of the Internal Revenue Code; or

(b) As may be necessary under Section 457 (d)(2)(B)(i)(II) of the Internal Revenue Code, requiring amounts not distributed to the participant during his/her life to be distributed at least as rapidly as they were being distributed as of the participant's death.

(5) Consequences in absence of a timely election regarding method of payment. In the absence of a timely election regarding the period of time over which payment will be made, payment will be made in the manner described in subsection (4) of this section.

(6) Payment to an organization, estate, or trust. Any amount payable to an organization, estate, or trust shall be paid in a lump sum as prescribed in WAC 154-12-110(3).

NEW SECTION

WAC 154-12-107 AMOUNTS DEFERRED REDUCED BY COSTS. For purposes of determining the amount of benefits payable to a participant or the participant's beneficiary or beneficiaries under the plan, the amounts deferred shall be reduced by costs of the plan paid from the deferred compensation revolving fund pursuant to WAC 154-08-050, and any investment income which would otherwise have been earned thereon and any amounts paid previously, including any amounts paid pursuant to WAC 154-24-010 by reason of an unforeseeable emergency.

AMENDATORY SECTION (Amending Order 88-1, filed 5/25/88)

WAC 154-12-110 DISTRIBUTION OF DEFERRALS. ((Distribution of deferrals:

(1) Notwithstanding anything in this plan to the contrary, payment of amounts deferred shall commence not later than the latest of (a) sixty days after the close of the plan year in which the participant attains (or would have attained) normal retirement age; (b) sixty days after the close of the plan year in which the participant separates from service with the employer.

(2) Amounts deferred under this plan shall be paid according to options provided by rule by the committee pursuant to WAC 154-12-090, but such options shall provide payment of amounts deferred primarily for the benefit of participants (or former participants). Benefits paid to a beneficiary are not to be more than incidental, within the meaning of Section 1.457-2 (i)(2).

(3) Notwithstanding anything in this plan to the contrary, once payments have commenced to the participant, in accordance with WAC 154-12-090, said participant may not elect to accelerate the payment schedule. However, upon the occurrence of an unforeseeable emergency (as defined in WAC 154-24-010), the participant may accelerate the amount remaining payable in the amount not exceeding that described in WAC 154-24-010.

(4) The entire interest of the participant will be distributed, not later than the April 1st following the calendar year in which the participant attains age seventy and one-half ("required beginning date"), in equal or substantially equal amounts over (a) the life of the participant, (b) the lives of the participant and his beneficiary, (c) a period not extending beyond the life expectancy of the participant, (d) a period not extending beyond the joint and last survivor expectancy of the participant and the beneficiary, or (e) a combination of the foregoing:

(5) Notwithstanding any other provision of this plan, distributions shall be subject to the following limitations:

(a) If distribution first commences under subsection (4) of this section, WAC 154-16-010, 154-16-020, or 154-20-010 such distribution shall be made in a form under which:

(i) The amount distributed in each year commencing with the required beginning date must be either (A) a level amount determined by applying the participant's entire interest to the purchase of an annuity contract commencing payments at least annually on or before the required beginning date over a period consistent with subsection (4) of this section, or (B) at least equal to the quotient obtained by dividing the participant's then remaining interest by the life expectancy of the participant or the joint and last survivor expectancy of the participant and the beneficiary, as relevant;

(ii) If provision is made for the payment of a portion of the benefits to a beneficiary, the amount payable to the participant actuarially must exceed two-thirds of the maximum amount payable to the participant had no provision been made for payments to the beneficiary

(determined as of the commencement of the distribution); and

(iii) Any amount not distributed to the participant during his life will be distributed after the death of the participant at least as being used under section 6.7 (a)(ii) as of the date of his death.

(b) If distribution first commences after the participant's death under WAC 154-16-020 the participant's entire interest must be distributed over a period not to exceed (i) the beneficiary's life or life expectancy, if the beneficiary is the participant's surviving spouse and if distribution commences on or before the date the deceased participant would have attained age seventy and one-half, (ii) the lesser of fifteen years or the life expectancy of the beneficiary, if the beneficiary is not the participant's surviving spouse and if distributions commence within one year of the date of the participant's death in equal or substantially equal payments, or (iii) the lesser of five years from the date of the participant's death or the beneficiary's life expectancy, if (i) and (ii) of this subsection are inapplicable. For purposes of this subsection, any amount paid to a child of the participant will be treated as if it had been paid to the surviving spouse if the remainder of the interest becomes payable to the surviving spouse when the child reaches the age of majority.

(c) For purposes of (a) and (b) of this subsection, life expectancies will be computed by use of the expected return multiples in Treasury Regulations 1.72-9 or, if distribution is to be effected through a contract issued by an insurance company, by use of the mortality tables of such company. For purposes of (a)(i) and (b)(i) of this subsection, the life expectancy of the participant and the participant's surviving spouse (if such spouse is the beneficiary) may be recalculated annually.)) (1) General rule. Assuming a timely election is allowed and has been made pursuant to WAC 154-12-090, payment will be made in at least annual, substantially nonincreasing amounts. Payments are also subject to the limitations in subsections (2) through (5) of this section.

(2) Distribution to participant. A participant must either:

(a) Receive his/her entire interest prior to the latest of:

(i) The March 1st immediately following the close of the plan year in which the participant attains age seventy and one-half; or

(ii) The March 1st immediately following the close of the plan year in which the participant separates from service with the employer; or

(b) Begin receiving his/her interest not later than the time specified in (a) of this subsection and receive it over a period not longer than either:

(i) The life of the participant;

(ii) The life of the participant and a beneficiary designated by the participant;

(iii) The life expectancy of the participant; or

(iv) The life expectancy of the participant and a designated beneficiary.

However, if the participant has used the catch-up provision in WAC 154-12-030, the date before which the participant must receive, or begin to receive payment

is the March 1st immediately following the year established by use of catch-up as his/her normal retirement age as defined in WAC 154-12-030.

Payment must be sufficiently rapid to satisfy the requirements of Section 457 (d)(2)(B)(i)(I) and Section 401 (a)(9)(G) of the Internal Revenue Code. Provided, that until tables are issued by the Secretary of the Treasury, if provision is made for the payment of a portion of the benefits to a beneficiary, the amount payable to the participant actuarially must exceed two-thirds of the maximum amount payable to the participant had no provision been made for payments to the beneficiary (determined as of the commencement of the distribution).

Once payments to a participant begin, the participant may accelerate the payment schedule only in the event of an unforeseeable emergency (and subject to the provisions of WAC 154-24-010 regarding such emergencies).

(3) Distribution to beneficiaries.

(a) When distribution begins prior to the participant's death, then payout must be made at least as rapidly as it was being made to the participant. When the beneficiary is an organization, estate or trust, then payment will be payable in a lump sum on the twenty-fifth day of the second month following the participant's death.

(b) When distribution does not begin prior to the participant's death, and is to be made:

(i) To an organization, estate or trust, then payment will be payable in a lump sum on the twenty-fifth day of the second month following the participant's death;

(ii) To a living beneficiary designated by the participant other than the participant's surviving spouse, and, by election, not to begin within one year of the participant's death, then payment must be made within five years of the participant's death;

(iii) To a living beneficiary designated by the participant other than the participant's surviving spouse, and, by election, beginning within one year of the participant's death, then payment must be made within fifteen years of the participant's death;

(iv) To the participant's surviving spouse, whether as designated beneficiary, or by default, then payment must begin prior to the March 1st immediately following the later of the close of the plan year in which the participant would have attained age seventy and one-half or, if later, the year in which the participant separated from service, and payment may be made over the lifetime of the surviving spouse or over a period not longer than the life expectancy of the surviving spouse. Provided, if the participant used the catch-up provision in WAC 154-12-030, then payment must begin prior to the March 1st immediately following the year in which the participant attained (or would have attained) normal retirement age as defined in WAC 154-12-030.

(4) For purposes of this section, life expectancies will be computed by use of the expected return multiples in Treasury Department Regulation 1.72-9 or, if distribution is to be effected through a contract issued by an insurance company, by use of the mortality tables of such company. Where payment is being made over the joint lives of the participant and the participant's surviving

spouse, the life expectancy of the participant and the participant's surviving spouse may be recalculated annually.

(5) Notwithstanding anything in this plan to the contrary, distributions from the plan will be made in compliance with the minimum distribution rules of Section 457 (d)(2) of the Internal Revenue Code, and in compliance with Treasury Department Regulations issued under Sections 401 (a)(9) and 457 (d)(2) of the Internal Revenue Code.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 154-12-060 REVOCATION OF DEFER-
RAL.

WAC 154-12-100 INVESTMENT MODE
ELECTION.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-16-010 NORMAL RETIREMENT.

WAC 154-16-020 UPON DEATH OF PARTICI-
PANT.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 154-20-010 TERMINATION OF SER-
VICES.

WAC 154-20-020 DEATH OF PARTICIPANT.

AMENDATORY SECTION (Amending Order 88-1, filed 5/25/88)

WAC 154-24-010 UNFORESEEABLE EMERGENCY. Notwithstanding any other provisions ((~~herein~~)) in plan chapters 154-01 through 154-68 WAC, in the event of an unforeseeable emergency, a participant may request the committee to pay benefits. If the application for payment is approved by the committee, payment will be made within sixty days following such an approval. Benefits to be paid shall be limited strictly to that amount reasonably necessary to satisfy emergency need. ((~~Any remaining benefits shall be paid in accordance with chapters 154-16 and 154-20 WAC of the plan.~~))

For purposes of this plan, an unforeseeable emergency shall be severe financial hardship to the participant resulting from:

(1) A sudden and unexpected illness or accident of the participant or of a dependent (as defined in Section 152(a) of the Internal Revenue Code) of the participant,

(2) Loss of the participant's property due to casualty, or

(3) Other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. The circumstances that will constitute an unforeseeable emergency will depend upon

the facts of each case, but, in any case, payment shall not be made to the extent that such hardship is or may be relieved ~~((1))~~ (a) through reimbursement or compensation by insurance or otherwise; ~~((2))~~ (b) by liquidation of the participant's assets, to the extent liquidation of such assets would not itself cause severe financial hardship; or ~~((3))~~ (c) by cessation of deferrals under the plan. Examples of what shall not be considered to be unforeseeable emergencies include the need to send a participant's child to college or the desire to purchase a home.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-32-010 TERMINATION OF PLAN. The employer or the committee may at any time terminate this plan. Upon such termination, benefits will be paid to each participant pursuant to chapter ~~((154-20))~~ 154-12 WAC of the plan. Each participant's full compensation on a nondeferred basis will thereupon be restored.

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-32-020 AMENDMENT OF PLAN. The committee may also amend the provisions of this plan at any time: PROVIDED, HOWEVER, That no amendment shall affect the rights of participants or their beneficiaries to the receipt of payment of benefits, to the extent of any compensation deferred before the time of the amendment and investment income or loss thereon accrued to the date of the amendment, calculated in accordance with WAC ~~((154-12-010))~~ 154-12-107 and 154-12-075.

AMENDATORY SECTION (Amending Order 83-2, filed 6/10/83)

WAC 154-68-020 PLAN TO CONFORM TO FEDERAL LAW. This plan is intended to be an eligible state deferred compensation plan within the meaning of Section 457 of the Internal Revenue Code, and ~~((Section))~~ Treasury Department Regulation 1.457-2(a), and shall be interpreted ~~((consistent with such sections and all regulations promulgated thereunder))~~ accordingly.

WSR 89-11-011
ADOPTED RULES
COMMITTEE FOR DEFERRED COMPENSATION
[Order 89-04—Filed May 8, 1989]

Be it resolved by the Committee for Deferred Compensation, acting at the House Office Building, Hearing Room "A", Olympia, Washington, that it does adopt the annexed rules relating to the amending of WAC 154-120-015.

This action is taken pursuant to Notice No. WSR 89-07-089 filed with the code reviser on March 22, 1989. 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 Committee for Deferred Compensation as authorized in RCW 41.04.640.

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 April 27, 1989.

By Mary Bush
Program Manager

AMENDATORY SECTION (Amending Resolution No. 88-2, filed 5/11/88)

WAC 154-120-015 DEPENDENT(S). "Dependent(s)" means:

(1) An individual with respect to whom the participant is entitled to a dependency exemption under Internal Revenue Code section 151(c) and who is:

- (a) Under the age of ~~((fifteen))~~ thirteen; or
- (b) Physically or mentally incapable of self-care (regardless of age); or

(2) The spouse of a participant, if such spouse is physically or mentally incapable of self-care.

WSR 89-11-012
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Memorandum—May 5, 1989]

Board of Trustees
1989-90 Regular Meeting Schedule

DATE	TIME
Thursday, July 20, 1989	3:00 p.m.
Thursday, September 7, 1989	3:00 p.m.
Thursday, October 5, 1989	3:00 p.m.
Thursday, November 2, 1989	3:00 p.m.
Thursday, December 7, 1989	3:00 p.m.
Thursday, January 4, 1990	3:00 p.m.
Thursday, February 1, 1990	3:00 p.m.
Thursday, March 1, 1990	3:00 p.m.
Thursday, April 5, 1990	3:00 p.m.
Thursday, May 3, 1990	3:00 p.m.
Thursday, June 7, 1990	3:00 p.m.

WSR 89-11-013
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 89-32—Filed May 8, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington 98504, 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 insufficient numbers of herring are predicted to be present to allow a traditional commercial herring fishery. A limited amount of harvest can be allowed. 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 May 8, 1989.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-49-02000A SEASONS—HERRING. Notwithstanding the provisions of WAC 220-49-020, effective immediately until further notice it is unlawful to fish for or possess herring taken for commercial purposes from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A and 21B, except for those persons authorized to do so by special fishing permit issued by the director.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-49-02000Z SEASONS—HERRING. (89-25)

WSR 89-11-014
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-33—Filed May 8, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing 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 the harvestable quota of herring from Marine Fish Catch Reporting Areas 20A, 20B, 21A and 21B has been taken. Further catch would reduce the spawning population and endanger the resource. There is insufficient 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 May 8, 1989.

By E. S. Jacoby
for Joseph R. Blum
Director

NEW SECTION

WAC 220-49-02000B HERRING CLOSURE. Notwithstanding the provisions of WAC 220-49-020 and WAC 220-49-021, effective 12:01 a.m., May 9, 1989, until further notice, it is unlawful to fish for or possess herring, candlefish, anchovy or pilchards taken for commercial purposes from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 21B.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-49-02000A SEASONS—HERRING. (88-32)

WSR 89-11-015
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
[Memorandum—May 2, 1989]

At the meeting on March 31, 1989, the board of regents of Washington State University established the following dates for meetings of the board of regents for July 1, 1989, through June 30, 1990:

August 4, 1989	WSU Puyallup Research and Extension Center, 8:00 a.m.
September 29, 1989	Wilson Compton Union Building or Lewis Alumni Centre, Pullman, 8:00 a.m.
November 17, 1989	Seattle, at a place to be determined, 8:00 a.m.
February 2, 1990	Wilson Compton Union Building or Lewis Alumni Centre, Pullman, 8:00 a.m.
March 30, 1990	Wilson Compton Union Building or Lewis Alumni Centre, Pullman, 8:00 a.m.
May 11, 1990	Wilson Compton Union Building or Lewis Alumni Centre, Pullman, 8:00 a.m.
June 22, 1990	Site to be determined, 8:00 a.m.

WSR 89-11-016
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—May 8, 1989]

The board of trustees of Seattle Community College District has rescheduled the time of their regular meeting of June 6, 1989, to 6:30 p.m. The meeting will be held in the Board Room at South Seattle Community College, 6000 16th Avenue S.W., Seattle, WA 98106.

WSR 89-11-017
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 2797—Filed May 10, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Medical care—Nursing home care, amending chapter 388-88 WAC.

This action is taken pursuant to Notice No. WSR 89-07-094 filed with the code reviser on March 22, 1989. 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 74.42.620.

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 May 10, 1989.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 1871, filed 9/1/82)

WAC 388-88-080 UTILIZATION REVIEW AND CLASSIFICATION OF CLIENTS. (1) Nursing care consultants shall determine the level of care (~~de-terminations~~) in skilled nursing and intermediate care facilities (~~are made by the nursing care consultants~~) in (~~accordance~~) accord with the nursing care consultants' professional judgment and (~~in accord with~~) as described under WAC 388-88-081 and 388-88-083.

(2) In making classification recommendations for nursing home placement, the department's personnel shall utilize the guidelines for skilled and intermediate nursing home care (~~in~~) described under WAC 388-88-081 and 388-88-083.

(3) A department designee shall periodically review the classification of each individual nursing home client (~~shall periodically be reviewed by the nursing care consultant~~) to assure appropriate use of Medicaid services by:

(a) Assessing (~~client(s)~~) client care needs and adequacy of services provided(~~(-)~~);

(b) Determining the need for continued stay(~~(-)~~); and

(c) Identifying the level of care required to meet the nursing care needs of the client.

(4) Classification changes shall be made in accordance with the needs of the clients and in accord with appeal and relocation procedures outlined (~~in~~) under WAC 388-88-101.

(5) Residents determined by the department not to require the level of services provided by a nursing facility shall be discharged and relocated in accord with WAC 388-88-101, except as provided under subsection (6) of this section.

(6) When the department determines a resident requires active treatment and the resident has continuously resided in the nursing facility for thirty months or more, the department shall:

(a) Inform the resident of the institutional and noninstitutional alternatives available to the resident;

(b) Offer the resident the choice of remaining in the facility and receiving active treatment or of receiving covered services in an appropriate alternative institutional or noninstitutional setting;

(c) Clarify the effect on the eligibility for departmental services if the resident chooses to leave the facility; and

(d) Document the information given to the resident and the choice made by the resident in the resident's medical record.

(7) Residents sixty-five years of age and older, determined by the department to need nursing facility level of care and active treatment, may choose to:

(a) Decline active treatment and remain in a nursing facility; or

(b) Receive covered services in an appropriate alternative institutional or noninstitutional setting.

(8) Except as provided under subsections (6) and (7) of this section, residents determined under WAC 388-88-099 to need active treatment shall be required to relocate when the department determines an appropriate placement is available.

NEW SECTION

WAC 388-88-098 IDENTIFICATION SCREENING FOR CURRENT RESIDENTS. (1) By July 1, 1989, every Medicaid certified nursing facility shall complete an identification screen, to identify residents likely to have a mental illness or developmental disability:

(a) On a form designated by the department;

(b) For every Medicaid, Medicare, or private-paying individual residing in the nursing facility, except for those individuals for whom a pre-admission screen has been completed under WAC 388-88-097.

(2) The original of the identification screen form shall be maintained in the individual resident's medical record. For those individuals identified through the identification screen as likely to have a mental illness or a developmental disability, the nursing facility shall forward a copy of the identification screen to the department's nursing care consultant assigned to the facility.

(3) The department shall deny payment to a nursing facility for any resident for whom an identification screen has not been completed as required under this section.

NEW SECTION

WAC 388-88-099 ACTIVE TREATMENT ASSESSMENTS FOR CURRENT RESIDENTS. (1) For all residents of nursing homes identified, through the identification screen under WAC 388-88-098, as likely to have a mental illness or a developmental disability, the department shall determine if the individual requires active treatment, using the procedures under subsection (3) of this section, unless one of the following exceptions apply:

(a) A physician certifies the individual is terminally ill, as defined under section 1861 (dd)(3)(A) of the Social Security Act;

(b) The individual has a primary diagnosis of dementia, including Alzheimer's disease or a related disorder; or

(c) The individual is comatose, functioning at the brain stem level, or has a diagnosis that, in fact, significantly impacts the individual's level of functioning and ability to participate in active treatment, such as:

- (i) Ventilator dependency;
- (ii) Chronic obstructive pulmonary disease;
- (iii) Severe Parkinson's disease;
- (iv) Huntington's chorea disease;
- (v) Amyotrophic lateral sclerosis; or
- (vi) Congestive heart failure.

(2) For an individual meeting the following conditions, the department shall determine if the individual requires active treatment:

(a) Was admitted to a Medicaid-certified nursing facility on or after January 1, 1989;

(b) Was identified, under WAC 388-88-097, as likely to have a mental illness or a developmental disability;

(c) Was admitted for a period of convalescence of not more than one hundred twenty days; and

(d) Is determined by the department's designee, after the individual has resided in the facility for approximately sixty days, as likely to need nursing facility care for more than one hundred twenty days.

The department shall follow the procedures under subsection (3) of this section in making determinations regarding the need for active treatment.

(3)(a) For an individual identified as likely to have a mental illness:

(i) A qualified mental health professional, under chapter 275-56 WAC, shall:

(A) Validate whether the individual has a mental illness; and

(B) If mental illness is validated, recommend whether the individual needs the implementation of psychiatric active treatment.

(ii) A department designee shall make the final determination of the individual's need for implementation of psychiatric active treatment.

(b) For an individual identified as likely to have a developmental disability:

(i) A psychologist, meeting the qualifications of a qualified mental retardation professional, shall validate whether the individual has a developmental disability; and

(ii) If a developmental disability is validated, the department shall assess and make a final determination of whether the individual requires a continuous active treatment program.

AMENDATORY SECTION (Amending Order 2592, filed 1/28/88)

WAC 388-88-101 RESIDENTS' RIGHTS. (1) The department shall notify the appropriate ~~((individual(s)))~~ individual listed in subsection (2) of this section whenever a medical assistance client must be discharged from a nursing home because:

(a) There is a reclassification of the client's required level of care, resulting in termination of medical assistance payments to the nursing home where the client currently resides; ~~((or))~~

(b) The department determines, as required under WAC 388-88-080 and 388-88-099, the client:

(i) Requires active treatment; and

(ii) Must relocate to an available appropriate placement; or

(c) The nursing home where the client currently resides has requested the client be relocated, and the department has approved, for:

(i) Medical reasons concerning the client;

(ii) The welfare of the client or other residents; or

(iii) Nonpayment by the client.

(2) The department shall provide the notification required in subsection (1) of this section to one or more of the following, as appropriate:

(a) The ~~((medical assistance))~~ client;

(b) The ~~((medical assistance))~~ client's legal guardian;

(c) The ~~((medical assistance))~~ client's next of kin or responsible party.

(3) The department shall provide the notification required in subsection (1) of this section, in writing, thirty days prior to:

(a) The effective date of the reclassification or relocation determination resulting in termination of medical assistance payments to the nursing home; or

(b) The relocation requested by the nursing home.

(4) The department is not required to provide notification in cases specified in subsections (7) and (8) of this section.

(5) The department's notice shall inform the client of:

(a) The reasons for the proposed change ~~((and/or transfer))~~ or relocation;

(b) The client's right to a conference with departmental representatives ~~((and any other individuals the client wishes to speak to))~~ within thirty days of receipt of such notice;

(c) The client's right to request a fair hearing within ninety days of receipt of the notice to contest the department's decision; except, the request shall be made within thirty days to delay the department's decision;

(d) The method by which a fair hearing may be obtained;

(e) The client's right to be represented at the fair hearing by an authorized representative; and

(f) The existence of any legal services available in the community and the toll-free telephone number of the state long-term care ombudsman.

(6) A fair hearing request form shall be sent with the notice of relocation and/or reclassification.

(a) If the client (~~((must request))~~) requests a fair hearing within thirty days of receipt of the reclassification or relocation notice (~~((in order to have the current level of care continued:))~~), any proposed change (~~((and/or))~~) or transfer shall be delayed pending the outcome of the appeal process.

(b) The department shall take no further action to change the level of care or transfer the patient if the secretary or (~~((his or her))~~) the secretary's designee finds a change in the level of care or relocation is not appropriate at the time. If there is a change in the situation or circumstances, the department may again initiate action to reclassify or relocate the client.

(c) The department shall proceed with the planned action if:

(i) The secretary or (~~((his or her))~~) the secretary's designee affirms the determination to change the level of care or transfer, and

(ii) No judicial review is filed within thirty days of receipt of notice of termination.

(d) (~~((Medical assistance))~~) Except as provided under subsection (6)(e) of this section, clients assessed as no longer requiring nursing home care who refuse to transfer to another level of care will be ineligible for Medicaid nursing home payment:

(i) Thirty days following the effective date of determination; or

(ii) Thirty days following the fair hearing decision affirming the department's determination of not in need of nursing care.

(e) A client who refuses to relocate when the department determines the client needs active treatment and that an appropriate placement is available, shall be ineligible for Medicaid nursing home payment thirty days following the department's determination that an appropriate placement is available, or thirty days following a fair hearing decision affirming the department's determinations that the client needs active treatment and an appropriate placement is available. This provision shall not apply to clients who meet the exceptions specified under WAC 388-88-080 (6) and (7).

(7) Advance notice is not required when:

(a) The (~~((medical assistance))~~) client or the next of kin, guardian or responsible party, requests a transfer in writing and waives the right to a period of notice.

(b) An immediate threat to the client's life or health, or that of others is present.

(c) The department judges the facility where the client resides is no longer able to provide Title XIX services due to:

- (i) Termination of provider's contract;
- (ii) Decertification of the provider;
- (iii) Nonrenewal of provider's contract;
- (iv) Revocation of provider's license; or
- (v) Emergency license suspension.

(8) No notice shall be required if a decision is made to reclassify a client but no discharge, transfer, or relocation of the client from the nursing home is necessary or contemplated as a result of such decision to reclassify.

WSR 89-11-018
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 89-34—Filed May 10, 1989]

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 the run-size to Little White Salmon Hatchery has increased over preseason expectations. This extension provides additional opportunity for the recreational fishery to harvest the nontreaty share of the Columbia River tributary returns of spring chinook. Adults returning to the Klickitat Hatchery this year consist of two stocks—Klickitat and Carson (Wind River). Carson stock was used to make up for a severe shortfall in Klickitat stock returns in 1985. All Carson stock were marked with the removal of the left ventral fin prior to release. The Klickitat stock were not marked. In order to preserve Klickitat stock, yet allow a successful fishery to continue, it is necessary to require that all unmarked fish be released. 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 May 10, 1989.

By Joseph R. Blum
 Director

NEW SECTION

WAC 220-57-31500N KLICKITAT RIVER. *Notwithstanding the provisions of WAC 220-57-315:*

(1) *In those waters from the mouth of the Klickitat River upstream of Fisher Hill Bridge and from a point 400 feet above the number 5 fishway to the mouth of the Little Klickitat River.*

(2) *Effective May 11 through May 31, 1989, two fish bag limit, four days per week, Thursday through Sunday only. Only chinook salmon that have a missing (clipped)*

ventral fin, with a healed scar in the location of the missing fin may be retained or possessed.

(3) Effective June 1 through July 31, 1989, Bag Limit C seven days a week.

NEW SECTION

WAC 220-57-50500Q LITTLE WHITE SALMON RIVER (DRANO LAKE) Notwithstanding the provisions of WAC 220-57-505, effective May 11 through May 14, 1989, two fish bag limit downstream of Washington Department of Fisheries boundary markers placed on points of land downstream and across from the federal salmon hatchery and upstream of the Highway 14 Bridge.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-31500M KLICKITAT RIVER. (89-16)

WAC 220-57-50500P LITTLE WHITE SALMON RIVER (DRANO LAKE) (89-16)

WSR 89-11-019
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed May 10, 1989]

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 odometer disclosure requirements on motor vehicle title documents, new sections WAC 308-56A-610, 308-56A-620, 308-56A-630, 308-56A-640, 308-56A-650, 308-56A-660, 308-56A-670, 308-56A-680 and 308-56A-690;

that the agency will at 9:00 a.m., Tuesday, July 11, 1989, in the Fourth Floor, Conference Room, Highways-Licenses Building, 12th and Franklin, 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 46.12.030 and 46.01.110.

The specific statute these rules are intended to implement is RCW 46.12.030 and 49 CFR Part 580.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 11, 1989.

Dated: May 10, 1989

By: Nancy S. Kelly
for Sandra Brooks
Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To meet the federal odometer disclosure requirements, 49 CFR Part 580. The regulations are to implement the Federal Truth and Mileage Act of 1986.

Statutory Authority: RCW 46.12.030 and 46.01.110.

Summary of the Rules: WAC 308-56A-610 Odometer disclosure statement—General procedures/requirements, when transferring ownership of vehicle; 308-56A-620 Definitions; 308-56A-630 Odometer disclosure statement—Exemptions; 308-56A-640 Odometer disclosure statement—Dealer transactions; 308-56A-650 Odometer disclosure statement—Leased vehicles; 308-56A-660 Odometer disclosure statement—Involuntary divestiture; 308-56A-670 Odometer disclosure statement—Dealer auction companies; 308-56A-680 Odometer disclosure statement—Out-of-state vehicles; and 308-56A-690 Odometer disclosure statement—forms.

Reasons Proposed: To enable the Department of Licensing to implement the requirements of federal law and rules relating to odometer disclosure requirements on motor vehicle title documents.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: Bob Anderson, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6914 comm or 234-6914 scan; Sandra Brooks, Administrator, Title and Registration Control, Second Floor, Highway-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6920 comm or 234-6920 scan; and Nancy Kelly, Assistant Administrator, Title and Registration Control, Second Floor, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, phone (206) 753-6920 comm or 234-6920 scan.

Proponents: The state of Washington Department of Licensing.

Federal Law or Federal or State Court Requirements: The proposed rules are necessary as the result of federal regulations, 49 CFR Part 580, which implements the Truth in Mileage Act of 1986.

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

NEW SECTION

WAC 308-56A-610 ODOMETER DISCLOSURE STATEMENT - GENERAL PROCEDURES/REQUIREMENTS, WHEN TRANSFERRING OWNERSHIP OF A VEHICLE. An odometer disclosure statement must be completed by the transferor of each vehicle and accompany the application for certificate of title. The transferor cannot authorize or give power of attorney to the purchaser or the dealer to complete the odometer disclosure. The odometer disclosure statement must contain the following information: (1) The miles shown on the odometer at the time of transfer of ownership;

(2) Date disclosure statement is completed;

(3) One of the following statements:

(a) The mileage reflected is actual to the best of the transferor's knowledge; or

(b) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or

(c) The odometer reading is not the actual mileage. If the odometer reading is under 100,000 miles, the only options that can be certified are "actual to the best of the transferors knowledge" or "not the actual mileage". If the odometer reading exceeds 100,000 miles, the options "actual to the best of the transferors knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability.

(4) A complete description of the vehicle is required on the odometer disclosure statement to include:

- (a) Model Year
- (b) Make
- (c) Series and Body Type
- (d) Vehicle Identification Number
- (e) License Plate Number and State (if available)

(5) The name and address of the transferor must be printed on the disclosure. The transferor must also sign his/her name on the disclosure.

(a) Only one registered owner is required to complete the odometer disclosure statement.

(b) When the registered owner is a business, both the business name and a company representative's name must be reflected on the odometer disclosure statement.

(6) The name and address of the transferee must be printed on the disclosure. The transferee must also sign his/her name on the odometer disclosure statement to acknowledge the transferor's information. If the transferee represents a company, both the company name and the agent name must be reflected on the odometer disclosure statement.

(7) Such notice is required by the Federal Truth in Mileage Act of 1986; and

(8) Failure to complete such odometer disclosure statement or providing false information may result in fines and/or imprisonment.

NEW SECTION

WAC 308-56A-620 DEFINITIONS. (1) Transferee. Transferee means any person to whom a motor vehicle is transferred, or any person who, as an agent, accepts transfer of ownership in a motor vehicle for another by purchase, gift, or any means other than by creation of a security interest.

(2) Transferor. Transferor means any person who transfers his ownership or any person who, as agent, transfers the ownership of another, on a motor vehicle by sale, gift, or any means other than by creation of a security interest.

(3) Involuntary Divestiture. A change in vehicle ownership without owner involvement.

NEW SECTION

WAC 308-56A-630 ODOMETER DISCLOSURE STATEMENT - EXEMPTIONS. An odometer disclosure statement is not required on a transfer of: (1) A vehicle having a declared gross vehicle weight of more than 16,000 pounds;

- (2) A vehicle that is not self-propelled;
- (3) A vehicle that is ten years old or older;
- (4) A vehicle sold directly by a manufacturer to a federal agency when in conformity with contract specifications, or;
- (5) A new vehicle prior to its first retail sale.

NEW SECTION

WAC 308-56A-640 ODOMETER DISCLOSURE STATEMENT - DEALER TRANSACTIONS. Dealers are required to obtain odometer disclosure statements from the selling registered owner of the vehicle. A second odometer disclosure statement must be completed by the dealer as transferor at the time of sale whether at wholesale or retail.

Dealers are required to maintain records of, and complete odometer disclosure statements on, dealer to dealer reassignments. However, only the prior registered owner's disclosure and the retail dealer's disclosure must accompany the application for title. Records are to be kept by the dealer for five years.

NEW SECTION

WAC 308-56A-650 ODOMETER DISCLOSURE STATEMENT - LEASED VEHICLES. Anytime a lessee is reflected on the certificate of ownership, the lessor of a leased vehicle must notify the

lessee in writing that the lessee is required to provide a written odometer disclosure statement regarding the mileage to the lessor at the termination of the lease. The lessee notice may be given by the lessor at any time after execution of the lease contract and prior to the final transfer of ownership. The odometer disclosure statement must contain the following information: (1) The printed name of the person making the disclosure;

- (2) The current odometer reading;
- (3) The date of the statement;
- (4) The lessee's name and current address;
- (5) The lessor's name and current address;
- (6) A complete description of the vehicle is required on the odometer disclosure to include:

- (a) Model Year
- (b) Make
- (c) Series and Body Type
- (d) Vehicle Identification Number
- (e) License Plate Number and State (if available)
- (7) The date that the lessor notified the lessee of disclosure requirements;
- (8) The date that the completed disclosure statement was received by the lessor;

(9) The signature of the lessor;

- (10) One of the following statements:
 - (a) The mileage reflected is actual to the best of the lessee's knowledge; or
 - (b) The odometer reading exceeds the mechanical limits of the odometer to the best of the lessee's knowledge; or
 - (c) The odometer reading is not the actual mileage.

(11) The notice must include the following:

- (a) Such notice is required by the Federal Truth in Mileage Act of 1986; and
- (b) Failure to complete such notice or providing false information may result in fines and/or imprisonment.

Lessor shall retain each odometer disclosure statement for five years following the date they terminate a lease or transfer ownership of the leased vehicle.

NEW SECTION

WAC 308-56A-660 ODOMETER DISCLOSURE STATEMENT - INVOLUNTARY DIVESTITURE. Where involuntary divestiture occurs an odometer disclosure statement is required unless the transferee and transferor are the same person.

NEW SECTION

WAC 308-56A-670 ODOMETER DISCLOSURE STATEMENT - DEALER AUCTION COMPANIES. When the vehicle is sold by a dealer auction company, the dealer auction company must complete the odometer disclosure statement as the transferor.

Dealer auction companies must retain the following odometer records for each vehicle sold: (1) Name of the most recent owner, other than the auction company

- (2) Name of the buyer
- (3) Vehicle identification number
- (4) Odometer reading of the vehicle for the date on which the auction company took possession of the vehicle.

NEW SECTION

WAC 308-56A-680 ODOMETER DISCLOSURE STATEMENT - OUT OF STATE VEHICLES. Any vehicle previously titled in another state must include an odometer disclosure statement when application is made for a Washington certificate of title or registration.

NEW SECTION

WAC 308-56A-690 ODOMETER DISCLOSURE STATEMENT - FORMS. All odometer disclosure statement forms must be approved by the Department of Licensing to ensure they are in compliance with the Federal Truth in Mileage Act of 1986.

WSR 89-11-020
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-300, Docket No. U-89-2754-R—Filed May 11, 1989]

In the matter of amending WAC 480-122-060 relating to surcharges on switched access lines.

This action is taken pursuant to Notice No. WSR 89-08-024 filed with the code reviser on March 29, 1989. The rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 89-08-024 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, May 10, 1989, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to May 5, 1989, and orally at 9:00 a.m., Wednesday, May 10, 1989, in the Commission's Hearing Room above noted. At the May 10, 1989, meeting the commission considered the rule change proposal. No comments, either written or oral, were received.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-122-060 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-122-060 as amended will reduce the surcharge authorized by RCW 80.36.430 to a level more consistent with current costs of administering the lifeline program

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-122-060 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 10th day of May, 1989.

Washington Utilities and Transportation Commission
 By Sharon L. Nelson, Chairman
 Richard D. Casad, Commissioner
 A. J. Pardini, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-277, Cause No. U-87-1102-R, filed 10/1/87)

WAC 480-122-060 SURCHARGES. Local exchange companies shall surcharge all switched access lines not subscribing under the lifeline assistance program (~~twelve~~) five cents per month. Each party line subscriber shall be assessed the surcharge in full. Money collected from the surcharge shall be transferred to a lifeline fund to be administered by the department.

WSR 89-11-021

ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order 89-6—Filed May 11, 1989]

I, Steve Hunter, assistant director of the Department of Ecology, do promulgate and adopt at the Ecology Headquarters, Lacey, the annexed rules relating to:

- Amd WAC 173-802-050 Designation of responsible official—SEPA.
 Amd WAC 173-06-030 Delegation of powers.

This action is taken pursuant to Notice No. WSR 89-08-078 filed with the code reviser on April 5, 1989. 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 Ecology as authorized in chapter 43.21A 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 May 10, 1989.

By Steve Hunter
 Assistant Director

AMENDATORY SECTION (Amending Order [DE] 84-21, filed 6/15/84)

WAC 173-802-050 DESIGNATION OF RESPONSIBLE OFFICIAL. Within the Department of Ecology, the ultimate responsible official is the director. The responsible official for a specific proposal shall be (~~a supervisor of a regional office branch or a division supervisor~~;) the person who has been delegated signature authority per WAC 173-06-030, unless more than one ((division or regional office branch is involved)) person has such authority in a proposal; if so, the responsible official shall be either the next higher supervisor

common to all involved (~~((divisions))~~) persons, or any senior professional staff designated by the deputy director. ~~((When two or more offices are involved, or an office and a division supervised by a special assistant are involved, the deputy director shall designate the responsible official.))~~

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

AMENDATORY SECTION (Amending Order 85-25, filed 11/26/85)

WAC 173-06-030 DELEGATION. The authority delegated hereby includes the authority to issue orders, directives or decisions reviewable before appropriate administrative or judicial bodies. The authority delegated is limited to the power to act for the department in carrying out functions within the power of the department. No delegation made shall be effective or within the authority of any particular person to exercise unless that person has been issued a specific letter of authorization from the director authorizing him or her to act for the department in the specifics set forth in such letter. Subject to the foregoing restriction, the following delegations are made:

- (1) To the deputy directors, assistant directors, regional ~~((managers))~~ directors, division supervisors and program managers ~~((f;))~~, the authority to:
- ~~((a) Issue orders relating to emergency episodes;~~
 - ~~(b) Issue regulatory notices and orders;~~
 - ~~(c) Impose civil penalties;~~
 - ~~(d) Perform departmental functions relating to grants, gifts, loans, bonds, fees and special funds;~~
 - ~~(e) Enter into contracts and appoint personnel;~~
 - ~~(f) Initiate requests for review before shorelines hearings board;~~
 - ~~(g) Issue determinations relating to tax credits or exemptions for pollution control facilities;~~
 - ~~(h) Perform departmental functions relating to adjudication of water rights[-];~~
 - ~~(i) Issue licenses, permits, variances, certificates, and certifications;~~
 - ~~(j) Approve, modify or deny proposals, and plans and specifications required to be submitted to the department.~~
- ~~{(2)} To the deputy directors, assistant directors, regional managers, division supervisors, program managers and section heads, the authority to approve, modify) (a) Act on behalf of the department in the administration of programs and all other duties assigned the department;~~
- ~~(b) Approve or deny engineering reports, plans and specifications, or amendments thereto, required to be submitted to the department, provided that a registered professional engineer employed by the department shall ((provide an evaluation and recommendations on such approvals, modifications or denials)) have furnished engineering services in accordance with chapter 18.43 RCW, Engineers and land surveyors.~~
- (2) Under special circumstances the director may determine it appropriate to delegate specific signature authority to any professional agency staff.

WSR 89-11-022

ADOPTED RULES

SKAGIT VALLEY COLLEGE

[Order 89-06—Filed May 11, 1989]

Be it resolved by the board of trustees of Skagit Valley College, Community College District No. 4, acting at Mt. Vernon, Washington, that it does adopt the annexed rules relating to uniform personnel rules for the classified staff service of Skagit Valley College, repealing chapter 132D-10 WAC.

This action is taken pursuant to Notice No. WSR 89-07-061 [89-07-069] filed with the code reviser on March 17, 1989. 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 board of trustees of Community College District No. 4 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 May 9, 1989.

By Arlene M. Miller
Chair

Chapter 132D-10 WAC

NEGOTIATIONS BY ACADEMIC PERSONNEL

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

(1) WAC 132D-10, UNIFORM PERSONNEL RULES FOR THE CLASSIFIED STAFF SERVICE OF SKAGIT VALLEY COLLEGE.

Reviser's note: The repealer appears as filed by the institution pursuant to RCW 34.08.040, however the reference to section is probably intended to be to chapter.

WSR 89-11-023

ADOPTED RULES

SKAGIT VALLEY COLLEGE

[Order 89-05—Filed May 11, 1989]

Be it resolved by the board of trustees of Skagit Valley College, Community College District No. 4, acting at Mt. Vernon, Washington, that it does adopt the annexed rules relating to:

Rep ch. 132D-08 WAC The board of trustees.
New ch. 132D-104 WAC Board of trustees.

This action is taken pursuant to Notice No. WSR 89-07-061 filed with the code reviser on March 16, 1989. 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 board of trustees of Community College District No. 4 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 May 9, 1989.

By Arlene M. Miller
Chair

Chapter 132D-104 WAC
BOARD OF TRUSTEES

NEW SECTION

WAC 132D-104-010 THE BOARD OF TRUSTEES. The government of Community College District No. 4 (Skagit Valley College) is vested in a five-person board of trustees. The trustees are appointed by the governor, and serve five-year terms and/or until their successors are appointed. Annually at its June meeting, the board elects a chairperson and vice chairperson who serve for a term of one year and until their successors are elected from the membership of the board.

NEW SECTION

WAC 132D-104-020 MEETINGS OF THE BOARD OF TRUSTEES. The board customarily holds monthly meetings on the second Tuesday of each month at such place as it may designate. Notices of the time and place of all regular and special meetings shall be governed by the requirements of the Open Public Meetings Act, Chapter 42.30 RCW.

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 132D-104-030 COMMUNICATION TO THE BOARD OF TRUSTEES. Persons who wish to bring a matter to the attention of the board of trustees may do so by submitting written communications to the Executive Secretary of the Board of Trustees, President's Office, Skagit Valley College, 2405 College Way, Mount Vernon, Washington 98273.

NEW SECTION

WAC 132D-104-040 GENERAL INFORMATION. Information concerning admissions to the college may be obtained from the Office of Student Affairs, Skagit Valley College, 2405 College Way, Mount Vernon, Washington 98273.

Additional and detailed information concerning the various programs of the college may be obtained from the catalog, copies of which are available upon writing the registrar.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

(1) WAC Chapter 132D-08, THE BOARD OF TRUSTEES.

Reviser's note: The repealer appears as filed by the institution pursuant to RCW 34.08.040, however the reference to section is probably intended to be to chapter.

WSR 89-11-024

ADOPTED RULES

SKAGIT VALLEY COLLEGE

[Order 89-07—Filed May 11, 1989]

Be it resolved by the board of trustees of Skagit Valley College, Community College District No. 4, acting at Mt. Vernon, Washington, that it does adopt the annexed rules relating to:

Rep	ch. 132D-18 WAC	Public records.
New	ch. 132D-276 WAC	Access to public records.

This action is taken pursuant to Notice No. WSR 87-07-062 [89-07-062] filed with the code reviser on March 16, 1989. 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 board of trustees of Community College District No. 4 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 May 9, 1989.

By Arlene M. Miller
Chair

Chapter 132D-276

Access to Public Records

NEW SECTION

WAC 132D-276-010 PURPOSE. The purpose of this chapter is to ensure that Community College District No. 4 complies with the provisions of RCW 42.17, Disclosure - Campaign Finances - Lobbying - Records; and in particular with sections 250 through 340 of that chapter, dealing with public records.

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 132D-276-020 DEFINITIONS. (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or

local agency regardless of physical form or characteristics: Provided, however, that the personal and other records cited in RCW 42.17.310 are exempt from definition of public record.

(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, combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, disks, drums and other documents.

(3) Community College District No. 4. "Community College District No. 4 (Skagit Valley College)" is an agency organized by statute pursuant to RCW 28B.50-.040. Community College District No. 4 shall hereafter be referred to as the "district." Where appropriate, the term "district" also refers to the staff and employees of the district.

NEW SECTION

WAC 132D-276-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF COMMUNITY COLLEGE DISTRICT NO. 4. (1) Community College District No. 4 is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the Skagit Valley campus within the city of Mount Vernon, Washington. The Mount Vernon campus likewise comprises the central headquarters for all operations of the district. Field activities for the Whidbey Branch of the district are administered by personnel located at the Whidbey Branch in Oak Harbor, Washington; all other field activities of the district are directed and administered by personnel located on the campus at Mount Vernon.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 132D-104-020. The board of trustees employs a president, an administrative staff, members of the faculty and other employees. The board of trustees takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the State Board for Community College Education, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the Policies and Procedures Manual for Community College District No. 4, a current copy of which is available for inspection at the administrative office of the district.

NEW SECTION

WAC 132D-276-040 OPERATIONS AND PROCEDURES. (1) Formal decision-making procedures are

established by the board of trustees through rules promulgated in accordance with the requirements of chapter 28B.19 RCW, the Higher Education Administration Procedure Act (HEAPA), and chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policies and Procedures Manual of Community College District No. 4, a current copy of which is available for inspection at the administrative office of the district.

NEW SECTION

WAC 132D-276-050 PUBLIC RECORDS AVAILABLE. All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by 42.17.310 RCW.

NEW SECTION

WAC 132D-276-060 PUBLIC RECORDS OFFICER. The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: implementation of the district's rules and regulations regarding release of public records, coordinating the district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in Chapter 42.17 RCW.

NEW SECTION

WAC 132D-276-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the district. For 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 and holidays established by the college calendar.

NEW SECTION

WAC 132D-276-080 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

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

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

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

NEW SECTION

WAC 132D-276-090 COPYING. No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

WAC 132D-276-100 DETERMINATION REGARDING EXEMPT RECORDS. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132D-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 and RCW 42.17.315. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; Provided, however, in each case, the justification for the deletion shall be explained fully in writing.

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

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

NEW SECTION

WAC 132D-276-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

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

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

(4) During the course of the review the president or his or her designee shall consider the obligations of the district fully to comply with the intent of Chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

NEW SECTION

WAC 132D-276-120 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be made at the administrative office of the district in Mount Vernon, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 132D-276-090.

NEW SECTION

WAC 132D-276-130 RECORDS INDEX. (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after June 30, 1972:

(a) Final options, 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

College District No. 4 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 May 9, 1989.

By Arlene M. Miller
Chair

Chapter 132D-350 WAC

RESTRICTED USE OF
SKATEBOARDS, ROLLER SKATES, SCOOTERS,
TWO-WHEELED MOTOR BIKES AND
BICYCLES
(RECREATIONAL EQUIPMENT)

NEW SECTION

WAC 132D-350-010 PURPOSE. The purpose of these regulations is: (1) to protect and control pedestrian traffic and traffic of persons using the above-mentioned recreational equipment.

(2) To protect from physical damage and more than ordinary wear the wooden and concrete benches, brick and paved walkways, stairs, steps, loading ramps, plazas, and ramps for the disabled, caused by the use of the recreational equipment on such areas.

NEW SECTION

WAC 132D-350-020 DEFINITIONS. As used in this chapter, "skateboard" shall mean a toy consisting of an oblong or rectangular board, made of wood, plastic, metal or components thereof, with a pair of small wheels at each end, ridden, as down an incline, usually in a standing position. It may or may not be motorized; "roller skates" shall mean a shoe with a set of wheels attached for skating over a flat surface, or a metal frame with wheels attached that can be fitted to the sole of the shoe; "scooter" shall mean a foot-operated vehicle consisting of a narrow board mounted between two wheels, tandem, with an upright steering handle attached to the front wheel; "two-wheeled motor bikes or bicycles" shall mean all two-wheeled vehicles powered by a motor or foot-operated (see also parking and traffic regulations, WAC 132D-116). These "toys" shall be commonly referred to as recreational equipment for the purpose of this policy.

NEW SECTION

WAC 132D-350-030 AUTHORITY. The Board of Trustees of Skagit Valley College, Community College District No. 4, is granted authority under Title 28B RCW to exercise full control of the college and its property and is authorized to promulgate rules and regulations to carry out its duties.

NEW SECTION

WAC 132D-350-040 REGULATION OF
SKATEBOARDS, ROLLER SKATES, SCOOTERS,

TWO-WHEELED MOTOR BIKES OR BICYCLES. The above may not be used on the campus except in areas as may be designated for such use by the dean of administrative and student services or his or her designee(s).

NEW SECTION

WAC 132D-350-050 ENFORCEMENT. (1) Enforcement of this chapter shall be the responsibility of the president and the dean of administrative and student services or his or her designee(s).

(2) A user of the above-described recreational equipment who refuses to abide by these regulations will be asked to leave the campus. Refusal to obey will subject the person to being cited for trespass under the provisions of Chapter 9A.52 RCW.

(3) If the user is a student, the student will be asked to refrain from using the equipment on campus. If the student refuses, a proceeding may be initiated under the Student Rights and Responsibilities Code, WAC 132D-120.

WSR 89-11-027

**NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE**

[Memorandum—May 11, 1989]

Monday, May 15, 1989
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 89-11-028

**ADOPTED RULES
DEPARTMENT OF NATURAL RESOURCES**

[Order 561—Filed May 11, 1989]

I, Brian J. Boyle, Commissioner of Public Lands, Administrator, Department of Natural Resources, do promulgate and adopt at the Office of the Commissioner, Second Floor, John A. Cherberg Building, Olympia, Washington, the annexed rules relating to minimum standards for land boundary surveys and geodetic control surveys and guidelines for the preparation of land descriptions.

This action is taken pursuant to Notice No. WSR 89-08-021 filed with the code reviser on March 29, 1989. 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 58.24.040(1) 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 May 11, 1989.

By Laura Eckert
Acting Supervisor

Chapter 332-130 WAC
((SURVEY STANDARDS)) MINIMUM STANDARDS FOR LAND BOUNDARY SURVEYS AND GEODETIC CONTROL SURVEYS AND GUIDELINES FOR THE PREPARATION OF LAND DESCRIPTIONS

- WAC
- 332-130-010 Authority.
- 332-130-020 Definitions.
- 332-130-030 Land subdivision and corner restoration standards—Recording.
- 332-130-040 Land description ((requirements—General)) guidelines.
- 332-130-050 ((Land description requirements—Specific items)) Survey map requirements.
- 332-130-060 ((Survey map requirements)) Geodetic control survey standards.
- 332-130-070 ((Field traverse standards for land surveys)) Survey standards—Transition period.
- 332-130-080 ((Geodetic control survey standards)) Relative accuracy—Principles.
- 332-130-090 Field traverse standards for land boundary surveys.
- 332-130-100 Equipment and procedures.

AMENDATORY SECTION (Amending Order 275, filed 5/2/77)

WAC 332-130-010 AUTHORITY. The department of natural resources, in accordance with ((the authority defined in paragraph 1;)) RCW 58.24.040((; does herewith)) and 58.17.160, prescribes the following regulations setting minimum standards for land boundary surveys and geodetic control surveys and providing guidelines for the preparation of land descriptions.

AMENDATORY SECTION (Amending Order 275, filed 5/2/77)

WAC 332-130-020 DEFINITIONS. ((As used for these rules;)) The following definitions shall apply to this chapter:

- (1) ((Land boundary surveys: All surveys whether made by private persons or entities or public bodies of whatsoever nature for the specific purpose of establishing or reestablishing the boundary of any lot, tract or parcel of real property in the state of Washington;
- (2)) Geodetic control surveys: Surveys for the specific purpose of establishing control points for extending the ((Lambert grid net and)) National Geodetic Survey horizontal and vertical control nets, establishing plane coordinate values on ((primary cadastral)) boundary

monuments within the requirements of the Washington coordinate system, ((as defined in chapter 58.20 RCW;)) and determining the vertical elevations of boundary monuments.

~~((3))~~ (2) GLO and BLM: The General Land Office and its successor, the Bureau of Land Management.

(3) Land boundary surveys: All surveys, whether made by individuals, entities or public bodies of whatever nature, for the specific purpose of establishing, reestablishing, laying out, subdividing, defining, locating and/or monumenting the boundary of any easement, right of way, lot, tract, or parcel of real property or which reestablishes or restores General Land Office or Bureau of Land Management survey corners.

(4) Land corner record: The record of corner information form as prescribed by the department of natural resources pursuant to chapter 58.09 RCW.

(5) Land description: A description of real property or of rights associated with real property.

(6) Land surveyor: ((Shall mean every)) Any person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW((; as now or hereafter amended;)).

~~((4))~~ Land survey: Shall mean the locating and monumenting, in accordance with sound principles of land surveying by or under the supervision of a licensed land surveyor, of points or lines which define the exterior boundary or boundaries common to two or more parcels or which reestablish or restore general land office or bureau of land management survey corners;

~~(5))~~ (7) Parcel: A part or portion of real property including but not limited to GLO segregations, easements, rights of way, aliquot parts of sections or tracts.

(8) Survey Recording Act: The law as established and designated in chapter 58.09 RCW.

(9) Washington coordinate system: ((Shall mean that)) The system of plane coordinates as established and designated by chapter 58.20 RCW((;

~~(6)~~ Public record: Shall be the system of records maintained by the bureau of surveys and maps, the county auditors and such other agencies as may be officially designated and by law assigned the responsibility of maintaining a record of such information available to the general public during normal working hours;

(7) The Survey Recording Act: Shall mean chapter 50, Laws of 1973, (chapter 58.09 RCW) as now or hereafter amended;

(8) GLO and BLM: Means the general land office and its successor, the bureau of land management)).

AMENDATORY SECTION (Amending Order 275, filed 5/2/77)

WAC 332-130-030 LAND SUBDIVISION AND CORNER RESTORATION STANDARDS—RECORDING. The following ((minimum standards shall apply to land subdivision)) requirements apply when a land boundary survey is performed:

- (1) ((The subdivision of a section shall conform to the rules prescribed for official U.S. government surveys of the public lands and instructions relating thereto, and/or applicable federal or state court decisions relating thereto;

(2) Section subdivision and line data shall be shown on the record of survey to the extent necessary to support the position of any subdivisional corner used to reference a surveyed parcel and to justify the location of the parcel boundary therein; except where a section subdivision is a matter of public record, then reference may be made to that record and only so much of the section subdivision as is necessary to properly orient the surveyed parcel need be shown;

(3) Every general land office or bureau of land management survey mark or corner controlling a surveyed parcel shall be documented and recorded as required by the Survey Recording Act, unless the corner and its accessories are substantially as described in an existing record conforming to the provisions of this section on file with the county auditor and the bureau of surveys and maps. The documentation of any GLO or BLM corner shall include at least three substantial references to the corner mark placed in such a manner that they are not likely to be destroyed along with the corner. A valid set of coordinates on the Washington coordinate system may serve as one of the three required references.) The reestablishment of lost GLO or BLM corners and the subdividing of sections shall be done according to applicable GLO or BLM plats and field notes and in compliance with the rules as set forth in the appropriate GLO or BLM Manual of Surveying Instructions, manual supplements and circulars. Federal or state court decisions that influence the interpretation of the rules should be considered. Methods and data used for such corner reestablishment or section subdivision shall be stated on filed or recorded documents.

(2) All maps, plats, or plans showing a land boundary survey shall show all the corners found, established, reestablished and calculated, including corresponding directions and distances, which were used to survey and which will be necessary to resurvey the parcel shown. Additionally, all such maps, plats, or plans shall show sufficient section subdivision data, or other such controlling parcel data, necessary to support the position of any section subdivisional corner or controlling parcel corner used to reference the parcel surveyed. Where a portion or all of this information is already shown on a record filed or recorded in the county recording office of the county in which the parcel is located, reference may be made to that record in lieu of providing the required data.

(3) Documentation shall be provided for all GLO or BLM corner(s) or point(s) used to control the location of the parcel surveyed. This requirement shall be met by providing on the document produced:

(a) The information required by both the Survey Recording Act and the history and evidence found sections of the Land Corner Record form; or

(b) The recording data of a document(s) that provides the required information and is filed or recorded in the county recording office of the county in which the parcel is located.

(4) Every corner originally monumented by the GLO or BLM that is physically reestablished shall be monumented in accordance with the Survey Recording Act. If the reestablished corner is not filed or recorded as part

of a record of survey, plat or short plat, at least three references shall be established and filed or recorded on a Land Corner Record form. If the reestablished corner is filed or recorded as part of a record of survey, plat or short plat, then ties to at least two other monuments shown on the record document may serve in lieu of the required references. A valid set of coordinates on the Washington coordinate system may serve as one of the references. However, to best ensure an accurate relocation, references in close proximity to the corner are recommended. Monuments placed shall be magnetically locatable and include a cap stamped with the appropriate corner designation as defined in the current BLM Manual of Surveying Instructions.

AMENDATORY SECTION (Amending Order 275, filed 5/2/77)

WAC 332-130-040 LAND DESCRIPTION ((REQUIREMENTS—GENERAL)) GUIDELINES. ((Any legal land description written defining land boundaries shall be complete and accurate from the title standpoint; providing definite and unequivocal identification of the lines or boundaries from which a physical survey can be accomplished.)) An instrument used for the conveyance of real property should contain a description of the property sufficiently definite to allow location by a land surveyor without recourse to oral testimony.

The following guidelines consist of elements which are recommended for use in the preparation of land descriptions. They are not intended to be all inclusive and may not be applicable in all situations:

(1) In a description of a lot, tract, parcel or portion thereof in a recorded plat, short plat, or record of survey:

(a) Lot and block number or designation and addition or subdivision name;

(b) Official recording data and identification of recording office;

(c) Location by section, township, and range with respect to the Willamette Meridian, (if applicable);

(d) Property location by county and state.

(2) In a description of an easement, lot, tract, or parcel described by metes and bounds:

(a) Parcel location by the subdivision(s) of the section; or portion of any other official subdivisional tract from a GLO or BLM public land survey; or portion of a recorded plat, short plat, or record of survey;

(b) Section, township, and range with respect to the Willamette Meridian;

(c) Property location by county and state;

(d) Direction and distance to GLO or BLM corners or properly determined section subdivision corners with description of the physical corners, if applicable;

(e) A description of the boundary giving:

(i) Place of beginning and/or initial point;

(ii) Basis of bearings or azimuths;

(iii) Bearings, angles or azimuths in degrees, minutes and seconds;

(iv) Distances in feet and decimals of feet or record units, where applicable;

(v) Curve data showing the controlling elements;

(vi) Identification of senior adjoiners giving recording office and filing reference;

(vii) Calls to existing controlling monuments, both artificial and natural;

(viii) Calls which indicate if a course is a section line, subdivisional line, a line of record or parallel therewith;

(ix) A bearing and distance for each boundary line of the described parcel with a closing course returning to the point of beginning, except where the boundary can be described by a record, physical or natural feature.

(3) In a description based on a public land survey subdivision:

(a) Special segregations such as donation land claims, homestead entry surveys, townsites, tracts, and Indian or military reservations;

(b) Government lot number(s);

(c) Aliquot part designation;

(d) Section, township, and range with respect to the Willamette Meridian;

(e) Property location by county and state.

(4) Other elements of consideration for any land description:

(a) Avoid ambiguities when exceptions to a parcel are stated;

(b) Indicate width of strip description and its relationship to described centerline or survey line;

(c) Delineate the dividing line when designating a fractional portion of a parcel;

(d) When designating one-half or other fractional portion of an aliquot part by government subdivision procedures, follow with "according to U.S. Government subdivision procedures."

AMENDATORY SECTION (Amending Order 275, filed 5/2/77)

WAC 332-130-050 ((LAND DESCRIPTION REQUIREMENTS SPECIFIC ITEMS)) SURVEY MAP REQUIREMENTS. ((The following items must be considered and included in a land description when applicable:

(1) Lot, tract or portion thereof in a recorded plat:

(a) Lot and block number or designation;

(b) Addition or subdivision name and number and its location by section, township, range and meridian;

(c) Plat book and page number of recorded plat;

(d) Recording office, city or county and state.

(2) Lot or tract described by metes and bounds:

(a) City and/or county and state;

(b) Subdivision(s) of section, township, range, meridian or other official GLO or BLM survey subdivision, or portion of recorded plat;

(c) Measurement to official GLO or BLM survey subdivision corner or properly determined subdivision corner thereof with physical description of such corners;

(d) A traverse of the boundary giving:

(i) Place of beginning and/or initial point including description of the physical monument;

(ii) Bearings or azimuths in degrees, minutes and seconds;

(iii) Distances in feet to the nearest one-hundredth;

(iv) Identification of adjoiners giving official recording office and recovery index when other deed calls are uncertain;

(v) Indicate if course is a dividing line of a section subdivision, a line of record or parallel thereof;

(vi) Indicate area to the nearest one-hundredth acre:)) The following requirements apply to land boundary survey maps and plans, records of surveys, plats, short plats, boundary line adjustments, and binding site plans required by law to be filed or recorded with the county.

(1) All such documents filed or recorded shall conform to the following:

(a) They shall display a county recording official's information block which shall be located along the bottom or right edge of the document unless there is a local requirement specifying this information in a different format. The county recording official's information block shall contain:

(i) The title block, which shall be on all sheets of maps, plats or plans, and shall identify the business name of the firm and/or land surveyor that performed the survey. For documents not requiring a surveyor's certificate and seal, the title block shall show the name and business address of the preparer and the date prepared. Every sheet of multiple sheets shall have a sheet identification number, such as "sheet 1 of 5";

(ii) The auditor's certificate, where applicable, which shall be on the first sheet of multiple sheets; however, the county recording official shall enter the appropriate volume and page and/or the auditor's file number on each sheet of multiple sheets;

(iii) The surveyor's certificate, where applicable, which shall be on the first sheet of multiple sheets and shall show the name, license number, signature and seal of the land surveyor who had responsible charge of the survey portrayed, and the date the land surveyor approved the map or plat. Every sheet of multiple sheets shall have the seal and signature of the land surveyor and the date signed;

(iv) The following indexing information on the first sheet of multiple sheets:

(A) The section-township-range and quarter-quarter(s) of the section in which the surveyed parcel lies, except that if the parcel lies in a portion of the section officially identified by terminology other than aliquot parts, such as government lot, donation land claim, homestead entry survey, townsite, tract, and Indian or military reservation, then also identify that official subdivisional tract and call out the corresponding approximate quarter-quarter(s) based on projections of the aliquot parts. Where the section is incapable of being described by projected aliquot parts, such as the Port Angeles townsite, or elongated sections with excess tiers of government lots, then it is acceptable to provide only the official GLO designation. A graphic representation of the section divided into quarter-quarters may be used with the quarter-quarter(s) in which the surveyed parcel lies clearly marked;

(B) Additionally, if appropriate, the lot(s) and block(s) and the name and/or number of the filed or recorded subdivision plat or short plat with the related recording data;

(b) They shall contain:

(i) A north arrow;

(ii) The vertical datum when topography or elevations are shown;

(iii) The basis for bearings, angle relationships or azimuths shown. The description of the directional reference system, along with the method and location of obtaining it, shall be clearly given (such as "North by Polaris observation at the SE corner of section 6"; "Grid north from azimuth mark at station Kellogg"; "North by compass using twenty-one degrees variation"; "None"; or "Assumed bearing based on . . ."). If the basis of direction differs from record title, that difference should be noted;

(iv) Bearings, angles, or azimuths in degrees, minutes and seconds;

(v) Distances in feet and decimals of feet;

(vi) Curve data showing the controlling elements.

(c) They shall show the scale for all portions of the map, plat, or plan provided that detail not drawn to scale shall be so identified. A graphic scale for the main body of the drawing, shown in feet, shall be included. The scale of the main body of the drawing and any enlargement detail shall be large enough to clearly portray all of the drafting detail, both on the original and reproductions;

(d) The document filed or recorded and all copies required to be submitted with the filed or recorded document shall, for legibility purposes:

(i) Have a uniform contrast suitable for microfilming;

(ii) Be without any form of cross-hatching, shading, or any other highlighting technique that to any degree diminishes the legibility of the drafting detail or text;

(iii) Contain dimensioning and lettering no smaller than 0.08 inches, vertically. This provision does not apply to vicinity maps, land surveyors' seals and certificates.

(e) They shall not have any adhesive material affixed to the surface;

(f) For the intelligent interpretation of the various items shown, including the location of points, lines and areas, they shall:

(i) Reference record survey documents that identify different corner positions;

(ii) Show deed calls that are at variance with the measured distances and directions of the surveyed parcel;

(iii) Identify all corners used to control the survey whether they were calculated from a previous survey of record or found, established, or reestablished;

(iv) Give the physical description of any monuments shown, found, established or reestablished, including type, size, and date visited;

(v) Show the record land description of the parcel or boundary surveyed or a reference to an instrument of record;

(vi) Identify any ambiguities, hiatuses, and/or overlapping boundaries;

(vii) Give the location and identification of any visible physical appurtenances such as fences or structures which may indicate encroachment, lines of possession, or conflict of title.

(2) All signatures and writing shall be made with permanent black ink.

(3) The following criteria shall be adhered to when altering, amending, changing, or correcting survey information on previously filed or recorded maps, plats, or plans:

(a) Such documents filed or recorded shall comply with the applicable local requirements and/or the recording statute under which the original map, plat, or plan was filed or recorded;

(b) Alterations, amendments, changes, or corrections to a previously filed or recorded map, plat, or plan shall only be made by filing or recording a new document;

(c) All such documents filed or recorded shall contain the following information:

(i) A title or heading identifying the document as an alteration, amendment, change, or correction to a previously filed or recorded map, plat, or plan along with, when applicable, a cross-reference to the volume and page and auditor's file number of the altered document;

(ii) Indexing data as required by subsection (1)(a)(iv) of this section;

(iii) A prominent note itemizing the change(s) to the original document. Each item shall explicitly state what the change is and where the change is located on the original;

(d) The county recording official shall file, index, and cross-reference all such documents received in a manner sufficient to provide adequate notice of the existence of the new document to anyone researching the county records for survey information;

(e) The county recording official shall send to the engineering division of the department of natural resources, as per RCW 58.09.050(3), a legible copy of any document filed or recorded which alters, amends, changes, or corrects survey information on any document that has been previously filed or recorded pursuant to the Survey Recording Act.

(4) In the absence of permanency and durability standards for public records, eventually to be established by rule by the Washington state division of archives and records management, the following standards will apply to maps, plats, or plans filed with the county. Upon adoption of rules established by the division of archives and records management, those rules shall prevail over this section.

(a) The following are deemed to be acceptable material for filing:

(i) Permanent black ink on linen;

(ii) Photo mylar with a fixed silver halide base;

(iii) Permanent black ink on mylar when the ink is coated with a suitable substance to assure permanent legibility;

(b) The following are deemed to be unacceptable material for filing:

(i) Diazo mylar;

(ii) Linen with an image produced by a dry electrostatic process;

(iii) Mylars with an image produced by a dry electrostatic process.

AMENDATORY SECTION (Amending Order 275, filed 5/2/77)

~~WAC 332-130-060 ((SURVEY MAP REQUIREMENTS)) GEODETIC CONTROL SURVEY STANDARDS. ((The record of survey shall be a map properly drawn to a convenient scale such as to satisfy the requirements of the Survey Recording Act and/or chapter 58.17 RCW relating to platting, subdivision and dedication of land.~~

~~(1) Boundary survey maps shall include the following where applicable:~~

- ~~(a) Title of survey;~~
- ~~(b) Land surveyor certification by showing name, license number, signature and seal;~~
- ~~(c) Date;~~
- ~~(d) North arrow and bearing reference;~~
- ~~(e) Deed calls and reference to control monuments;~~
- ~~(f) Indicate monuments found and set;~~
- ~~(g) Bearings, azimuths or angles in degrees and minutes and seconds and distances to the nearest one-hundredth of a foot;~~
- ~~(h) Legal description of property;~~
- ~~(i) Indicate hiatuses (gaps) and/or overlapping boundaries;~~
- ~~(j) Physical appurtenances (fences, structures, etc.) which may indicate encroachment, lines of possession or conflict of title;~~
- ~~(k) Indexing data block, showing:~~
 - ~~(i) Section, township and range and, additionally, the quarter(s) of a section in which the surveyed parcel lies;~~
 - ~~(ii) Other official subdivisional tract of the GLO or BLM survey;~~
 - ~~(iii) In a recorded subdivision, show lot, block, name and number of subdivision with volume and page of recorded plat;~~

~~(2) A copy of the survey map shall be furnished the client.) The following standards shall apply to geodetic control surveys:~~

~~Horizontal and vertical control work must meet or exceed those accuracy and specification standards as published by the Federal Geodetic Control Committee, September 1984, in the bulletin titled, "Standards and Specifications for Geodetic Control Networks" or any subsequently published bulletins modifying such class standards. The class of control surveys shall be shown on documents prepared.~~

AMENDATORY SECTION (Amending Order 275, filed 5/2/77)

~~WAC 332-130-070 ((FIELD TRAVERSE STANDARDS FOR LAND SURVEYS)) SURVEY STANDARDS-TRANSITION PERIOD. ((The following standards shall apply to field traverses used in land boundary surveys. Such standards should be considered minimum standards only. Higher levels of precision are expected to be utilized in areas with higher property values or in other situations necessitating higher accuracy:~~

- ~~(1) Linear closures after Azimuth adjustment:~~
 - ~~(a) City—central and local business and industrial areas 1:10,000~~
 - ~~(b) City—residential and subdivision lots 1:5,000~~
 - ~~(c) Section—subdivision, new subdivision boundaries for residential lots and interior monument control 1:5,000~~
 - ~~(d) Suburban—residential and subdivision lots 1:5,000~~
 - ~~(e) Rural—forest land and cultivated areas 1:5,000~~
 - ~~(f) Lambert grid traverses 1:10,000~~
- ~~(2) Angular closure:~~
 - ~~(a) Where 1:10,000 minimum linear closure is required, the maximum angular error in seconds shall be determined by the formula of $10/\sqrt{n}$, where "n" equals the number of angles in the closed traverse or three seconds per angle whichever is the least.~~
 - ~~(b) Where 1:5,000 minimum linear closure is required, the maximum angular error in seconds shall be determined by the formula of $30/\sqrt{n}$ where "n" equals the number of angles in the closed traverse or eight seconds per angle whichever is the least.)~~

~~Until January 1, 1991, the accuracy or precision of field work may be determined and reported by either relative accuracy procedures or the current field traverse standards, provided that the final result shall meet or exceed the current standards contained in WAC 332-130-090. On or after January 1, 1991, relative accuracy standards shall be the sole applicable standard.~~

~~AMENDATORY SECTION~~ (Amending Order 275, filed 5/2/77)

AMENDATORY SECTION (Amending Order 275, filed 5/2/77)

~~WAC 332-130-080 ((GEODETIC CONTROL SURVEY STANDARDS)) RELATIVE ACCURACY-PRINCIPLES. ((The following standards shall apply to geodetic control surveys:~~

- ~~(1) Horizontal control:~~
 - ~~(a) At least second-order Class II accuracy and specifications as published by the Department of Commerce, February, 1974 in Bulletin titled, "Classification, Standards of Accuracy, and General Specifications of Geodetic Control Surveys";~~
 - ~~(b) Cadastral monuments, as defined in chapter 58.20 RCW;~~

~~(2) Vertical control:
At least second-order Class II accuracy and specifications as published by the Department of Commerce, February, 1974 in Bulletin titled, "Classification, Standards of Accuracy, and General Specifications of Geodetic Control Surveys.") On or before January 1, 1990, specific relative accuracy standards will be adopted by the department of natural resources to take effect on January 1, 1991. The following principles of relative accuracy are provided in the interim to guide those who may be analyzing their work by these procedures.~~

~~(1) Relative accuracy means the theoretical uncertainty in the location of any point or corner relative to other points or corners set, found, reestablished, or established. A standard of relative accuracy can be achieved by using appropriate equipment and implementing field and office procedures that will result in a~~

ninety-five percent probability of achieving the accuracy required.

(2) Relative accuracy is not related to uncertainties due to differences between measured values and record values or uncertainties in the geodetic position.

(3) In the application of a relative accuracy standard, the surveyor must consider the established land use patterns, land values of and in the vicinity of the surveyed parcel, and the client's intended use of the property. Higher levels of precision are expected to be used in situations necessitating higher accuracy.

(4) Each land boundary survey should contain a statement identifying the method of mathematical analysis used in achieving a stated relative accuracy.

NEW SECTION

WAC 332-130-090 FIELD TRAVERSE STANDARDS FOR LAND BOUNDARY SURVEYS. The following standards shall apply to field traverses used in land boundary surveys. Such standards should be considered minimum standards only. Higher levels of precision are expected to be utilized in areas with higher property values or in other situations necessitating higher accuracy.

- (1) Linear closures after azimuth adjustment.
(a) City - central and local business and industrial areas 1:10,000
(b) City - residential and subdivision lots 1:5,000
(c) Section subdivision, new subdivision boundaries for residential lots and interior monument control 1:5,000
(d) Suburban - residential and subdivision lots 1:5,000
(e) Rural - forest land and cultivated areas 1:5,000
(f) Lambert grid traverses 1:10,000

(2) Angular closure.
(a) Where 1:10,000 minimum linear closure is required, the maximum angular error in seconds shall be determined by the formula of 10 /n, where "n" equals the number of angles in the closed traverse or three seconds per angle whichever is the least.

(b) Where 1:5,000 minimum linear closure is required, the maximum angular error in seconds shall be determined by the formula of 30 /n where "n" equals the number of angles in the closed traverse or eight seconds per angle, whichever is the least.

NEW SECTION

WAC 332-130-100 EQUIPMENT AND PROCEDURES. (1) All land boundary surveys filed or recorded shall contain a statement identifying the type of equipment used, such as 10-second theodolite and calibrated chain, or 10-second theodolite and electronic distance measuring unit, and procedures used, such as field traverse, photogrammetric survey, global positioning system survey or a combination thereof to accomplish the survey shown;

(2) All measuring instruments and equipment shall be maintained in adjustment according to manufacturer's specifications and all distance measuring instruments

shall be, at a minimum, compared and adjusted annually to a National Geodetic Survey calibrated baseline.

WSR 89-11-029
PROPOSED RULES
DEPARTMENT OF CORRECTIONS
[Filed May 12, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning:

- New ch. 137-44 WAC Adult correctional institutions—Visits.
Rep ch. 275-80 WAC Adult correctional institutions—Visits.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 30, 1989.

The authority under which these rules are proposed is RCW 72.01.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 27, 1989.

Dated: March 10, 1989
By: Chase Riveland
Secretary

STATEMENT OF PURPOSE

Title and Purpose of Rule: To reflect current request procedures for adult visitation and to repeal chapter 275-80 WAC, Adult correctional institutions—Visits.

Statutory Authority: Chapter 72.01 RCW.

Chapter Implemented: RCW 72.01.090.

Purpose of this Rule: To provide procedures for institutional visits by inmate families, the media and by groups of individuals.

Reason for the Proposed Rule: To replace the DSHS rule, chapter 275-80 WAC, which currently governs adult correctional institution visits.

Persons Responsible for Drafting the Rule: Gary L. Banning, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504, (206) 753-5770; Implementing and Enforcing: James Spalding, Deputy Director, Division of Prisons, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504, (206) 586-6298.

Persons or Organization Proposing the Rule: Department of Corrections.

Agency Comments and Recommendations: None.

The amendment of this rule is not necessitated by federal law or federal or state court actions.

The amendment of this rule will have no economic impact on small businesses.

Chapter 137-44 WAC
ADULT CORRECTIONAL INSTITUTIONS—VISITS

- WAC
137-44-010 Definitions.
137-44-020 Visits—Purpose.
137-44-030 Visits—Registration.
137-44-040 Personal visits—General.
137-44-050 Personal visits—Who may not visit.
137-44-060 Personal visits—Approved visitor lists.

137-44-070	Personal visits—Alterations to visiting list.
137-44-080	Personal visits—Transfer of offender.
137-44-090	Personal visits—Visiting days and hours.
137-44-100	Personal visits—Hospitalized offender.
137-44-110	Professional visits.
137-44-120	Group visit—General.
137-44-130	Group visit—Arrangements.
137-44-140	Group visit—Conduct.
137-44-150	Group visit—Privacy of offenders.
137-44-160	News media visits—General.
137-44-170	News media visits—Limitations.
137-44-180	Exchange of material or items.
137-44-190	Search of visitors.
137-44-200	Notice of search.
137-44-210	Refusal to be searched.
137-44-220	Search and discovery of illegal items.
137-44-230	Denial of visits.
137-44-240	Suspension of visiting rights—Duration.
137-44-250	Appeal of denial of visiting rights.
137-44-260	Exceptions.

NEW SECTION

WAC 137-44-010 DEFINITIONS. (1) "Contraband" consists of illegal items, and other items not specifically defined as illegal as specified in regulations adopted by the superintendent of an institution and approved by the secretary, which an offender of a correctional institution may not have in his/her possession;

(2) A "group visit" is a visit to the institution for educational or informational purposes or for the purpose of attending or participating in institutional activities;

(3) "Illegal items" are those items defined by RCW 9.94.040 as illegal when in the possession of an offender of a correctional institution, such as weapons, controlled substances, and alcoholic beverages;

(4) "Immediate family" consists of parents, stepparents, grandparents, parent surrogates, legal guardians, spouses, brothers, sisters, half or stepbrothers or sisters, children, stepchildren, and dependents who might not be in the direct lineal relationship of the offender;

(5) "News media" refers to representatives of the press, radio, and television;

(6) A "personal visit" is a visit to an individual offender of an adult correctional institution by a friend or relative, or by a person visiting in a professional capacity such as a clergyman, attorney, or law enforcement official; members of the indeterminate sentence review board shall not be considered visitors under this rule;

(7) "Reasonable suspicion" is a suspicion based on objective information along with all the rationale inferences that the authorizing official is entitled to draw from the information in light of that official's experience. Some factors which can be considered in determining reasonable suspicion include (a) the nature of the tip or information; (b) the reliability of the informant; (c) the degree of corroboration; (d) the response of search dogs; and (e) other facts contributing to suspicion or lack thereof, such as contraband discovered or other pertinent information revealed by a pat, electronic, strip, or other search;

(8) "Superintendent" means a superintendent of an adult institution or his/her designee.

NEW SECTION

WAC 137-44-020 VISITS—PURPOSE. Personal visits are intended to maintain ties between the offender and his/her family and the community so as to facilitate his/her successful return to the community. Visiting regulations are designed to facilitate community contact without unduly compromising the secure or orderly operation of the institution. Group visits and media visits are intended to establish closer contact and better understanding between the public and the correctional system.

NEW SECTION

WAC 137-44-030 VISITS—REGISTRATION. Upon arrival at the institution, all visitors must register and upon request provide picture formal identification; such as passport, valid driver's license, etc.

NEW SECTION

WAC 137-44-040 PERSONAL VISITS—GENERAL. Personal visits will be regulated according to the following criteria:

(1) Offenders shall have a maximum choice of visitors consistent with the safety and/or security of the institution;

(2) Restrictions on the number of visitors allowed an offender at any one time, and the restrictions on the frequency and duration of visits, shall be no more stringent than necessary in view of practical limitations of the institution, such as staff, space, and available transportation;

(3) Visiting shall not be denied, terminated, or restricted as a sanction for infractions of other rules of the institution unrelated to visiting;

(4) Visitors and offenders shall be treated courteously and every reasonable effort made to ensure that visits are comfortable and pleasant;

(5) Visitors and offenders shall follow institution rules during all phases of visiting.

NEW SECTION

WAC 137-44-050 PERSONAL VISITS—WHO MAY NOT VISIT. The offender may not receive visits from:

(1) Persons not included on his/her visiting list for approved visitors as provided for in WAC 137-44-060 unless an exception has been granted in accordance with WAC 137-44-260;

(2) Persons associated with him/her in the commission of the offense for which he/she was incarcerated;

(3) Any individual under active supervision by any state or local criminal justice entity unless he/she has written authority from the supervising authority; or are participating as approved volunteers or employees of the department in some other approved capacity in programs or activities;

(4) Persons under age eighteen except with the consent of the parent or guardian. If under age sixteen, the visitor must be accompanied during the entire visit by a parent, guardian, or any other approved institutional program staff member. Participants in approved institutional programs shall be accompanied by guardian and/or a notarized signed release;

(5) Persons under eighteen years of age may participate as a member of a group visiting within the security perimeter of the institution with superintendent's prior approval;

(6) Persons who are members of the immediate family or close friends of an offender in the institution shall declare this fact and may enter beyond the security perimeter as part of a group only with the express permission of the superintendent;

(7) Former inmates until such inmates have been free from active correctional supervision for a minimum of one year;

(8) The victim(s) of an offender's crime(s), under the age of eighteen years old, shall not be allowed to participate in any visiting programs without involvement of the child protective services and the superintendent's approval.

NEW SECTION

WAC 137-44-060 PERSONAL VISITS—APPROVED VISITOR LISTS. At the time of admittance, the offender shall be provided a copy of the personal visiting regulations and shall complete an application for each individual whom he/she wishes placed on his/her visiting list. The superintendent shall review each application for completeness, and, as appropriate, promptly and tentatively approve and/or deny visits for the immediate family. The superintendent may mail a visitor's questionnaire (see WAC 137-44-270(1)) to each prospective adult visitor, or to the parents or guardians of each prospective visitor under eighteen years of age. Upon return and review of the questionnaire, the superintendent shall decide if the individual is to be placed on the offender's permanent visiting list, and shall notify both the offender and the prospective visitor of his/her decision. Denial of visiting rights must not be made on the basis of race, religion, sex, or national origin. If a person is denied placement on the offender's permanent visiting list, the superintendent shall inform the offender in writing of the reasons therefore.

NEW SECTION

WAC 137-44-070 PERSONAL VISITS—ALTERATIONS TO VISITING LIST. (1) An offender may add/delete names to his/her visiting list in accordance with limitations in WAC 137-44-040 and 137-44-050;

(2) The superintendent may delete a name from the list upon a finding of violation of any institutional rules in which case he/she shall

notify the visitor and the offender in writing stating the reasons for terminating the visiting rights.

NEW SECTION

WAC 137-44-080 PERSONAL VISITS—TRANSFER OF OFFENDER. When an offender is transferred to another adult correctional institution in Washington state his/her approved visiting list shall be forwarded to and accepted by the receiving institution as previously approved if in compliance with WAC 137-44-040 and 137-44-050. It shall be the responsibility of the offender to notify his/her visitors of such transfer.

NEW SECTION

WAC 137-44-090 PERSONAL VISITS—VISITING DAYS AND HOURS. The superintendent of the institution shall establish and regulate visiting days and hours subject to the approval of the secretary/designee. Institution rules will be posted and made available for the visitor's review at each institution.

NEW SECTION

WAC 137-44-100 PERSONAL VISITS—HOSPITALIZED OFFENDER. An offender who is a patient in the institutional and/or community hospital may receive visitors (from approved visitor list) subject to such limitations as are imposed by the superintendent and/or attending physician. Such visits shall be supervised by an employee of the institution and visitors must meet the requirements of WAC 137-44-040 and 137-44-050.

NEW SECTION

WAC 137-44-110 PROFESSIONAL VISITS. (1) In addition to the list of approved visitors, the offender may receive personal visits from persons visiting him/her in a professional capacity, with superintendent/designee approval. No interview may take place without the offender's agreement except under subpoena;

(2) The superintendent may require advanced appointment for professional interviews unless it appears the circumstances do not permit delay;

(3) Appropriate space shall be made available for professional interviews so as to provide privacy consistent with the security needs of the institution;

(4) Upon entering the institution, any official or professional visitor shall be advised that if information is exchanged which affects the safety or well-being of any offender, or the safe and secure operation of the institution, this information must be also communicated to the superintendent unless such communication would violate the confidentiality of a professional relationship.

NEW SECTION

WAC 137-44-120 GROUP VISIT—GENERAL. Each institution shall provide for reasonable access to the institution by groups of concerned citizens and for the participation by appropriate groups in activities of the offenders. The full range of institutional activities shall be shown and full public access, under supervision, shall be permitted to institutional facilities and practices. Areas to which public access is not feasible for reasons of security or privacy of offenders may be presented on film and/or pictures. The superintendent may limit the duration of the visit and the size of groups participating for the security and orderly operation of the institution.

NEW SECTION

WAC 137-44-130 GROUP VISIT—ARRANGEMENTS. (1) Groups wishing to visit an institution shall request permission from the superintendent in advance and schedule the visit at a time convenient to the institution. The spokesman for the group shall notify the superintendent of the size of the group, the purpose of the visit, the desired duration of the visit, and provide any additional information necessary for clearance;

(2) An athletic team may with the approval of the superintendent arrange for a visit in order to compete with an offender team;

(3) The superintendent shall specify the sections of the institution to which the visiting group may have access and the duration of their visit.

NEW SECTION

WAC 137-44-140 GROUP VISIT—CONDUCT. (1) Group members shall conduct themselves in a dignified and orderly manner;

(2) Group members may be permitted to converse with offenders they encounter during a visit;

(3) Cameras shall not be taken into the institution or photographs taken without special authorization of the superintendent;

(4) The group shall stay together unless the staff member in charge authorizes sub-groups.

NEW SECTION

WAC 137-44-150 GROUP VISIT—PRIVACY OF OFFENDERS. Offenders shall be afforded advance notice that visiting groups are expected in order to preserve their privacy.

NEW SECTION

WAC 137-44-160 NEWS MEDIA VISITS—GENERAL. The superintendent shall honor requests by representatives of news media for admittance to the institution. Such representatives shall be treated courteously and shall be afforded reasonable access to all areas of the institution. The right of privacy of residents shall be protected. The superintendent shall insure that representatives of news media are informed of these rules and of their responsibilities. The superintendent or his designee may preclude such media visits when it has been determined it could present a threat to institutional security or their personal safety.

NEW SECTION

WAC 137-44-170 NEWS MEDIA VISITS—LIMITATIONS.

(1) Representatives of news media shall be advised on entering the institution that if they receive information which directly affects the safety of any offender or staff member, or indicates that a crime has been or will be committed, this information shall be communicated to the superintendent or an assistant, unless such communication would violate the confidentiality of a professional relationship;

(2) The superintendent is authorized to delay the entrance of media representatives based on the operational or security needs of the institution;

(3) No interview with an offender may take place without his/her written consent;

(4) When photographs and/or videos are to be taken offenders must be notified and given the opportunity to withdraw from the scene;

(5) If the name or photographs and/or videos of an offender are to be used, written consent of the offender must be secured.

NEW SECTION

WAC 137-44-180 EXCHANGE OF MATERIAL OR ITEMS.

(1) A visitor may not bring contraband into an institution and may not give an offender, or receive from an offender, items or materials which have not been inspected and approved by the official in charge;

(2) If an offender is on his/her way to or from a visit and he/she is found to have contraband in his/her possession, his/her visits may be suspended immediately, if after a disciplinary hearing, it is determined the contraband was obtained during the visit process, the visitor may be removed from the offender's visit list by the superintendent.

NEW SECTION

WAC 137-44-190 SEARCH OF VISITORS. (1) To prevent possible delivery of weapons, controlled substances, or contraband to offenders, all visitors are subject to pat, strip, electronic, locker, vehicle, and canine searches and inspection of any purses, packages, briefcases, or similar containers which are brought onto the premises of the institutional grounds;

(2) If the pat search, or independent evidence, establishes a reasonable suspicion that smuggling of contraband or criminal activity is imminent, there may be a search of the visitor's person;

(3) Visitors shall be searched by staff members of the same gender, whenever possible;

(4) When persons visiting in a professional capacity have a need for purses, packages, briefcases, or similar containers, such material may be admitted but is subject to search;

(5) Representatives of the news media may bring into the institution equipment essential to the purpose of their visit, with the understanding that all equipment are subject to search procedures.

NEW SECTION

WAC 137-44-200 NOTICE OF SEARCH. (1) Signs shall be posted at the entrances to the grounds of the institution and at the entrance to the visiting area giving notice that persons proceeding beyond these points may be subject to search.

(2) If the institution intends to search a visitor, verbal notice of this intent and the consequences of refusing search shall be given before search procedures may be initiated.

NEW SECTION

WAC 137-44-210 REFUSAL TO BE SEARCHED. A visitor has the option of refusing to be searched but may then be removed from the institution and denied visiting rights or entrance to the institution for a period not to exceed one hundred eighty days. If a visitor refuses to be searched on more than one instance, their visiting rights may be denied permanently. Restoration of visiting rights denied for refusal to be searched must be authorized by the superintendent or his/her designee.

NEW SECTION

WAC 137-44-220 SEARCH AND DISCOVERY OF ILLEGAL ITEMS. If as a result of the search, illegal items are discovered, the superintendent shall report the matter to the local law enforcement officers for further action. If possible, the evidence and the suspect shall remain in the room in which the search took place and witnesses will be asked to remain until the arrival of the law enforcement officers. Institutional staff shall exercise all reasonable caution in not questioning the visitor.

NEW SECTION

WAC 137-44-230 DENIAL OF VISITS. The superintendent may deny entrance to visitors if:

- (1) The superintendent has prior knowledge leading him/her to a reasonable suspicion that a visitor is attempting to smuggle in or out of the institution illegal or contraband items. If there is reasonable suspicion substantially ahead of the arrival time of the visitor the superintendent should contact local law enforcement officers and allow them to handle any search procedures;
- (2) There is a disturbance within the institution;
- (3) There is clear and present, or imminent danger to the health and safety of any visitor, offender, or staff member;
- (4) He/she has reasonable suspicion to believe that criminal conduct will ensue if entrance is allowed;
- (5) Visiting rights have been seriously abused by the offender or visitor;
- (6) There is reasonable suspicion to believe the visitor has attempted to bring contraband into the institution;
- (7) Visitors fail to abide by the pertinent rules in this chapter or rules of the institution;
- (8) There is reasonable suspicion that the visitor is under the influence of alcohol, drugs, or other intoxicant substances.

NEW SECTION

WAC 137-44-240 SUSPENSION OF VISITING RIGHTS—DURATION. Visiting rights may be suspended for a single visitor or all visitors of a single offender depending on the seriousness of a visiting infraction. The visiting rights of an offender charged with violation of visiting or any institutional rules may be suspended only after a finding of guilt pursuant to a regular disciplinary hearing and such rights may be abridged for a maximum duration of one hundred eighty days after which visiting rights shall be restored unless there remains a clear and present, or imminent danger to the health and safety of any visitor, offender, or staff member.

NEW SECTION

WAC 137-44-250 APPEAL OF DENIAL OF VISITING RIGHTS. (1) A visitor may appeal the suspension, disapproval, or termination of his/her visiting rights to the superintendent of the institution. If still dissatisfied he/she may appeal by letter to the division of

prisons director of adult corrections. The letter should state the reason why the visitor should be permitted to visit and the circumstances surrounding the denial or termination.

(2) A group or a representative of the news media denied entrance to the institution or required to leave, may appeal to the secretary or his/her designee. The appeal should state the reasons the group or the representative believes he/she should be permitted to visit and the circumstances surrounding the denial or termination.

NEW SECTION

WAC 137-44-260 EXCEPTIONS. The superintendent may grant exceptions to normal visiting procedures in unusual circumstances to meet the special needs of an offender.

WSR 89-11-030
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed May 12, 1989]

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 miscellaneous leave, amending WAC 356-18-120;

that the agency will at 10:00 a.m., Thursday, June 8, 1989, 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 June 6, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-08-060 filed with the code reviser's office on April 3, 1989.

Dated: May 12, 1989
 By: Robert Boysen
 Acting Director

WSR 89-11-031
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 318—Filed May 12, 1989]

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 shared leave, new WAC 356-18-112.

We, the State Personnel Board, 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 ESSB 5933

passed last month with an emergency clause that went into effect upon the governor's signature. Section 7 of that bill stated that the Department of Personnel will adopt temporary emergency policies and procedures to implement the program after the effective date of this act.

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

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 May 11, 1989.

By Robert Boysen
Acting Director

NEW SECTION

WAC 356-18-112 SHARED LEAVE. (1) The purpose of the state leave sharing program is to permit state employees to come to the aid of a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employees's relative" normally shall be limited to the employees's spouse, child, step child, grandchild, grandparent or parent.

(b) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(c) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employees's agency head determines that the employee meets the criteria described in these rules.

(b) The employee is not eligible for time loss compensation under RCW 51.32. If the time loss claim is approved at a later time, all leave received shall be returned to the donors, and the employee will return any all overpayments to the agency.

(c) The employee has abided by agency policies regarding the use of sick leave.

(d) Donated vacation leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave to another employee only under the following conditions:

(a)(1) The receiving employee has exhausted, or will exhaust, his or her vacation leave, and sick leave due to

an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, the employee's relative or household member; and

(2) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate state employment; and

(3) The agency head permits the leave to be shared with an eligible employee.

(b) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours.

(c) Employees may not donate excess vacation leave that they would not be able to take due to an approaching anniversary date.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty one days of shared leave during total state employment.

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

(6) Any donated leave may only be used by the recipient for the purposes specified in this rule.

(7) The receiving employee shall receive one hour of leave for each hour donated.

(8) All forms of paid leave available for use must be used prior to using shared leave.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated basis based on the original donated time.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated or financially induced into donating vacation leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

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 89-11-032

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order PM 844—Filed May 12, 1989]

I, Mary G. Faulk, director of the Department of Licensing, do promulgate and adopt at the First Floor Examination Room, 1300 Quince Street, Olympia, WA 98504, the annexed rules relating to the amending of WAC 308-124H-030; and repealing WAC 308-124D-060 and 308-124D-065.

This action is taken pursuant to Notice No. WSR 89-07-091 filed with the code reviser on March 22, 1989.

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 18.85.040 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 May 5, 1989.

By Mary Faulk
Director

REPEALER

The following sections of the Washington Administrative Code is repealed:

WAC 308-124D-060 BROKER SUPERVISION OF AFFILIATED LICENSEES

WAC 308-124D-065 BROKER AND AFFILIATED LICENSEES—WRITTEN RELATIONSHIP AGREEMENT

AMENDATORY SECTION (Amending Order PM 811, filed 12/7/88)

WAC 308-124H-030 FILING OF COURSES. Each proprietary school, individual, association or agency seeking approval of courses, shall apply to the department on a prescribed form. Courses shall meet the following requirements:

- (1) Each course shall include at least one text book that is in general circulation or other instructional materials approved by the commission.
- (2) Each course must add to the practical knowledge of the real estate practitioner.
- (3) Each course must be supervised or under the direction of at least one natural person who meets the qualifications of WAC 308-124H-060.
- (4) Each course must deal with substantive real estate subject matter such as, but not limited to, legal aspects of real estate, real estate principles and practices, real estate finance, appraising, deposit receipts and earnest money agreements. General sales motivation courses will not qualify.
- (5) Each course must require a comprehensive examination or examinations and a final grade.
- (6) Each course must require a minimum of ~~((seven and one-half))~~ three hours of classroom work for the student; a classroom hour is a period of fifty minutes of actual classroom or workshop instruction. The time allotted for examinations shall not be applicable toward the minimum hours of course study.
- (7) All course content materials must be accurate and current.

WSR 89-11-033
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed May 12, 1989]

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 Educational activities—No outside entertainment, new section WAC 314-12-175;

that the agency will at 9:30 a.m., Wednesday, May 31, 1989, 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 and 66.28.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 31, 1989.

This notice is connected to and continues the matter in Notice No. WSR 88-20-084 filed with the code reviser's office on October 5, 1988.

Dated: May 10, 1989
By: Paula O'Connor
Chairman

WSR 89-11-034
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 89-35—Filed May 12, 1989]

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 the run size to Little White Salmon Hatchery has increased over pre-season expectations. This extension provides additional opportunity for the recreational fishery to harvest the nontreaty share of the Columbia River tributary returns of spring chinook. Adults returning to the Klickitat Hatchery this year consist of two stocks—Klickitat and Carson (Wind River). Carson stock was used to make up for a severe shortfall in Klickitat stock returns in 1985. All Carson stock were marked with the removal of the left ventral fin prior to release. While returns to the Klickitat fisheries appear to be quite good this spring, very few fish are Klickitat stock. In order to preserve this stock, yet allow a successful fishery to continue, it is necessary to require that all unmarked fish be released. There is insufficient

time to promulgate rules through the permanent adoption procedure.

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 May 12, 1989.

By Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-31500P KLICKITAT RIVER. *Notwithstanding the provisions of WAC 220-57-315:*

In those waters from the mouth of the Klickitat River upstream to Fisher Hill Bridge and from a point 400 feet above the number 5 fishway to the mouth of the Little Klickitat River, open as follows:

(1) *Effective May 11 through May 31, 1989, two fish bag limit, four days per week, Thursday through Sunday only. Only chinook salmon that have a missing (clipped) ventral fin, with a healed scar in the location of the missing fin may be retained or possessed.*

(2) *Effective June 1 through July 31, 1989, Bag Limit C seven days a week.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-31500N KLICKITAT RIVER. (89-34)

WSR 89-11-035

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 89-03—Filed May 15, 1989—Eff. June 30, 1989]

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:

Amd	ch. 296-24	WAC	General safety and health standards.
Amd	ch. 296-27	WAC	Recordkeeping and reporting.
Amd	ch. 296-32	WAC	Safety standards for telecommunications workers.
Amd	ch. 296-44	WAC	Safety standards for Electrical Construction Code.
Amd	ch. 296-45	WAC	Safety standards for electrical workers.
Amd	ch. 296-54	WAC	Safety standards for logging operations.
Amd	ch. 296-56	WAC	Safety standards for longshore, stevedore and related waterfront operations.
Amd	ch. 296-59	WAC	Safety standards for ski area facilities and operations.
Amd	ch. 296-62	WAC	General occupational health standards.

Amd	ch. 296-78	WAC	Safety standards for sawmills and woodworking operations.
Amd	ch. 296-79	WAC	Safety standards for pulp, paper, paperboard mills, finishing and converters.
Amd	ch. 296-155	WAC	Safety standards for construction work.
Amd	ch. 296-303	WAC	Safety standards for laundry machinery and operations.
Amd	ch. 296-304	WAC	Safety standards for ship repairing, ship building and ship breaking.
Amd	ch. 296-305	WAC	Safety standards for firefighters.
Amd	ch. 296-306	WAC	Safety standards for agriculture.

Chapter 296-24 WAC, is amended with: Federal-initiated changes to be "identical" to OSHA rules published in Federal Register Volume 53, Number 174 dated September 8, 1988, concerning multipiece and singlepiece rim wheels. The amended sections are WAC 296-24-21703, 296-24-21707 and 296-24-21713. A state-initiated change to renumber a section to include appendices which were not previously numbered. The amended section is WAC 296-24-21713. State-initiated changes to incorporate WRD guidelines into the appropriate standard narrative. The amended sections with affected WRDs are WAC 296-24-012 (WRD 80-14 3rd Amendment), 296-24-150 (WRD 81-19), 296-24-15001 (WRDs 77-10 and 77-12), 296-24-16503 (WRD 77-66), 296-24-16517 (WRDs 77-2, 77-8 and 78-21), 296-24-195 (WRD 81-19), 296-24-20501 (WRD 77-38), 296-24-20503 (WRD 77-38), 296-24-21511 (WRD 79-36), 296-24-23529 (WRDs 80-24 Amended, 85-2 and 86-7), 296-24-260 (WRD 79-49), 296-24-33011 (WRD 77-21), 296-24-37003 (WRD 78-28), 296-24-66313 (WRD 77-22 Amended), 296-24-68201 (WRD 77-47), 296-24-73505 (WRD 77-34), 296-24-75011 (WRD 77-9), 296-24-76511 (WRD 78-56), 296-24-92005 (WRD 77-36) and 296-24-94003 (WRD 77-65). A state-initiated change to remove exemptions for written emergency and fire protection plans, given employers with ten or less workers, to provide equal protection in all work places. The amended section is WAC 296-24-567; chapter 296-27 WAC, is amended with: A state-initiated change to incorporate WRD guidelines into the appropriate standard narrative. The amended section is WAC 296-27-020 (WRD 80-14 3rd Amendment); chapter 296-32 WAC, is amended with: A state-initiated change to incorporate a direct reference to WAC 296-62-054 through 296-62-05427, the hazard communication program. The amended section is WAC 296-32-230; chapter 296-44 WAC, is amended with: A state-initiated change to incorporate WRD guidelines into the appropriate standard narrative. The amended section is WAC 296-44-44009 (WRD 77-67); chapter 296-45 WAC, is amended with: A state-initiated change to incorporate a direct reference to WAC 296-62-054 through 296-62-05427, the hazard communication program. The amended section is WAC 296-45-65009. State-initiated changes to incorporate WRD guidelines into the appropriate standard narrative. The new section is WAC 296-45-67545 (WRD 79-49). The amended section is WAC 296-45-65041 (WRD 77-63); chapter 296-54 WAC, is amended with: A state-initiated change to incorporate a direct reference to WAC 296-62-054 through 296-62-05427, the hazard communication program. The amended section is WAC 296-54-507; chapter 296-56 WAC, is

amended with: State-initiated changes to incorporate WRD guidelines into the appropriate standard narrative. The amended sections are WAC 296-56-60069 (WRD 85-2) and 296-56-60103 (WRD 77-44). A state-initiated change to incorporate a direct reference to WAC 296-62-054 through 296-62-05427, the hazard communication program. The amended section is WAC 296-56-60001; chapter 296-59 WAC, is amended with: A state-initiated change to incorporate WAC 296-62-054 through 296-62-05427, the hazard communication program. The amended section is WAC 296-59-005; chapter 296-62 WAC, is amended with: Federal-initiated changes to be "identical" to comparable federal regulations, 29 CFR 1910.20, as published in Federal Registers Volume 53, Number 189 dated September 29, 1988, and Volume 53, Number 239 dated December 13, 1988, amending rules affecting access to employee exposure and medical records. Major changes are: First-aid and medical records of short-term employees are exempt from records retention requirements, microfilm storage of x-rays except chest x-rays is permitted, trade secrets are provided additional protection and are made to conform to the hazard communication standard requirements, union representatives are required to show an occupational need for requesting unconsented access to records and no industries are treated separately with respect to trade secret disclosure. The amended sections are WAC 296-62-052, 296-62-05201, 296-62-05203, 296-62-05205, 296-62-05207, 296-62-05209, 296-62-05211, 296-62-05213, 296-62-05215, 296-62-05217, 296-62-05219, 296-62-05221 and 296-62-05223. Federal-initiated changes to be at-least-as-effective-as (ALAEA) OSHA rules published in Federal Register Volume 53, Number 178 dated September 14, 1988, which establish short-term exposure limits for occupational exposure to asbestos, tremolite, anthophyllite, and actinolite. The amended sections are WAC 296-62-07703, 296-62-07705, 296-62-07709, 296-62-07711, 296-62-07712, 296-62-07713, 296-62-07717, 296-62-07719, 296-62-07721, 296-62-07725, 296-62-07731 and 296-62-07747. State-initiated housekeeping changes are being made to correct WAC references, narrative and clarify existing rules. The amended sections are WAC 296-62-07531, 296-62-07544, 296-62-07705, 296-62-07709, 296-62-07712, 296-62-07715, 296-62-07719 and 296-62-07745; chapter 296-78 WAC is amended with: A state-initiated change to incorporate WRD guidelines into appropriate standard narrative. The amended section is WAC 296-78-56501 (WRD 78-8 Amended). A state-initiated change to incorporate a direct reference to WAC 296-62-054 through 296-62-05427, the hazard communication program. The amended section is WAC 296-78-515; chapter 296-79 WAC, is amended with: A state-initiated change to incorporate WRD guidelines into appropriate standard narrative. The amended section is WAC 296-79-050 (WRD 78-8 Amended); chapter 296-155 WAC, is amended with: A federal-initiated change to be ALAEA rules published in Federal Register Volume 52, Number 163 dated August 24, 1987, referencing a hazard communication program. The new section is WAC

296-155-180. Federal-initiated changes to be ALAEA rules published in Federal Register Volume 53, Number 148 dated August 2, 1988, concerning crane or derrick suspended personnel platforms. The new section is WAC 296-155-48536. The amended section is WAC 296-155-48533. Federal-initiated changes to be ALAEA rules published in Federal Register Volume 53, Number 116 dated June 16, 1988, concerning concrete and masonry construction. The new sections are WAC 296-155-681, 296-155-682, 296-155-683, 296-155-684, 296-155-686, 296-155-687, 296-155-688, 296-155-689, 296-155-691, 296-155-692, 296-155-694, 296-155-697 and 296-155-699. The amended sections are WAC 296-155-675, 296-155-680, 296-155-685, 296-155-690 and 296-155-695. The repealed section is WAC 296-155-750. State-initiated changes to incorporate WRD guidelines into appropriate standard narrative. The amended sections are WAC 296-155-140 (WRD 86-1), 296-155-205 (WRD 86-4), 296-155-212 (WRD 86-5), 296-155-305 (WRD 86-3), 296-155-36313 (WRD 77-22), 296-155-370 (WRD 78-21) and 296-155-510 (WRD 78-56). A state-initiated housekeeping change to correct a numbering sequence. The amended section is: WAC 296-155-48529; chapter 296-303 WAC, is amended with: A state-initiated change to incorporate WRD guidelines into appropriate standard narrative. The amended sections are WAC 296-303-02007 (WRD 77-29) and 296-303-040 (WRD 77-1); chapter 296-304 WAC, is amended with: A state-initiated change to incorporate WRD guidelines into appropriate standard narrative. The amended section is WAC 296-304-010 (WRD 78-10); chapter 296-305 WAC, is amended with: A state-initiated change to incorporate a direct reference to WAC 296-62-054 through 296-62-05427, the hazard communication program. The amended section is WAC 296-305-025; chapter 296-306 WAC, is amended with: Federal-initiated changes to be ALAEA rules published in Federal Register Volume 52, Number 163 dated August 24, 1987, referencing a hazard communication program. The amended section is WAC 296-306-010. A federal-initiated change to incorporate amendments at-least-as-effective-as the federal rule for field sanitation as published in Federal Register Volume 52, Number 84 on May 1, 1987. The significant changes are: The ratio of sanitation facilities per worker is being changed from 1 per 30 to 1 per 20 and there are revisions to delete the provision for substituting vehicular transportation for toilet facilities where locating toilet facilities within 1/4 mile is not feasible due to terrain. Toilet facilities now have to be located at the closest point of vehicular access. The amended sections are: WAC 296-306-310 and 296-306-320. State-initiated changes to rename the chapter to read Safety Standards for Agriculture, and to incorporate WRD guidelines into appropriate standard narrative. The amended sections are WAC 296-306-165 (WRDs 77-26 and 78-14), and 296-306-200 (WRD 77-26).

This action is taken pursuant to Notice No. WSR 89-06-058 filed with the code reviser on March 1, 1989. These rules shall take effect at a later date, such date being June 30, 1989.

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in chapters 34.04 and 49.17 RCW and chapter 1-12 WAC.

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 May 15, 1989.

By Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-012 DEFINITIONS APPLICABLE TO ALL SECTIONS OF THIS CHAPTER.

Note: Meaning of words. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

(1) "Approved" means approved by the director of the department of labor and industries or his authorized representative: PROVIDED, HOWEVER, That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Bureau of Mines, the provisions of WAC 296-24-006 shall apply.

(2) "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.

(3) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them.

(4) "Department" means the department of labor and industries.

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

(6) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: PROVIDED, That any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

(7) "First-aid" means, for purposes of this section, the extent of treatment that could be expected to be given by a person trained in basic first-aid, using supplies from a first-aid kit. Tests, such as x-rays, shall not be confused with treatment.

(8) "Hazard" means that condition, potential or inherent, which can cause injury, death, or occupational disease.

~~((8))~~ (9) "Hospitalization" means to be sent to; to go to; or be admitted to a hospital or an equivalent medical facility and receive medical treatment beyond that which would be considered as first-aid treatment, regardless of the length of stay in the hospital or medical facility.

(10) "Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matter, the work, or the project.

~~((9))~~ (11) "Safety factor" means the ratio of the ultimate breaking strength of a member or piece of material or equipment to the actual working stress or safe load when in use.

~~((10))~~ (12) "Safety and health standard" means a standard which requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

~~((11))~~ (13) "Shall" means mandatory.

~~((12))~~ (14) "Should" means recommended.

~~((13))~~ (15) "Standard safeguard" means a device designed and constructed with the object of removing the hazard of accident incidental to the machine, appliance, tool, building, or equipment to which it is attached.

Standard safeguards shall be constructed of either metal or wood or other suitable material or a combination of these. The final determination of the sufficiency of any safeguard rests with the director of the department of labor and industries through the division of safety.

~~((14))~~ (16) "Suitable" means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

~~((15))~~ (17) "Working day" means a calendar day, except Saturdays, Sundays, and legal holidays as set forth in RCW 1.16.050, as now or hereafter amended, and for the purposes of the computation of time within which an act is to be done under the provisions of this chapter, shall be computed by excluding the first working day and including the last working day.

~~((16))~~ (18) "~~((Workmen))~~ Worker," "personnel," ("~~man,~~") "person," "employee," and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, mean an employee of an employer who is employed in the business of his/her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his/her personal labor for an employer whether by manual labor or otherwise.

~~((17))~~ (19) "Work place" means any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all work

places covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

~~((+8))~~ (20) Abbreviations used in this chapter:

- (a) "ANSI" means American National Standards Institute.
- (b) "API" means American Petroleum Institute.
- (c) "ASA" means American Standards Association.
- (d) "ASAE" means American Society of Agricultural Engineers.
- (e) "ASHRE" means American Society of Heating and Refrigeration Engineers.
- (f) "ASME" means American Society for Mechanical Engineers.
- (g) "ASTM" means American Society for Testing and Materials.
- (h) "AWS" means American Welding Society.
- (i) "BTU" means British thermal unit.
- (j) "BTUH" means British thermal unit per hour.
- (k) "CFM" means cubic feet per minute.
- (l) "CFR" means Code of Federal Register.
- (m) "CGA" means Compressed Gas Association.
- (n) "CIE" means Commission Internationale de l'Eclairage.
- (o) "DOT" means department of transportation.
- (p) "FRP" means fiberglass reinforced plastic.
- (q) "GPM" means gallons per minute.
- (r) "ICC" means Interstate Commerce Commission.
- (s) "ID" means inside diameter.
- (t) "LPG" means liquefied petroleum gas.
- (u) "MCA" means Manufacturing Chemist Association.
- (v) "NBFU" means National Board of Fire Underwriters.
- (w) "NEMA" means National Electrical Manufacturing Association.
- (x) "NFPA" means National Fire Protection Association.
- (y) "NTP" means normal temperature and pressure.
- (z) "OD" means outside diameter.
- (aa) "PSI" means pounds per square inch.
- (bb) "PSIA" means pounds per square inch atmospheric.
- (cc) "PSIG" means pounds per square inch gauge.
- (dd) "RMA" means Rubber Manufacturers Association.
- (ee) "SAE" means Society of Automotive Engineers.
- (ff) "TFI" means The Fertilizer Institute.
- (gg) "TSC" means Trailer Standard Code.
- (hh) "UL" means Underwriters' Laboratories, Inc.
- (ii) "USASI" means United States of America Standards Institute.
- (jj) "USC" means United States Code.
- (kk) "USCG" means United States Coast Guard.
- (ll) "WAC" means Washington Administrative Code.
- (mm) "WISHA" means Washington Industrial Safety and Health Act of 1973.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-150 MACHINERY AND MACHINE GUARDING—GENERAL REQUIREMENTS FOR ALL MACHINES—SCOPE AND APPLICATION. (1) All sections of this chapter which include WAC 296-24-150 in the section number apply to machinery and machine guarding.

(2) All sections which include WAC 296-24-150 in the section number also applies to combination, multi-purpose powered machines, commonly referred to as "iron workers," that punch, shear, notch, cope, and form metals or other materials and to single-end punches, double-end punches, structural shearing machines, notching machines, coping machines, beam punches, detail punches, and spacing punches. It also applies to machines similar in construction and function to mechanical power presses, but which are specifically identified by the respective manufacturers as "iron workers," and to machines whose most distinguishing feature is the multiple work stations at which various operations may be performed singly or simultaneously, including, but not limited to, punching, shearing, notching, coping, and forming.

(3) Mechanical powered machines that shear, punch, form, or assemble metal or material by means of tools or dies attached to slides, and are identified by their respective manufacturers as "mechanical power presses" are regulated by sections which include WAC 296-24-195 in the subsection number.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-15001 MACHINE GUARDING. (1) Types of guarding. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are—barrier guards, two-hand tripping devices, electronic safety devices, etc.

(2) General requirements for machine guards. Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.

(3) Point of operation guarding.

(a) Point of operation is the area on a machine where work is actually performed upon the material being processed.

(b) The point of operation of machines whose operation exposes an employee to injury, shall be guarded. The guarding device shall be in conformity with any appropriate standards therefor, or, in the absence of applicable specific standards, shall be so designed and constructed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

(c) Circular meat cutting saws shall be guarded in one of the following ways:

(i) A suspended counter-balanced circular meat cutting saw that requires two-handed operation shall be deemed adequately guarded if provided with a guard that covers at least twenty-five degrees of the circumference of the blade and it conforms to the requirements of (c)(iv) of this subsection.

(ii) A suspended counter-balanced circular meat cutting saw that requires only one-handed operation shall be deemed adequately guarded if provided with a guard that covers at least ninety degrees of the circumference of the blade and it conforms to the requirements of (c)(iv) of this subsection.

(iii) A nonsuspended circular meat saw, either one-handed or two-handed operation, shall be deemed adequately guarded if provided with a guard that covers at least ninety degrees of the circumference of the blade and it conforms to the requirements of (c)(iv) of this subsection.

(iv) All circular meat cutting saws shall conform to the following:

(A) A "deadman" control shall be required.

(B) The guard protecting the operator from contact with the blade shall be located between the operator and the blade.

(C) The maximum number of degrees of circumferential guarding of the blade shall be provided based on specific applications in meat cutting operations.

(D) A brake that automatically activates upon release of the operating control(s) is required.

(d) Special handtools for placing and removing material shall be such as to permit easy handling of material without the operator placing a hand in the danger zone. Such tools shall not be in lieu of other guarding required by this section, but can only be used to supplement protection provided.

~~(d)~~ (e) The following are some of the machines which usually require point of operation guarding(-):

(i) Guillotine cutters.

(ii) Shears.

(iii) Alligator shears.

(iv) Power presses.

(v) Milling machines.

(vi) Power saws.

(vii) Jointers.

(viii) Portable power tools.

(ix) Forming rolls and calenders.

(4) Barrels, containers, and drums. Revolving drums, barrels, and containers shall be guarded by an enclosure which is interlocked with the drive mechanism, so that the barrel, drum, or container cannot revolve unless the guard enclosure is in place.

(5) Exposure of blades. When the periphery of the blades of a fan is less than seven feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one-half inch. Safeguards shall be so constructed that rods, pipes, or like material being handled by workmen will not enter same, and come in contact with moving machinery. Fan blade guards of any material are acceptable where the material provides protection to workers and meets the requirements of figure O-12 of WAC 296-24-18005(5).

(6) Cams and other machine parts which move in such a manner as to create shearing or crushing hazards shall, if exposed to contact, be guarded with a standard safeguard.

AMENDATORY SECTION (Amending Order 83-19, filed 7/13/83, effective 9/12/83)

WAC 296-24-16503 MACHINE CONSTRUCTION GENERAL. (1) Each machine shall be so constructed as to be free from sensible vibration when the largest size tool is mounted and run idle at full speed.

(2) Arbors and mandrels shall be constructed so as to have firm and secure bearing and be free from play.

(3) Any automatic cutoff saw that power strokes continuously without the operator being able to control each stroke shall not be used in work situations where employees are exposed to hazards during loading, clamping, cut-off, unloading operations, etc.

(4) Saw frames or tables shall be constructed with lugs cast on the frame or with an equivalent means to limit the size of the saw blade that can be mounted, so as to avoid overspeed caused by mounting a saw larger than intended.

(5) Circular saw fences shall be so constructed that they can be firmly secured to the table or table assembly without changing their alignment with the saw. For saws with tilting tables or tilting arbors the fence shall be so constructed that it will remain in a line parallel with the saw, regardless of the angle of the saw with the table.

(6) Circular saw gages shall be so constructed as to slide in grooves or tracks that are accurately machined, to insure exact alignment with the saw for all positions of the guide.

(7) Hinged saw tables shall be so constructed that the table can be firmly secured in any position and in true alignment with the saw.

(8) All belts, pulleys, gears, shafts, and moving parts shall be guarded in accordance with the specific requirements of WAC 296-24-20501 through 296-24-20533.

(9) It is recommended that each power-driven machine be provided with a disconnect switch that can be locked in the off position.

(10) The frames and all exposed, noncurrent-carrying metal parts of portable electric machinery operated at more than 90 volts to ground shall be grounded and other portable motors driving electric tools which are held in the hand while being operated shall be grounded if they operate at more than 90 volts to ground. The ground shall be provided through use of a separate ground wire and polarized plug and receptacle.

(11) For all circular saws where conditions are such that there is a possibility of contact with the portion of the saw either beneath or behind the table, that portion of the saw shall be covered with an exhaust hood, or, if no exhaust system is required, with a guard that shall be so arranged as to prevent accidental contact with the saw.

(12) Revolving double arbor saws shall be fully guarded in accordance with all the requirements for circular crosscut saws or with all the requirements for circular rip saws, according to the kind of saws mounted on the arbors.

(13) No saw, cutter head, or tool collar shall be placed or mounted on a machine arbor unless the tool has been accurately machined to size and shape to fit the arbor.

(14) Combs (featherboards) or suitable jigs shall be provided at the workplace for use when a standard guard cannot be used, as in dadoing, grooving, jointing, moulding and rabbeting.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-16517 RADIAL SAWS. (1) The upper hood shall completely enclose the upper portion of the blade down to a point that will include the end of the saw arbor. The upper hood shall be constructed in such a manner and of such material that it will protect the operator from flying splinters, broken saw teeth, etc., and will deflect sawdust away from the operator. The sides of the lower exposed portion of the blade shall be guarded to the full diameter of the blade by a device that will automatically adjust itself to the thickness of the stock and remain in contact with stock being cut to give maximum protection possible for the operation being performed.

(2) Each radial saw used for ripping shall be provided with nonkickback fingers or dogs located on both sides of the saw so as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be designed to provide adequate holding power for all the thickness of material being cut.

(3) An adjustable stop shall be provided to prevent the forward travel of the blade beyond the position necessary to complete the cut (~~(in repetitive operations)~~).

(4) Installation shall be in such a manner that the front end of the unit will be slightly higher than the rear, so as to cause the cutting head to return (~~(gently)~~) to the starting position in the following manner when released by the operator:

(a) The cutting head or carriage shall return to the rest or starting position in a gentle motion;

(b) The cutting head or carriage shall not bounce or recoil when reaching the rest or starting position; and

(c) The cutting head or carriage will remain in the rest or starting position.

(5) Ripping and ploughing shall be against the direction in which the saw turns. The direction of the saw rotation shall be conspicuously marked on the hood. In addition, a permanent label not less than 1 1/2 inches by 3/4 inch with standard proportional lettering shall be affixed to the rear of the guard hood at approximately the level of the arbor, where the blade teeth exit the upper hood during the operation of the saw, reading as follows: "Danger: Do not rip or plough from this end." Such a label (~~(should)~~) shall be colored standard danger red.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-195 MECHANICAL POWER PRESSES. (1) Mechanical powered machines that shear, punch, form, or assemble metal or material by

means of tools or dies attached to slides, and are identified by their respective manufacturers as "mechanical power presses" are regulated by sections which include WAC 296-24-195 in the subsection number.

(2) Combination, multipurpose powered machines, commonly referred to as "iron workers," that punch, shear, notch, cope, and form metals or other materials, single-end punches, double-end punches, structured shearing machines, notching machines, coping machines, beam punches, detail punches, and spacing punches, machines similar in construction and function to mechanical power presses, but which are specifically identified by the respective manufacturers as "iron workers," and machines whose distinguishing feature is the multiple work stations at which various operations may be performed singly or simultaneously, including, but not limited to, punching, shearing, notching, coping, and forming shall be regulated by subsections which include WAC 296-24-150 in the subsection number.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-20501 DEFINITIONS. (1) "Belts" include all power transmission belts, such as flat belts, round belts, V-belts, etc., unless otherwise specified.

(2) "Belt shifter" means a device for mechanically shifting belts from tight to loose pulleys or vice versa, or for shifting belts on cones of speed pulleys.

(3) "Belt pole" (sometimes called a "belt shipper" or "shipper pole") means a device used in shifting belts on and off fixed pulleys on line or countershaft where there are no loose pulleys.

(4) "Enclosed" for vertical and inclined belts means that only the portion of a belt that is seven feet or less from the floor is required to be enclosed by a guard.

(5) "Exposed to contact" means that the location of an object is such that a person is likely to come into contact with it and be injured.

~~((5))~~ (6) "Flywheels" include flywheels, balance wheels, and flywheel pulleys mounted and revolving on crankshaft of engine or other shafting.

~~((6))~~ (7) "Fully enclosed" applies to the sides of a power transmission system not guarded by location as described in WAC 296-24-20511 (1)(a), which includes both runs of a horizontal belt, pulley, and flywheel. Small units with slightly inclined belts are included in this category.

(8) "Maintenance runway" means any permanent runway or platform used for oiling, maintenance, running adjustment, or repair work, but not for passageway.

~~((7))~~ (9) "Nip-point belt and pulley guard" means a device which encloses the pulley and is provided with rounded or rolled edge slots through which the belt passes.

~~((8))~~ (10) "Point of operation" means that point at which cutting shaping, or forming is accomplished upon the stock and shall include such other points as may offer a hazard to the operator in inserting or manipulating the stock in the operation of the machine.

~~((9))~~ (11) "Prime movers" include steam, gas, oil, and air engines, motors, steam and hydraulic turbines, and other equipment used as a source of power.

~~((+))~~ (12) "Sheaves" mean grooved pulleys and shall be so classified unless used as flywheels.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-20503 GENERAL REQUIREMENTS. (1) This section covers all types and shapes of power-transmission belts, except the following when operating at two hundred and fifty feet per minute or less:

- (a) Flat belts one inch or less in width.
 - (b) Flat belts two inches or less in width which are free from metal lacings or fasteners.
 - (c) Round belts one-half inch or less in diameter.
 - (d) Single strand V-belts, the width of which is thirteen thirty-seconds inch or less.
- (2) Vertical and inclined belts (WAC 296-24-20511 (3) and (4)) if not more than two and one-half inches wide and running at a speed of less than one thousand feet per minute, and if free from metal lacings or fastenings may be guarded with a nip-point belt and pulley guard.

(3) For the textile industry, because of the presence of excessive deposits of lint, which constitute a serious fire hazard, the sides and face sections only of nip-point belt and pulley guards are required, provided the guard shall extend at least six inches beyond the rim of the pulley on the in-running and off-running sides of the belt and at least two inches away from the rim and face of the pulley in all other directions.

(4) These standards cover the principal features with which power transmission safeguards shall comply. When there is no possibility of employee contact with power transmission belts during operation, the belts are "guarded by location" and no further guarding is required.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-21511 ROLLING RAILROAD CARS. (1) Derail and/or bumper blocks shall be provided on spur railroad tracks where a rolling car could contact other cars being worked, enter a building, work or traffic area. This does not apply to cars being moved by a locomotive, switch engine, donkey engine, or a car puller, but only to cars which are "cut loose." The standard does not apply to "cut loose" cars in railroad yards where trains are made up using gravity feed arrangements.

~~((+))~~ (2) A clearly audible warning system shall be employed when cars are being moved by car pullers or locomotives, and when the person responsible for the moving does not have assurance that the area is clear, and it is safe to move the car or cars.

AMENDATORY SECTION (Amending Order 84-18, filed 8/21/84)

WAC 296-24-21703 DEFINITIONS. (1) "Barrier" means a fence, wall or other structure or object

placed between a single-piece rim wheel and an employee during tire inflation, to contain the rim wheel components in the event of the sudden release of the contained air of the single-piece rim wheel.

(2) "Charts" means the United States Department of ~~((Transportation,))~~ Labor, Occupational Safety and Health Administration publications entitled "Demounting and Mounting Procedures for Truck/Bus Tires" and "Multi-Piece Rim Matching Chart," the National Highway Traffic Safety Administration (NHTSA) publications entitled ~~((Safety Precautions for Mounting and))~~ "Demounting ((Tube-Type)) and Mounting Procedures for Truck/Bus Tires" and "Multi-Piece Rim ((Wheel)) Matching Chart," or any other ~~((publications such as rim manuals containing, at a minimum,))~~ poster which contains at least the same instructions, safety precautions and other information contained ((on those)) in the charts that ((are)) is applicable to the types of ((rim)) wheels being serviced.

(3) "Installing a rim wheel" means the transfer and attachment of an assembled rim wheel onto a vehicle axle hub. "Removing" means the opposite of installing.

(4) "Mounting a tire" means the assembly or putting together of the wheel and tire components to form a rim wheel, including inflation. "Demounting" means the opposite of mounting.

(5) "Multi-piece rim wheel" means the assemblage of a multi-piece wheel with the tire tube and other components.

(6) "Multi-piece wheel" means a vehicle wheel consisting of two or more parts, one of which is a side or locking ring designed to hold the tire on the wheel by interlocking components when the tire is inflated.

(7) "Restraining device" means an apparatus such as a cage, rack, assemblage of bars and other components that will constrain all rim wheel components during an explosive separation of a multi-piece rim wheel, or during the sudden release of the contained air of a single-piece rim wheel.

(8) "Rim manual" means a publication containing instructions from the manufacturer or other qualified organization for correct mounting, demounting, maintenance, and safety precautions peculiar to the type of wheel being serviced.

(9) "Rim wheel" means an assemblage of tire, tube and liner (where appropriate), and wheel components.

(10) "Service" or "servicing" means the mounting and demounting of rim wheels, and related activities such as inflating, deflating, installing, removing, and handling.

(11) "Service area" means that part of an employer's premises used for the servicing of rim wheels, or any other place where an employee services rim wheels.

(12) "Single-piece rim wheel" means the assemblage of single-piece rim wheel with the tire and other components.

(13) "Single-piece wheel" means a vehicle wheel consisting of one part, designed to hold the tire on the wheel when the tire is inflated.

(14) "Trajectory" means any potential path or route that a rim wheel component may travel during an explosive separation, or the sudden release of the pressurized air, or an area at which an airblast from a single-

piece rim wheel may be released. The trajectory may deviate from paths which are perpendicular to the assembled position of the rim wheel at the time of separation or explosion. (See Appendix A for examples of trajectories.)

(15) "Wheel" means that portion of a rim wheel which provides the method of attachment of the assembly to the axle of a vehicle and also provides the means to contain the inflated portion of the assembly (i.e., the tire and/or tube).

AMENDATORY SECTION (Amending Order 88-04, filed 5/11/88)

WAC 296-24-21707 TIRE SERVICING EQUIPMENT. (1) The employer shall furnish a restraining device for inflating tires on multi-piece wheels.

(2) The employer shall provide a restraining device or barrier for inflating tires on single-piece wheels unless the rim wheel will be bolted onto a vehicle during inflation.

(3) Restraining devices and barriers shall comply with the following requirements:

(a) Each restraining device or barrier shall have the capacity to withstand the maximum force that would be transferred to it during a rim wheel separation occurring at one hundred fifty percent of the maximum tire specification pressure for the type of rim wheel being serviced.

(b) Restraining devices and barriers shall be capable of preventing the rim wheel components from being thrown outside or beyond the device or barrier for any rim wheel positioned within or behind the device;

(c) Restraining devices and barriers shall be visually inspected prior to each day's use and after any separation of the rim wheel components or sudden release of contained air. Any restraining device or barrier exhibiting damage such as the following defects shall be immediately removed from service:

- (i) Cracks at welds;
- (ii) Cracked or broken components;
- (iii) Bent or sprung components caused by mishandling, abuse, tire explosion or rim wheel separation;
- (iv) Pitting of components due to corrosion; or
- (v) Other structural damage which would decrease its effectiveness.

(d) Restraining devices or barriers removed from service shall not be returned to service until they are repaired and reinspected. Restraining devices or barriers requiring structural repair such as component replacement or rewelding shall not be returned to service until they are certified by either the manufacturer or a registered professional engineer as meeting the strength requirements of (a) of this subsection.

(4) The employer shall furnish and assure that an air line assembly consisting of the following components be used for inflating tires:

- (a) A clip-on chuck;
- (b) An in-line valve with a pressure gauge or a presettable regulator; and
- (c) A sufficient length of hose between the clip-on chuck and the in-line valve (if one is used) to allow the employee to stand outside the trajectory.

(5) Current charts ((f)) or rim manuals((g)) containing instructions for the types of wheels being serviced shall be available in the service area.

(6) The employer shall furnish and assure that only tools recommended in the rim manual for the type of wheel being serviced are used to service rim wheels.

AMENDATORY SECTION (Amending Order 84-18, filed 8/21/84)

WAC 296-24-21713 SAFE OPERATING PROCEDURE—SINGLE-PIECE RIM WHEELS. The employer shall establish a safe operating procedure for servicing single-piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Tires shall be completely deflated by removal of the valve core before demounting.

(2) Mounting and demounting of the tire shall be done only from the narrow ledge side of the wheel. Care shall be taken to avoid damaging the tire beads while mounting tires on wheels. Tires shall be mounted only on compatible wheels of matching bead diameter and width.

(3) Nonflammable rubber lubricant shall be applied to bead and wheel mating surfaces before assembly of the rim wheel, unless the tire or wheel manufacturer recommends against the use of any rubber lubricant.

(4) If a tire changing machine is used, the tire shall be inflated only to the minimum pressure necessary to force the tire bead onto the rim ledge while on the tire changing machine.

(5) If a bead expander is used, it shall be removed before the valve core is installed and as soon as the rim wheel becomes airtight (the tire bead slips onto the bead seat).

(6) Tires may be inflated only when contained within a restraining device, positioned behind a barrier or bolted on the vehicle with the lug nuts fully tightened.

(7) Tires shall not be inflated when any flat, solid surface is in the trajectory and within one foot of the sidewall.

(8) Employees shall stay out of the trajectory when inflating a tire.

(9) Tires shall not be inflated to more than the inflation pressure stamped in the sidewall unless a higher pressure is recommended by the manufacturer.

(10) Tires shall not be inflated above the maximum pressure recommended by the manufacturer to seat the tire bead firmly against the rim flange.

(11) No heat shall be applied to a single-piece wheel.

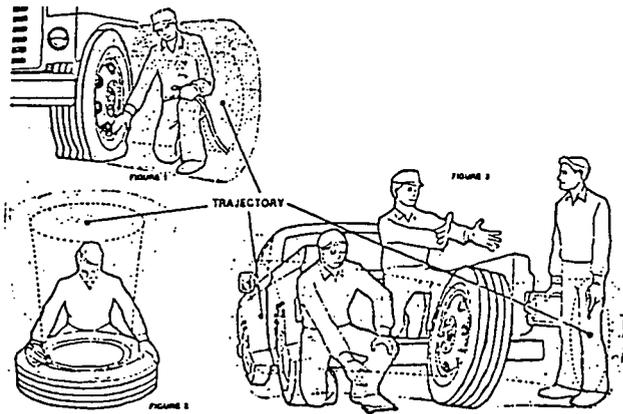
(12) Cracked, broken, bent, or otherwise damaged wheels shall not be reworked, welded, brazed, or otherwise heated.

(13) APPENDIX A TRAJECTORY

WARNING

**STAY OUT OF
THE TRAJECTORY AS
INDICATED BY SHADED AREA**

Note: Under some circumstances, the trajectory may deviate from its expected path.



(14) Appendix B—Ordering Information for NHTSA charts

((OSHA has reprinted the NHTSA charts as part of a continuing campaign to alert rim wheel serving personnel of the industry accepted procedures for servicing multi-piece rim wheels.)) Appendix B—Ordering Information for the OSHA charts

OSHA has printed two charts entitled "Demounting and Mounting Procedures for Truck/Bus Tires" and "Multi-Piece Rim Matching Chart," as part of a continuing campaign to reduce accidents among employees who service large vehicle rim wheels.

Reprints of the charts are available through the Occupational Safety and Health Administration (OSHA) area offices. The address and telephone number of the nearest OSHA area office can be obtained by looking in the local telephone directory under U.S. Government, U.S. Department of Labor, Occupational Safety and Health Administration. Single copies are available without charge.

Individuals, establishments and other organizations desiring multiple copies of these charts may order them from the Publications Office, U.S. Department of Labor, Room ((N4101)) N3101, Washington, D.C. 20210. Telephone: (202) 523-9667.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-23529 OPERATORS. (1) Cranes shall be operated only by regular crane operators, authorized substitutes who have had adequate experience and training under the supervision of a competent operator, or by crane repairmen or inspectors.

(2) No person should be permitted to operate a crane who cannot speak and read the English language, or who is under eighteen years of age.

(3) No person shall be permitted to operate a crane whose hearing or eye-sight is impaired, or who may be suffering from heart disease or similar ailments. The following physical qualifications shall be minimum requirements for overhead and gantry crane operators and trainees:

(a) They shall have vision of at least 20/30 in one eye, and 20/50 in the other, with or without corrective lenses.

(b) They shall be able to distinguish colors, regardless of position of colors, if color differential is required for operation.

(c) Their hearing, with or without hearing aid, must be adequate for a specific operation.

(d) They shall have sufficient strength, endurance, agility, coordination, and speed of reaction to meet the demands of equipment operation.

(e) They shall have normal depth perception, field of vision, reaction time, manual dexterity, coordination and no tendencies to dizziness or similar undesirable characteristics.

(f) Evidence of physical defects, or emotional instability which could render the operator or trainee a hazard to their self or others, or could interfere with their safe performance may be sufficient cause for disqualification. In such cases, specialized clinical or medical judgments or tests shall be required (which include annual medical certification for recovered heart attack patients).

(g) Evidence that an operator or trainee is subject to seizures or loss of physical control shall be sufficient reason for disqualification. Specialized medical tests shall be required to substantiate these conditions.

(4) Persons who have recovered from a heart attack shall be exempted from the provisions of subsection (3) of this section, as it pertains to their heart condition, provided:

(a) A medical release is obtained from their attending medical doctor.

(b) The release shall state that the operation of a crane will not present a hazard to their self or others.

(c) An examination by a medical doctor, and renewal of the work release certification is required annually.

(5) The operator shall familiarize himself fully with all crane rules and with the crane mechanism and its proper care. If adjustments or repairs are necessary, he shall report the same at once to the proper authority.

~~((5))~~ (6) The operator shall not eat, smoke or read while actually engaged in the operation of the crane, or operate the crane when he is physically unfit.

~~((6))~~ (7) The operator or someone especially designated shall properly lubricate all working parts of the crane.

~~((7))~~ (8) Cranes shall be kept clean.

~~((8))~~ (9) Whenever the operator finds the main or emergency switch open, he shall not close it, even when starting on regular duty, until he has made sure that no one is on or about the crane. He shall not oil or repair the crane unless the main switch is open.

~~((9))~~ (10) If the power goes off, the operator shall immediately throw all controllers to "off" position until the power is again available.

~~((10))~~ (11) Before closing the main switch the operator shall make sure that all controllers are in "off" position until the power is again available.

~~((11))~~ (12) The operator shall recognize signals only from the man who is supervising the lift. Operating signals shall follow an established standard. Whistle signals may be used where one crane only is in operation.

~~((12))~~ (13) Bumping into runway stops or other cranes shall be avoided. When the operator is ordered to

engage with or push other cranes, he shall do so with special care for the safety of persons on or below cranes.

~~((+3))~~ (14) When lowering a load, the operator shall proceed carefully and make sure that he has the load under safe control.

~~((+4))~~ (15) When leaving the cage the operator shall throw all controllers to "off" position and open the main switch.

~~((+5))~~ (16) If the crane is located out-of-doors the operator shall lock the crane in a secure position to prevent it from being blown along or off the track by a severe wind.

~~((+6))~~ (17) Operators shall not permit anyone to ride on the load or hooks, unless using a lifeline or safety device approved by the department.

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

WAC 296-24-260 HELICOPTERS. (1) Helicopter regulations. Helicopter cranes shall be expected to comply with any applicable regulations of the Federal Aviation Administration.

(2) Briefing. Prior to each day's operation, a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(3) Slings and tag lines. Load shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swedged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(4) Cargo hooks. All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(5) Personal protective equipment.

(a) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chin straps.

(b) Loose-fitting clothing likely to flap in the downwash and thus be snagged on hoist line shall not be worn.

(6) Loose gear and objects. Every practical precaution shall be taken to provide for the protection of the employees from flying objects in the rotor downwash. All loose gear within ~~((+00))~~ one hundred feet of the place of lifting the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(7) Housekeeping. Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(8) Operator responsibility. The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(9) Hooking and unhooking loads. Employees shall not perform work under hovering craft except for that

limited period of time necessary to guide, secure and unhook loads, or to hook loads. Regardless of whether the hooking or unhooking of a load takes place on the ground or a flat roof, or other location in an elevated work position in structural members, a safe means of access and egress, to include an unprogrammed emergency escape route or routes, shall be provided for the employees who are hooking or unhooking loads.

(10) Static charge. Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(11) Weight limitation. The weight of an external load shall not exceed the manufacturer's rating.

(12) Ground lines. Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(13) Visibility. When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.

(14) Signal systems. Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Handsignals shall be as shown in Figure L-1.

(15) Approach distance. No unauthorized person shall be allowed to approach within ~~((50))~~ fifty feet of the helicopter when the rotor blades are turning.

(16) Approaching helicopter. Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(17) Personnel. Sufficient ground personnel shall be provided when required for safe helicopter loading and unloading operations.

(18) Communications. There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a signalman during the period of loading and unloading. This signalman shall be distinctly recognizable from other ground personnel.

(19) Fires. Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(20) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (Turbine) type fuel be permitted while the engines are running.

(21) Helicopters using Jet A (Turbine-Kerosene) type fuel may be refueled with engines running provided the following criteria is met:

(a) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(b) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for class A, B and C

fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

(c) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of the available fire extinguishing equipment they may be expected to utilize.

(d) There shall be no smoking, open flames, exposed flame heaters, flare pots, or open flame lights within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(e) Due to the numerous causes of static electricity, it shall be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter. The use of conductive hose shall not be accepted to accomplish this bonding. All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(f) To control spills, fuel shall be pumped either by hand or power. Pouring or gravity flow shall not be permitted. Self-closing nozzles or deadman controls shall be used and shall not be blocked open. Nozzles shall not be dragged along the ground.

(g) In case of a spill, the fueling operation shall be immediately stopped until such time as the person-in-charge determines that it is safe to resume the refueling operation.

(h) When ambient temperatures have been in the one hundred degrees Fahrenheit range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(22) Helicopters with their engines stopped being refueled with aviation gasoline or Jet B (Turbine) type fuel, shall also comply with subsection (21)(a) through (g) of this section.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-24-33011 INDUSTRIAL PLANTS. (1) Scope.

(a) Application. This paragraph shall apply to those industrial plants where:

(i) The use of flammable or combustible liquids is incidental to the principal business, or

(ii) Where flammable or combustible liquids are handled or used only in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical reaction. This section shall not apply to chemical plants, refineries or distilleries.

(b) Exceptions. Where portions of such plants involve chemical reactions such as oxidation, reduction, halogenation, hydrogenation, alkylation, polymerization, and other chemical processes, those portions of the plant shall be in accordance with WAC 296-24-33017.

(2) Incidental storage or use of flammable and combustible liquids.

(a) Application. This shall be applicable to those portions of an industrial plant where the use and handling of flammable or combustible liquids is only incidental to the principal business, such as automobile assembly, construction of electronic equipment, furniture manufacturing, or other similar activities.

(b) Containers. Flammable or combustible liquids shall be stored in tanks or closed containers.

(i) Except as provided in ((2)) (b)(ii) and (iii) of this ((section)) subsection all storage shall comply with WAC 296-24-33009 (3) or (4).

(A) When the only operation involved is the storage of flammables in containers or tanks that are closed and remain closed throughout the storage, WAC 296-24-33009(5) and tables H-14 and H-15 will apply.

(B) When the procedure involved is mixing, transferring, or other exposure of liquids to vaporization through operational procedures in which containers or tanks do not remain closed in the storage area, WAC 296-24-33009(4) and table H-13 shall be used to determine permissible quantities.

(ii) The quantity of liquid that may be located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building shall not exceed:

(A) ((25)) Twenty-five gallons of Class IA liquids in containers.

(B) ((120)) One hundred twenty gallons of Class IB, IC, II, or III liquids in containers.

(C) ((660)) Six hundred sixty gallons of Class IB, IC, II, or III liquids in a single portable tank.

(iii) Where large quantities of flammable or combustible liquids are necessary, storage may be in tanks which shall comply with the applicable requirements of WAC 296-24-33005.

(c) Separation and protection. Areas in which flammable or combustible liquids are transferred from one tank or container to another container shall be separated from other operations in the building by adequate distance or by construction having adequate fire resistance. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided.

(d) Handling liquids at point of final use.

(i) Flammable liquids shall be kept in covered containers when not actually in use.

(ii) Where flammable or combustible liquids are used or handled, except in closed containers, means shall be provided to dispose promptly and safely of leakage or spills.

(iii) Class I liquids may be used only where there are no open flames or other sources of ignition within the possible path of vapor travel.

(iv) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or portable tanks within a building only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container or portable tanks by gravity through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks shall be prohibited.

(3) Unit physical operations.

(a) Application. This (~~subdivision~~) subsection (3) shall be applicable in those portions of industrial plants where flammable or combustible liquids are handled or used in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical change. Examples are plants compounding cosmetics, pharmaceuticals, solvents, cleaning fluids, insecticides, and similar types of activities.

(b) Location. Industrial plants shall be located so that each building or unit of equipment is accessible from at least one side for firefighting and fire control purposes. Buildings shall be located with respect to lines of adjoining property which may be built upon as set forth in WAC 296-24-33017 (2)(a) and (b) except that the blank wall referred to in WAC 296-24-33017 (2)(b) shall have a fire resistance rating of at least ((2)) two hours.

(c) Chemical processes. Areas where unstable liquids are handled or small scale unit chemical processes are carried on shall be separated from the remainder of the plant by a fire wall of ((2-hour)) two-hour minimum fire resistance rating.

(d) Drainage.

(i) Emergency drainage systems shall be provided to direct flammable or combustible liquid leakage and fire protection water to a safe location. This may require curbs, scuppers, or special drainage systems to control the spread of fire; see WAC 296-24-33005 (2)(g)(ii).

(ii) Emergency drainage systems, if connected to public sewers or discharged into public waterways, shall be equipped with traps or separators.

(iii) The industrial plant shall be designed and operated to prevent the normal discharge of flammable or combustible liquids into public waterways, public sewers, or adjoining property.

(e) Ventilation.

(i) Areas as defined in subsection (1)(a) of this section using Class I liquids shall be ventilated at a rate of not less than ((†)) one cubic foot per minute per square foot of solid floor area. This shall be accomplished by natural or mechanical ventilation with discharge or exhaust to a safe location outside of the building. Provision shall be made for introduction of makeup air in such a manner as not to short circuit the ventilation. Ventilation shall be arranged to include all floor areas or pits where flammable vapors may collect.

(ii) Equipment used in a building and the ventilation of the building shall be designed so as to limit flammable vapor-air mixtures under normal operating conditions to the interior of equipment, and to not more than ((5)) five feet from equipment which exposes Class I liquids to the air. Examples of such equipment are dispensing stations, open centrifuges, plate and frame filters, open vacuum filters, and surfaces of open equipment.

(f) Storage and handling. The storage, transfer, and handling of liquid shall comply with WAC 296-24-33017(4) of this section.

(4) Tank vehicle and tank car loading and unloading.

((†)) Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks,

warehouses, other plant buildings or nearest line of adjoining property which may be built upon by a distance of ((25)) twenty-five feet for Class I liquids and ((†5)) fifteen feet for Class II and Class III liquids measured from the nearest position of any fill stem. Buildings for pumps or shelters for personnel may be a part of the facility. Operations of the facility shall comply with the appropriate portions of WAC 296-24-33013(3).

(5) Fire control.

(a) Portable and special equipment. Portable fire extinguishment and control equipment shall be provided in such quantities and types as are needed for the special hazards of operation and storage.

(b) Water supply. Water shall be available in volume and at adequate pressure to supply water hose streams, foam-producing equipment, automatic sprinklers, or water spray systems as the need is indicated by the special hazards of operation, dispensing and storage.

(c) Special extinguishers. Special extinguishing equipment such as that utilizing foam, inert gas, or dry chemical shall be provided as the need is indicated by the special hazards of operation dispensing and storage.

(d) Special hazards. Where the need is indicated by special hazards of operation, flammable or combustible liquid processing equipment, major piping, and supporting steel shall be protected by approved water spray systems, deluge systems, approved fire-resistant coatings, insulation, or any combination of these.

(e) Maintenance. All plant fire protection facilities shall be adequately maintained and periodically inspected and tested to make sure they are always in satisfactory operating condition, and they will serve their purpose in time of emergency.

(6) Sources of ignition.

(a) General. Adequate precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames; lightning; smoking; cutting and welding; hot surfaces; frictional heat; static, electrical and mechanical sparks; spontaneous ignition, including heat-producing chemical reactions; and radiant heat.

(b) Grounding. Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of these standards shall be deemed to have been complied with.

(7) Electrical.

((†a) Equipment:

((†)) (a) All electrical wiring and equipment shall be installed according to the requirements of WAC 296-24-956 through 296-24-960.

((††)) (b) Locations where flammable vapor-air mixtures may exist under normal operations shall be classified Class I, Division 1 according to the requirements of WAC 296-24-956 through 296-24-960. For those pieces of equipment installed in accordance with the requirements of subsection (3)(e)(ii) of this section, the Division 1 area shall extend ((5)) five feet in all directions from all points of vapor liberation. All areas

within pits shall be classified Division 1 if any part of the pit is within a Division 1 or 2 classified area, unless the pit is provided with mechanical ventilation.

~~((iii))~~ (c) Locations where flammable vapor-air mixtures may exist under abnormal conditions and for a distance beyond Division 1 locations shall be classified Division 2 according to the requirements of WAC 296-24-956 through 296-24-960. These locations include an area within ~~((20))~~ twenty feet horizontally, ~~((3))~~ three feet vertically beyond a Division 1 area, and up to ~~((3))~~ three feet above floor or grade level within ~~((25))~~ twenty-five feet, if indoors, or ~~((10))~~ ten feet if outdoors, from any pump, bleeder, withdrawal fitting, meter, or similar device handling Class I liquids. Pits provided with adequate mechanical ventilation within a Division 1 or 2 area shall be classified Division 2. If Class II or Class III liquids only are handled, then ordinary electrical equipment is satisfactory though care shall be used in locating electrical apparatus to prevent hot metal from falling into open equipment.

~~((iv))~~ (d) Where the provisions of ~~((i), (ii) and (iii) of this section))~~ (a), (b), and (c) of this subsection require the installation of electrical equipment suitable for Class I, Division 1 or Division 2 locations, ordinary electrical equipment including switchgear may be used if installed in a room or enclosure which is maintained under positive pressure with respect to the hazardous area. Ventilation makeup air shall be uncontaminated by flammable vapors.

(8) Repairs to equipment. Hot work, such as welding or cutting operations, use of spark-producing power tools, and chipping operations shall be permitted only under supervision of an individual in responsible charge. The individual in responsible charge shall make an inspection of the area to be sure that it is safe for the work to be done and that safe procedures will be followed for the work specified.

(9) Housekeeping.

(a) General. Maintenance and operating practices shall be in accordance with established procedures which will tend to control leakage and prevent the accidental escape of flammable or combustible liquids. Spills shall be cleaned up promptly.

(b) Access. Adequate aisles shall be maintained for unobstructed movement of personnel and so that fire protection equipment can be brought to bear on any part of flammable or combustible liquid storage, use, or any unit physical operation.

(c) Waste and residue. Combustible waste material and residues in a building or unit operating area shall be kept to a minimum, stored in covered metal receptacles and disposed of daily.

(d) Clear zone. Ground area around buildings and unit operating areas shall be kept free of weeds, trash, or other unnecessary combustible materials.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-37003 SPRAY BOOTHS. (1) Construction. Spray booths shall be substantially constructed of steel, securely and rigidly supported, or of concrete or

masonry except that aluminum or other substantial non-combustible material may be used for intermittent or low volume spraying. Spray booths shall be designed to sweep air currents toward the exhaust outlet.

(2) Interiors. The interior surfaces of spray booths shall be smooth and continuous without edges and otherwise designed to prevent pocketing of residues and facilitate cleaning and washing without injury.

(3) Floors. The floor surface of a spray booth and operator's working area, if combustible, shall be covered with noncombustible material of such character as to facilitate the safe cleaning and removal of residues.

(4) Distribution or baffle plates. Distribution or baffle plates, if installed to promote an even flow of air through the booth or cause the deposit of overspray before it enters the exhaust duct, shall be of noncombustible material and readily removable or accessible on both sides for cleaning. Such plates shall not be located in exhaust ducts.

(5) Dry type overspray collectors—(Exhaust air filters). In conventional dry type spray booths, overspray dry filters or filter rolls, if installed, shall conform to the following:

(a) The spraying operations except electrostatic spraying operations shall be so designed, installed and maintained that the average air velocity over the open face of the booth (or booth cross section during spraying operations) shall be not less than 100 linear feet per minute. Electrostatic spraying operations may be conducted with an air velocity over the open face of the booth of not less than 60 linear feet per minute, or more, depending on the volume of the finishing material being applied and its flammability and explosion characteristics. Visible gauges or audible alarm or pressure activated devices shall be installed to indicate or insure that the required air velocity is maintained. Dry spray booths equipped with a filter roll which is automatically advanced when the air velocity is reduced to that specified in this section should be arranged to cause shutdown of spraying operations if the filter roll fails to advance automatically. Maintenance procedures should be established to assure replacing filter pads before excessive restriction to airflow occurs. Filter pads should be inspected after each period of use and clogged filter pads discarded and replaced. Filter rolls shall be inspected to insure proper replacement of filter media.

(b) All discarded filter pads and filter rolls shall be immediately removed to a safe, well-detached location or placed in a water-filled metal container and disposed of at the close of the day's operation unless maintained completely in water.

(c) The location of filters in a spray booth shall be so as to not reduce the effective booth enclosure of the articles being sprayed.

(d) Space within the spray booth on the downstream and upstream sides of filters shall be protected with an approved automatic sprinkler((s)) system meeting one of the following requirements:

(i) An automatic sprinkler system as defined in WAC 296-24-607; or

(ii) A fixed dry chemical extinguishing system as defined in WAC 296-24-622; or

(iii) A fixed carbon dioxide gaseous agent system as defined in WAC 296-24-623.

(e) Filters or filter rolls shall not be used when applying a spray material known to be highly susceptible to spontaneous heating and ignition.

(f) Clean filters or filter rolls shall be noncombustible or of a type having a combustibility not in excess of Class 2 filters as listed by Underwriters' Laboratories, Inc. Filters and filter rolls shall not be alternately used for different types of coating materials, where the combination of materials may be conducive to spontaneous ignition. See also WAC 296-24-37013(6).

(6) Frontal area. Each spray booth having a frontal area larger than 9 square feet shall have a metal deflector or curtain not less than 2 1/2 inches deep installed at the upper outer edge of the booth over the opening.

(7) Conveyors. Where conveyors are arranged to carry work into or out of spray booths, the openings therefor shall be as small as practical.

(8) Separation of operations. Each spray booth shall be separated from other operations by not less than 3 feet, or by a greater distance, or by such partition or wall as to reduce the danger from juxtaposition of hazardous operations. See also WAC 296-24-37005(1).

(9) Cleaning. Spray booths shall be so installed that all portions are readily accessible for cleaning. A clear space of not less than 3 feet on all sides shall be kept free from storage or combustible construction.

(10) Illumination. When spraying areas are illuminated through glass panels or other transparent materials, only fixed lighting units shall be used as a source of illumination. Panels shall effectively isolate the spraying area from the area in which the lighting unit is located, and shall be of a noncombustible material of such a nature or so protected that breakage will be unlikely. Panels shall be so arranged that normal accumulations of residue on the exposed surface of the panel will not be raised to a dangerous temperature by radiation or conduction from the source of illumination.

AMENDATORY SECTION (Amending Order 81-32, filed 12/24/81)

WAC 296-24-567 EMPLOYEE EMERGENCY PLANS AND FIRE PREVENTION PLANS. (1) Emergency action plan.

(a) Scope and application. This subdivision applies to all emergency action plans required by a particular WISHA standard. The emergency action plan shall be in writing (~~((except as provided in the last sentence of (1)(c)(iii) of this section))~~), and shall cover those designated actions employers and employees must take to ensure employee safety from fire and other emergencies.

(b) Elements. The following elements, at a minimum, shall be included in the plan:

(i) Emergency escape procedures and emergency escape route assignments;

(ii) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;

(iii) Procedures to account for all employees after emergency evacuation has been completed;

(iv) Rescue and medical duties for those employees who are to perform them;

(v) The preferred means of reporting fires and other emergencies; and

(vi) Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.

(c) Alarm systems.

(i) The employer shall establish an employee alarm system which complies with WAC 296-24-631.

(ii) If the employee alarm system is used for alerting fire brigade members, or for other purposes, a distinctive signal for each purpose shall be used.

(d) Evacuation. The employer shall establish in the emergency action plan the types of evacuation to be used in emergency circumstances.

(e) Training.

(i) Before implementing the emergency action plan, the employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees.

(ii) The employer shall review the plan with each employee covered by the plan at the following times:

(A) Initially when the plan is developed;

(B) Whenever the employee's responsibilities or designated actions under the plan change; and

(C) Whenever the plan is changed.

(iii) The employer shall review with each employee upon initial assignment those parts of the plan which the employee must know to protect the employee in the event of an emergency. The written plan shall be kept at the workplace and made available for employee review. (~~((For those employers with ten or fewer employees the plan may be communicated orally to employees and the employer need not maintain a written plan.))~~)

(2) Fire prevention plan.

(a) Scope and application. This subsection applies to all fire prevention plans required by a particular WISHA standard. The fire prevention plan shall be in writing (~~((except as provided in the last sentence of (2)(d)(ii) of this section))~~).

(b) Elements. The following elements, at a minimum, shall be included in the fire prevention plan:

(i) A list of the major workplace fire hazards and their proper handling and storage procedures, potential ignition sources (such as welding, smoking and others) and their control procedures, and the type of fire protection equipment or systems which can control a fire involving them;

(ii) Names or regular job titles of those personnel responsible for maintenance of equipment and systems installed to prevent or control ignitions or fires; and

(iii) Names or regular job titles of those personnel responsible for control of fuel source hazards.

(c) Housekeeping. The employer shall control accumulations of flammable and combustible waste materials and residues so that they do not contribute to a fire emergency. The housekeeping procedures shall be included in the written fire prevention plan.

(d) Training.

(i) The employer shall apprise employees of the fire hazards of the materials and processes to which they are exposed.

(ii) The employer shall review with each employee upon initial assignment those parts of the fire prevention plan which the employee must know to protect the employee in the event of an emergency. The written plan shall be kept in the workplace and made available for employee review. ~~((For those employers with ten or few employees, the plan may be communicated orally to employees and the employer need not maintain a written plan.))~~

(e) Maintenance. The employer shall regularly and properly maintain, according to established procedures, equipment and systems installed on heat producing equipment to prevent accidental ignition of combustible materials. The maintenance procedures shall be included in the written fire prevention plan.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-24-66313 OPERATION. (1) Only tools meeting the requirements of this standard shall be used.

(2) Only qualified operators shall operate tools.

(3) The lowest velocity class of tool that will properly set the fastener shall be used.

(4) Tools shall be operated in strict accordance with the manufacturer's instructions.

(5) Eye or face protection, or both, shall be worn by operators, assistants, and adjacent personnel when tool is in use. Hearing protection shall be used when making fastenings in confined areas.

(6) Each day, prior to use, the operator shall inspect the tool to determine that it is in proper working condition in accordance with the testing methods recommended by the manufacturer of the tool.

(7) Any tool found not to be in proper working condition shall be immediately removed from service and tagged "DEFECTIVE"; it shall not be used until it has been properly repaired in accordance with the manufacturer's instructions.

(8) The proper shield, fixture, adapter, or accessory, suited for the application, as recommended and supplied by the manufacturer, shall be used.

(9) Only those types of fasteners and power loads recommended by the tool manufacturer shall be used.

(10) Before fastening into any questionable material, the operator shall determine its suitability by using a fastener as a center punch. If the fastener point does not easily penetrate, is not blunted, and does not fracture the material, initial test fastenings shall then be made in accordance with the tool manufacturer's recommendations. (See WAC 296-24-66315(3).)

(11) No tool shall be loaded unless it is being prepared for immediate use. If the work is interrupted after loading, the tool shall be unloaded at once.

(12) Powder actuated magazine or clip-fed tools are not considered loaded unless a power load is actually in the ram (firing chamber), even though the magazine or clip is inserted in the tool. If work is interrupted, the firing chamber shall be cleared and the magazine or clip removed.

(13) Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are to be pointed at any person; hands shall be kept clear of the open barrel end.

~~((+3))~~ (14) The tool shall always be held perpendicular to the work surface when fastening into any material, except for specific applications recommended by the tool manufacturer.

~~((+4))~~ (15) In the event of a misfire, the operator shall hold the tool firmly against the work surface for a period of thirty seconds and then follow the explicit instructions set forth in the manufacturer's instructions.

~~((+5))~~ (16) Power loads of different power levels and types shall be kept in separate compartments or containers.

~~((+6))~~ (17) A sign, at least 20 x 25 cm (8 x 10 in), using boldface type no less than 2.5 cm (1 in) in height, shall be posted in plain sight on all construction projects where tools are used. The sign shall bear wording similar to the following: "POWDER ACTUATED TOOL IN USE."

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-68201 GENERAL REQUIREMENTS. (1) Flammable mixture. Mixtures of fuel gases and air or oxygen may be explosive and shall be guarded against. No device or attachment facilitating or permitting mixtures of air or oxygen with flammable gases prior to consumption, except at the burner or in a standard torch, shall be allowed unless approved for the purpose.

(2) Maximum pressure. Under no condition shall acetylene be generated, piped (except in approved cylinder manifolds) or utilized at a pressure in excess of 15 p.s.i. gage pressure or 30 p.s.i. absolute pressure. (The 30 p.s.i. absolute pressure limit is intended to prevent unsafe use of acetylene in pressurized chambers such as caissons, underground excavations or tunnel construction.) This requirement does not apply to storage of acetylene dissolved in a suitable solvent in cylinders manufactured and maintained according to U.S. Department of Transportation requirements, or to acetylene for chemical use. The use of liquid acetylene shall be prohibited.

(3) Apparatus. Only approved apparatus such as torches, regulators or pressure-reducing valves, acetylene generators, and manifolds shall be used. Use of replacement tips will not nullify the "approved apparatus" status of a torch, if such replacement tips are made to the same specifications as the original tip of the torch at the time of approval by the nationally recognized testing laboratory, or if the use of such tips in conjunction with convertor/adaptors results in the same specifications as the original tip at the time of approval by the nationally recognized testing laboratory.

(4) Personnel. Workmen in charge of the oxygen or fuel-gas supply equipment, including generators, and oxygen or fuel-gas distribution piping systems shall be instructed and judged competent by their employers for this important work before being left in charge. Rules and instructions covering the operation and maintenance

of oxygen or fuel-gas supply equipment including generators, and oxygen or fuel-gas distribution piping systems shall be readily available.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-73505 AISLES AND PASSAGEWAYS. (1) Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repairs, with no obstruction across or in aisles that could create a hazard.

(2) Permanent aisles and passageways shall be appropriately marked. "Appropriate" does not limit the marking to printed lines on the floor only. Other appropriate methods may be marked pillars, powder stripping, flags, traffic cones, or barrels, provided they are maintained in good repair and the recognition of such markings are included in the training programs for vehicle operators and employees.

(3) All trestles in connection with industrial plants on which cars run, which are also used as walkways for workmen, shall be equipped with a walkway on the outer edge, so located as to give safe minimum clearance of three feet to cars. Such walkways shall be equipped with standard rails. Where a trestle crosses a driveway or passageway the trestle over such points shall be solidly boarded over.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-24-75011 RAILING, TOEBOARDS, AND COVER SPECIFICATIONS. (1) A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of from ~~((36 to 42))~~ thirty-six to forty-two inches nominal from upper surface of top rail to floor, platform, runway, or ramp level. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.

(2) A stair railing shall be of construction similar to a standard railing but the vertical height shall be not more than ~~((34))~~ thirty-four inches nor less than ~~((30))~~ thirty inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.

(3) Minimum requirements for standard railings under various types of construction are specified in this subsection. Dimensions specified are based on the U.S. Department of Agriculture Wood Handbook, No. 72, 1955 (No. 1 [S4S] Southern Yellow Pine [Modulus of Rupture 7,400 p.s.i.]) for wood; ANSI G 41.5-1970, American National Standard Specifications for Structural Steel, for structural steel; and ANSI B 125.1-1970, American National Standard Specifications for Welded and Steamless Steel Pipe, for pipe.

(a) For wood railings, the posts shall be of at least ~~((2))~~ two-inch by ~~((4))~~ four-inch nominal stock spaced

not to exceed ~~((6))~~ six feet; the top and intermediate rails shall be of at least ~~((2))~~ two-inch by ~~((4))~~ four-inch nominal stock. If top rail is made of two right-angle pieces of ~~((1))~~ one-inch by ~~((4))~~ four-inch stock, posts may be spaced on ~~((8))~~ eight-foot centers, with ~~((2))~~ two-inch by ~~((4))~~ four-inch intermediate rail.

(b) For pipe railings, posts and top and intermediate railings shall be at least ~~((1 1/2))~~ one and one-half inches nominal diameter (outside diameter) with posts spaced not more than ~~((8))~~ eight feet on centers.

(c) For structural steel railings, posts and top and intermediate rails shall be of ~~((2))~~ two-inch by ~~((3/8))~~ three-eighths-inch angles or other metal shapes of equivalent bending strength with posts spaced not more than ~~((8))~~ eight feet on centers.

(d) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least ~~((200))~~ two hundred pounds applied in any direction at any point on the top rail.

(e) Other types, sizes, and arrangements of railing construction are acceptable provided they meet the following conditions:

(i) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of from ~~((36 to 42))~~ thirty-six to forty-two inches nominal;

(ii) A strength to withstand at least the minimum requirement of ~~((200))~~ two hundred pounds top rail pressure;

(iii) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(iv) Elimination of overhang of rail ends unless such overhang does not constitute a hazard; such as, baluster railings, scrollwork railings, paneled railings.

(4) A standard toeboard shall be a minimum of ~~((4))~~ four inches nominal in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and with not more than ~~((1/4))~~ one-quarter-inch clearance above floor level. It may be made of any substantial material either solid or with openings not over ~~((1))~~ one inch in greatest dimension.

Where material is piled to such height that a standard toeboard does not provide protection, paneling from floor to intermediate rail, or to top rail shall be provided.

(5) A handrail shall consist of a lengthwise member mounted directly on a wall or partition by means of brackets attached to the lower side of the handrail so as to offer no obstruction to a smooth surface along the top and both sides of the handrail. The handrail shall be of rounded or other section that will furnish an adequate handhold for anyone grasping it to avoid falling. The ends of the handrail should be turned in to the supporting wall or otherwise arranged so as not to constitute a projection hazard.

(a) The height of handrails shall be not more than ~~((34))~~ thirty-four inches nor less than ~~((30))~~ thirty inches from upper surface of handrail to surface of tread in line with face of riser or to surface of ramp.

(b) The size of handrails shall be: When of hardwood, at least ~~((2))~~ two inches in diameter; when of metal

pipe, at least ~~((1-1/2))~~ one and one-half inches in diameter. The length of brackets shall be such as will give a clearance between handrail and wall or any projection thereon of at least ~~((1-1/2))~~ one and one-half inches. The spacing of brackets shall not exceed ~~((8))~~ eight feet.

(c) The mounting of handrails shall be such that the completed structure is capable of withstanding a load of at least ~~((200))~~ two hundred pounds applied in any direction at any point on the rail.

(6) All handrails and railings shall be provided with a clearance of not less than ~~((1-1/2))~~ one and one-half inches between the handrail or railing and any other object.

(7) Floor opening covers may be of any material that meets the following strength requirements:

(a) Trench or conduit covers and their supports, when located in plant roadways, shall be designed to carry a truck rear-axle load of at least ~~((20,000))~~ twenty thousand pounds.

(b) Manhole covers and their supports, when located in plant roadways, shall comply with local standard highway requirements if any; otherwise, they shall be designed to carry a truck rear-axle of at least ~~((20,000))~~ twenty thousand pounds.

(c) The construction of floor opening covers may be of any material that meets the strength requirements. Covers projecting not more than ~~((+))~~ one inch above the floor level may be used providing all edges are chamfered to an angle with the horizontal of not over ~~((30))~~ thirty degrees. All hinges, handles, bolts, or other parts shall set flush with the floor or cover surface.

(8) Skylight screens shall be of such construction and mounting that they are capable of withstanding a load of at least ~~((200))~~ two hundred pounds applied perpendicularly at any one area on the screen. They shall also be of such construction and mounting that under ordinary loads or impacts, they will not deflect downward sufficiently to break the glass below them. The construction shall be of grillwork with openings not more than ~~((4))~~ four inches long or of slatwork with openings not more than ~~((2))~~ two inches wide with length unrestricted.

(9) Wall opening barriers (rails, rollers, picket fences, and half doors) shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least ~~((200))~~ two hundred pounds applied in any direction (except upward) at any point on the top rail or corresponding member.

(10) Wall opening grab handles shall be not less than ~~((12))~~ twelve inches in length and shall be so mounted as to give ~~((1-1/2))~~ one and one-half inches clearance from the side framing of the wall opening. The size, material, and anchoring of the grab handle shall be such that the completed structure is capable of withstanding a load of at least ~~((200))~~ two hundred pounds applied in any direction at any point of the handle.

(11) Wall opening screens shall be of such construction and mounting that they are capable of withstanding a load of at least ~~((200))~~ two hundred pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grillwork with

openings not more than ~~((8))~~ eight inches long, or of slatwork with openings not more than ~~((4))~~ four inches wide with length unrestricted.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-76511 ANGLE OF STAIRWAY RISE. (1) Fixed stairs shall be installed at angles to the horizontal of between ~~((30° and 50°))~~ thirty degrees and fifty degrees. Any uniform combination of rise/tread dimensions may be used that will result in a stairway at any angle to the horizontal within the permissible range. Table D-1 gives rise/tread dimensions which will produce a stairway within the permissible range, stating the angle to the horizontal produced by each combination. However, the rise/tread combinations are not limited to those given in Table D-1.

(2) Because of space limitations a permanent stairway sometimes has to be installed at an angle above the fifty degree critical angle. Such installations are commonly called inclined ladders or ship's ladders, which shall have handrails on both sides and open risers. They shall be capable of sustaining a live load of one hundred pounds per square foot with a safety factor of four. The following preferred and critical angles from the horizontal shall be considered for inclined ladders and ship's ladders:

(a) Thirty-five to sixty degrees - Preferred angle from horizontal.

(b) Sixty to seventy degrees - Critical angle from horizontal.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-92005 INSPECTION OF LOW-PRESSURE CYLINDERS EXEMPT FROM THE HYDROSTATIC TEST INCLUDING ACETYLENE CYLINDERS. (1) Application. This section covers cylinders of the type that are exempt from the hydrostatic retest requirements of the DOT by virtue of their exclusive use in certain noncorrosive gas service. They are not subject to internal corrosion and do not require internal shell inspection.

(2) Preparation for inspection. Rust, scale, caked paint, etc., shall be removed from the exterior surface so that the surface can be adequately observed. Facilities shall be provided for inverting the cylinder to facilitate inspection of the bottom. This is important because experience has shown this area to be the most susceptible to corrosion.

(3) Exterior inspection. Cylinders shall be checked as outlined below for corrosion, general distortion, or any other defect that might indicate a weakness which would render it unfit for service.

(a) To fix corrosion limits for all types, designs, and sizes of cylinders, and include them in this section is not practicable. Cylinders categorized by this section and subsection (1) of this section shall meet the following requirements ((of WAC 296-24-92005(3))). Failure to meet any of these requirements is of itself cause for rejection of a cylinder. Rejected cylinders shall be removed

from the work place. Rejected cylinders may be returned to the manufacturer for reinspection.

(i) A cylinder shall be rejected when the tare weight is less than ~~((95))~~ ninety-five percent of the original tare weight marked on the cylinder. When determining tare weight, be sure that the cylinder is empty.

(ii) A cylinder shall be rejected when the remaining wall in an area having isolated pitting only is less than one-third of the minimum allowable wall thickness as determined under ~~((WAC 296-24-92005-3))~~(b) ~~(3)(d))~~ (b) and (d) of this subsection.

(iii) A cylinder shall be rejected when line corrosion on the cylinder is ~~((3))~~ three inches in length or over and the remaining wall is less than three-fourths of the minimum allowable wall thickness or when line corrosion is less than ~~((3))~~ three inches in length and the remaining wall thickness is less than one-half the minimum allowable wall thickness as determined under ~~((WAC 296-24-92005-3))~~(b) through ~~((3))~~(d) of this subsection.

(iv) A cylinder shall be rejected when the remaining wall in an area of general corrosion is less than one-half of the minimum allowable wall thickness as determined under ~~((WAC 296-24-92005-3))~~(b) through ~~((3))~~(d) of this subsection.

(b) To use the criteria in ~~((WAC 296-24-92005-3))~~(a) of this subsection, it is necessary to know the original wall thickness of the cylinder or the minimum allowable wall thickness. Table M-1 lists the minimum allowable wall thickness under DOT specifications (49 CFR Ch. 1) for a number of common size low-pressure cylinders.

TABLE M-1

Cylinder size O.D. x length (inches)	DOT Specification marking	Nominal water capacity (pounds)	Minimum allowable wall thickness (inches)
15 x 46	4B240 ¹	239	0.128
14 13/16 x 47	4E240	239	.140
14 15/16 x 46	4BA240	239	.086
14 11/16 x 28 3/8	4BA240	143	.086
11 29/32 x 32 11/16	4BA240	95	.078
11 29/32 x 18 11/32	4BA240	48	.078

¹ Without longitudinal seam.

(c) When the wall thickness of the cylinder at manufacture is not known, and the actual wall thickness cannot be measured, this cylinder shall be rejected when the inspection reveals that the deepest pit in a general corrosion area exceeds three sixty-fourths inch. This is arrived at by considering that in no case shall the pitting exceed one-half the minimum allowable wall thickness which is 0.064 inch. When a pit measures 0.043 inch (approximately three sixty-fourths inch) in a corrosion area, general corrosion will already have removed 0.021 inch of the original wall and the total pit depth as compared to the initial wall will be 0.064 inch.

(d) When the original wall thickness at manufacture is known, or the actual wall thickness is measured, this thickness less one and one-half times the maximum measured pit depth shall be 0.064 inch or greater. If it is less, the cylinder shall be rejected.

(e) Dents are of concern where the metal deformation is sharp and confined, or where they are near a weld. Where metal deformation is not sharp, dents of larger magnitude can be tolerated.

(f) Where denting occurs so that any part of the deformation includes a weld, the maximum allowable dent depth shall be one-fourth inch.

(g) When denting occurs so that no part of the deformation includes a weld, the cylinder shall be rejected if the depth of the dent is greater than one-tenth of the mean diameter of the dent.

(h) Cuts, gouges, or digs reduce the wall thickness of the cylinder and in addition are considered to be stress raisers. Depth limits are set in these standards; however, cylinders shall be rejected at one-half of the limit set whenever the length of the defect is ~~((3))~~ three inches or more.

(i) When the original wall thickness at manufacture is not known, and the actual wall thickness cannot be measured a cylinder shall be rejected if the cut, gouge, or dig exceeds one-half of the minimum allowable wall thickness as determined under ~~((WAC 296-24-92005-3))~~(b) through ~~((3))~~(d) of this subsection.

(ii) When the original wall thickness at manufacture is known, or the actual wall thickness is measured, a cylinder shall be rejected if the original wall thickness minus the depth of the defect is less than one-half of the minimum allowable wall thickness as determined under ~~((WAC 296-24-92005-3))~~(b) through ~~((3))~~(d) of this subsection.

(i) Leaks can originate from a number of sources, such as defects in a welded or brazed seam, defects at the threaded opening, or from sharp dents, digs, gouges, or pits.

(i) To check for leaks, the cylinder shall be charged and carefully examined. All seams and pressure openings shall be coated with a soap or other suitable solution to detect the escape of gas. Any leakage is cause for rejection.

(ii) Safety relief devices as defined in WAC 296-24-93001(1) shall be tested for leaks before a charged cylinder is shipped from the cylinder filling plant.

(j) After fire damage, cylinders shall be carefully inspected for evidence of exposure to fire.

(i) Common evidences of exposure to fire are:

(A) Charring or burning of the paint or other protective coat.

(B) Burning or sintering of the metal.

(C) Distortion of the cylinder.

(D) Melted out fuse plugs.

(E) Burning or melting of valve.

(ii) The evaluation of fire damage by DOT regulations state that, "a cylinder which has been subjected to the action of fire must not again be placed in service until it has been properly reconditioned," in accordance with 49 CFR 173.34(f). The general intent of this requirement is to remove from service cylinders which have been subject to the action of fire which has changed the metallurgical structure or the strength properties of the steel, or in the case of acetylene cylinders caused breakdown of porous filler. This is normally determined by visual examination as covered above with particular emphasis

to the condition of the protective coating. If the protective coating has been burnt off or if the cylinder body is burnt, warped, or distorted, it is assumed that the cylinder has been overheated and 49 CFR 173.34(f) shall be complied with. If, however, the protective coating is only dirtied from smoke or other debris, and is found by examination to be intact underneath, the cylinder shall not be considered affected within the scope of this requirement.

(k) Cylinders are manufactured with a reasonably symmetrical shape. Cylinders which have definite visible bulges shall be removed from service and evaluated. Cylinders shall be rejected when a variation of ((+)) one percent or more is found in the measured circumferences or in peripheral distances measured from the valve spud to the center seam (of equivalent fixed point).

(l) Cylinder necks shall be examined for serious cracks, folds, and flaws. Neck cracks are normally detected by testing the neck during charging operations with a soap solution.

(m) Cylinder neck threads shall be examined whenever the valve is removed from the cylinder. Cylinders shall be rejected if the required number of effective threads are materially reduced, or if a gas tight seal cannot be obtained by reasonable valving methods. Gages shall be used to measure the number of effective threads.

(n) If the valve is noticeably tilted the cylinder shall be rejected.

(o) The footing and heading of cylinders may become so distorted through service abuse that they no longer perform their functions:

(i) To cause the cylinder to remain stable and upright.

(ii) To protect the valve. Rings shall be examined for distortion; for looseness, and for failure of welds. Appearances may often warrant rejection of the cylinder.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-94003 **INSTALLATION AND EQUIPMENT REQUIREMENTS.** (1) Installation. Air receivers shall be so installed that all drains, hand-holes, and manholes therein are easily accessible. Air receivers should be supported with sufficient clearance to permit a complete external inspection and to avoid corrosion of external surfaces. Under no circumstances shall an air receiver be buried underground or located in an inaccessible place. The receiver should be located as close to the compressor or after-cooler as is possible in order to keep the discharge pipe short.

(2) Drains and traps. ~~((A drain pipe and valve shall be installed at the lowest point of every air receiver to provide for the removal of accumulated oil and water.))~~ All air receivers having an internal and external operating pressure exceeding 15 psi with no limitation on size, and air receivers having an inside diameter exceeding six inches, with no limitation on pressure, if subject to corrosion, shall be supplied with a drain pipe and valve at the lowest point in the vessel; or a pipe may be used extending inward from any other location to within one-quarter inch of the lowest point. Adequate automatic traps may be installed in addition to drain valves. The

drain valve on the air receiver shall be opened and the receiver completely drained frequently and at such intervals as to prevent the accumulation of ~~((excessive amounts of liquid))~~ oil and water in the receiver.

(3) Gages and valves.

(a) Every air receiver shall be equipped with an indicating pressure gage (so located as to be readily visible) and with one or more spring-loaded safety valves. The total relieving capacity of such safety valves shall be such as to prevent pressure in the receiver from exceeding the maximum allowable working pressure of the receiver by more than 10 percent.

(b) No valve of any type shall be placed between the air receiver and its safety valve or valves.

(c) Safety appliances, such as safety valves, indicating devices and controlling devices, shall be constructed, located, and installed so that they cannot be readily rendered inoperative by any means, including the elements.

(d) All safety valves shall be tested frequently and at regular intervals to determine whether they are in good operating condition.

AMENDATORY SECTION (Amending Order 83-19, filed 7/13/83, effective 9/12/83)

WAC 296-27-020 **DEFINITIONS.** (1) "Act" means the Washington Industrial Safety and Health Act of 1973, chapter 49.17 RCW, as now or hereafter amended.

(2) The definitions and interpretations included in RCW 49.17.020 shall be applicable to such terms when used in this chapter, unless a different interpretation is clearly required by the context.

(3) "Recordable occupational injuries or illnesses of employees" means any occupational injury or illness of employees which result in:

(a) Occupational fatalities, regardless of the length of time between injury and death, or the length of the illness preceding the time of death (no recording is required for fatalities occurring after a termination of employment, except when recording may otherwise be required by a specific industrial safety and health standard adopted pursuant to the act); or

(b) Lost workday cases, other than fatalities, that result in lost workdays (see subsection ~~((6))~~ (7) of this section); or

(c) Occupational illnesses, or nonfatal cases without lost workdays which result in transfer to another job or termination of employment, or require medical treatment (other than first aid) or involve loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost workday cases.

(4) "Medical treatment" means and includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel.

(5) "First-aid treatment" means any one-time treatment, and any follow-up visit or visits for the purpose of observation of minor scratches, cuts, burns, splinters and

so forth which do not ordinarily require professional medical care, the extent of treatment that could be expected to be given by a person trained in basic first-aid using supplies from a first-aid kit. Such one-time treatment and follow-up visit or visits for the purpose of observation are considered first aid even though provided by a physician or registered professional personnel. Tests, such as x-rays, shall not be confused with treatment.

(6) "Hospitalization" means to be sent to; to go to; or be admitted to a hospital or an equivalent medical facility and receive medical treatment beyond what would be generally classified as first-aid treatment.

(7) "Lost workdays":

(a) "Lost workdays - days away from work" means the number of days (consecutive or not) after the day of injury or illness which the employee would have worked but could not because of occupational injury or illness. The number of "lost workdays - days away from work," should not include the day of the injury, or the day the illness occurred, or any days which the employee was not scheduled to work; e.g. Saturday, Sunday, or holidays.

(b) "Lost workdays - days of restricted activity" means the number of workdays (consecutive or not) on which, because of the injury or illness:

(i) The employee was assigned to a temporary job; or

(ii) The employee worked at a permanent job less than full time; or

(iii) The employee worked at a permanently assigned job but could not perform all the duties normally assigned to that job.

The number of "lost workdays - days of restricted activity" should not include the day of the injury or the day the illness occurred, or any other days which the employee was not scheduled to work; e.g. Saturday, Sunday, or holidays, etc.

((7)) (8) "Establishment" means:

(a) A single physical location where business is conducted or where services or industrial operations are performed. (For example: A factory, mill, store, hotel, restaurant, movie theater, farm, ranch, bank, sales office, warehouse, or central administrative office.) Where distinctly separate activities are performed at a single physical location, such as contract construction activities operated from the same physical location as a lumber yard, each activity shall be treated as a separate establishment.

(b) For firms engaged in activities such as agriculture, construction, transportation, communications, electric, gas or sanitary services, which may be physically dispersed, "establishment" means a place to which employees report each day.

(c) For employees who do not primarily report or work at a single establishment, and who are generally not supervised in their daily work, such as travelling salesmen, technicians, engineers, etc., "establishment" means the location from which they are paid, or the base from which employees operate to carry out their activities.

((8)) (9) Establishments classified in standard industrial classification codes (SIC) 52 through 89.

(a) Establishments whose primary activity constitutes retail trade; finance, insurance, real estate and services are classified in SIC's 52 through 89.

(b) Retail trades are classified as SIC's 52 through 59 and for the most part include establishments engaged in selling merchandise to the general public for personal or household consumption. Some of the retail trades are: Automotive dealers, apparel and accessory stores, furniture and home furnishing stores, and eating and drinking places.

(c) Finance, insurance and real estate are classified as SIC's 60 through 67 and include establishments which are engaged in banking, credit other than banking, security dealings, insurance, and real estate.

(d) Services are classified as SIC's 70 through 89 and include establishments which provide a variety of services for individuals, businesses, government agencies, and other organizations. Some of the service industries are: Personal and business services, in addition to legal, education, social, and cultural; and membership organizations.

(e) The primary activity of an establishment is determined as follows: For finance, insurance, real estate, and services establishments, the value of receipts or revenue for services rendered by an establishment determines its primary activity. In establishments with diversified activities, the activities determined to account for the largest share of production, sales or revenue will identify the primary activity. In some instances these criteria will not adequately represent the relative economic importance of each of the varied activities. In such cases, employment or payroll should be used in place of the normal basis for determining the primary activity.

((9)) (10) "WISHERS" means Washington industrial safety and health evaluation and reporting system.

((10)) (11) "Occupational illness" means such illness as arises naturally and approximately out of employment under the provisions of the act.

Note: Examples of occupational illnesses appear on the instruction page of Form OSHA No. 200.

((11)) (12) "Occupational" means industrial and industrial means occupational.

((12)) (13) "OSHA" means occupational safety and health administration.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-32-230 TRAINING. (1) Employers shall provide training in the various precautions and safe practices described in this section and shall insure that employees do not engage in the activities to which this chapter applies until such employees have received proper training in the various precautions and safe practices required by this section. However, where the employer can demonstrate that an employee is already trained in the precautions and safe practices required by this section prior to his employment, training need not be provided to that employee in accordance with this section.

(2) Where training is required, it shall consist of on-the-job training or classroom-type training or a combination of both.

(3) The training program shall include a list of the subject courses and the types of personnel required to receive such instruction. A written description of the training program and a record of employees who have received such training shall be maintained for the duration of the employee's employment and shall be made available upon request to the assistant director of industrial safety and health, or his authorized representative.

(4) Such training shall, where appropriate, include the following subjects:

(a) Recognition and avoidance of dangers relating to encounters with harmful substances, and animal, insect, or plant life.

(b) Procedures to be followed in emergency situations, and

(c) First aid training, including instruction in artificial respiration.

(5) It shall be the responsibility of the employer to hold monthly safety meetings at practical points throughout the operation and insist upon employees attending said meetings. Minutes shall be kept of each safety meeting and retained for a period of one year.

(6) It shall be the responsibility of management to develop and maintain a hazard communication program as required by WAC 296-62-054 through 296-62-05427 which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

AMENDATORY SECTION (Amending Order 86-26, filed 7/25/86)

WAC 296-44-44009 GENERAL. (1) Mechanical protection for supply conductors or cables shall be provided as required by WAC 296-44-170 through 296-44-31792. This protection should extend at least one foot below ground level.

(2) Supply conductors or cable should rise vertically from the cable trench with only such deviation as necessary to permit a reasonable cable bending radius.

(3) Exposed conductive pipes or guards containing supply conductors or cables shall be grounded in accordance with WAC 296-44-36551.

(4) All supply conductors or cables from underground systems which connect to overhead systems shall be protected by a metal pipe or conduit which gives mechanical protection up to a point not less than eight feet above the ground and forty inches above communications circuits for public use. Schedule 80 PVC (polyvinyl chloride) piping shall be acceptable as a substitute for metal on both high and low voltage conductors. The conductor on the pole above eight feet will be covered with wood molding or other suitable protective material.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-45-65009 EMPLOYER'S RESPONSIBILITY. (1) The employer shall provide and maintain the necessary protective devices specified in these rules and require the employees to use them properly.

(2) The employer shall develop and maintain a hazard communication program as required by WAC 296-62-054 through 296-62-05427 which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(3) There shall be installed and maintained in every fixed establishment employing eight or more persons a safety bulletin board of a size to display and post safety bulletins, newsletters, posters, accident statistics and other safety educational material. It is recommended that safety bulletin boards be painted green and white.

~~((3))~~ (4) The employer shall require the foremen to observe and enforce all safety rules and shall furnish a copy of the electrical workers' safety rules to each employee who is covered by these rules.

~~((4))~~ (5) The employer shall appoint only competent workers to supervise other employees and those appointed shall be responsible for the safety of the employees under their supervision.

~~((5))~~ (6) The employer shall hold safety meetings at least once a month, which meetings shall be held at a reasonable time and place as selected by the employer. The employer shall require all employees subject to provisions of this chapter to attend said meetings: PROVIDED, That employees whose presence is otherwise required by reason of an emergency or whose function is such that they cannot leave their station or cease their work without serious detriment to the service provided, such as dispatcher, may be excused from such meeting under those circumstances.

Minutes shall be kept of each safety meeting and retained for a period of one year.

~~((6))~~ (7) The employer or a representative(s) designated by him shall investigate all accidents or injuries of a serious nature and, where possible, take the proper remedial steps to prevent the occurrence of similar accidents.

~~((7))~~ (8) The employer shall furnish instructions stating the proper procedure in event of an emergency, which shall include the names of those individuals to be notified and methods of contacting them.

~~((8))~~ (9) The employer shall provide and make available to all employees accident report and safety suggestion forms.

~~((9))~~ (10) In the case of fatal accident, immediate notice shall be given by the employer or his authorized representative either by telephone or telegraph (collect) to the department of labor and industries, division of industrial safety and health, Olympia, Washington, or any of its branch offices. All such notices shall include time, place, and date of the accident and the employer's name.

~~((10))~~ (11) Nothing contained within this chapter shall prohibit an employer or his authorized representative from disciplining employees for failure to comply with the provisions of this or any other safety code.

AMENDATORY SECTION (Amending Order 76-38, filed 12/30/76)

WAC 296-45-65041 AERIAL MANLIFT EQUIPMENT. This section applies to aerial manlift equipment as defined in WAC 296-45-65005.

(1) A daily visual inspection and operating tests shall be made in accordance with the manufacturer's recommendation by the assigned operator.

(2) Aerial manlift equipment shall be of the type designed and maintained to meet the following safety factors:

(a) Stability test. All such equipment shall meet or exceed a safety factor of one and one-half to one in all working positions, based upon the posted working load.

(b) Structural and mechanical tests. All such equipment shall meet or exceed a safety factor of 2 to 1 in all working positions, based upon the manufacturer's maximum rated capacity.

~~((f))~~ The division of industrial safety and health will accept, in lieu of ~~((subdivision))~~ (b) of this ~~((section))~~ subsection, the safety factor test data submitted by the manufacturer by a competent testing laboratory, or by a registered engineering firm. When and if there exists a reasonable doubt as to whether or not the equipment will meet the data required for stability in structural and mechanical testing, the division may require that such testing be performed on such equipment before it can be used. If the division in writing requires that the employer test its equipment or have such equipment tested, the employer will have a reasonable time within which to secure such information as is required by this rule.

(3) Employee shall not move any such equipment in the direction of an obstructed view unless the following requirements have been met. (An obstructed view exists even though the operator is able to see to the rear by reason of a system of mirrors or a mirror.)

~~((f))~~ (a) Vehicle can be backed up only when observer signals that it is safe to do so or the driver makes a walk-around inspection prior to backing up, or

~~((f))~~ (b) The vehicle has a reverse signal alarm audible above the surrounding noise level.

(4) Hydraulic fluids.

~~((a))~~ All hydraulic fluids used for the insulated section of derrick trucks, aerial lifts, and hydraulic tools which are used on or around energized lines or equipment shall be of the insulating type.

(5) Mechanical adjustment or repairs shall not be attempted or performed in the field except by a person qualified to perform such work.

(6) Malfunction or needed repairs of manlift equipment shall be reported to the employee responsible for such repairs as soon as is reasonably possible. Use of equipment which is known to be in need of repairs or is malfunctioning is prohibited when such deficiency creates an unsafe operating condition.

(7) No employee shall ride in the basket while traveling to or from jobsites.

(8) When the support vehicle of any aerial manlift equipment is parked for operation at the jobsite, the brakes shall be set~~((Wheel chocks shall be used to prevent accidental movement while parked on an incline. If the aerial manlift equipment has outriggers, the outriggers shall be implanted on firm footing))~~ and when outriggers are used, they shall be positioned on pads or a solid surface. Use of outriggers is optional when the support vehicle of aerial manlift equipment is constructed in such a manner that makes the use of outriggers

unnecessary, such as with torsion bar stabilizers or other devices that increase stability and eliminates the need for outriggers, even though installed on the vehicle. Wheel chocks shall be installed before using an aerial lift on an incline, provided they can be safely installed. All manufacturer's specifications shall be complied with.

(9) Safety check valves shall be installed in the outrigger hydraulic system which will automatically lock the outrigger in position in case of failure of the hydraulic system except when outriggers are equipped with mechanically self-locking device.

(10) The truck shall not be moved until the boom or ladder is cradled and/or fastened down, the outrigger retracted, and the power take-off disengaged, except for a short move when the truck can be moved with care and under the direction of the employee in the elevated position.

(11) Employees shall not sit or stand on the basket edge, stand on materials placed in or across the basket, or work from a ladder set inside the basket.

(12) The basket shall not be rested on a fixed object(s) so that the weight of the boom is either totally or partially supported by the basket.

(13) Neither the basket, supporting boom or ladder on aerial equipment shall come within the prohibited distance of energized high voltage conductors or equipment as set forth in Table 1 unless protective equipment is used. Special approved insulated tools, insulated fittings and insulated masts need not comply with this section.

(14) When the basket is being used in such a manner that it may contact energized high voltage lines or equipment, the vehicle shall be considered energized at line potential and the following safe practices shall be observed unless such equipment is grounded:

(a) Approved protective devices shall be used.

(b) Before physically contacting, entering or leaving the vehicle, all employees shall make sure that the boom and basket is stationary and not in contact with energized high voltage lines or equipment.

(15) While working in aerial equipment, employees shall wear an approved safety belt attached to the boom or basket, in a secure manner.

(16) No component of aerial devices shall be operated from the ground without permission from the employee in the basket except in case of emergency.

(17) Truck driver shall remain at tower controls while workers are working on towers except when the aerial manlift equipment has been properly chocked to prevent uncontrolled movement. Tower trucks shall be equipped with a reliable signaling device between the employees working on the tower and the truck driver.

(18) Working on truck towers. Employees shall not stand on tower gates or railings. Work shall not be done from plank(s) placed on tower railings.

(19) Tower truck railings. Towers shall have standard railings and toeboards around the tower and all railings shall be constructed of wood, fiberglass or other nonmetallic material. All railings shall be a vertical height of not less than 36 inches or more than 42 inches from the floor of the platform to the upper surface of the top rail. Intermediate railings shall be midway between the floor

and the underside of the top rail. Tower gates shall be so constructed as to prevent accidental opening.

(20) Tower truck decks shall be kept clear of tools, wire and other materials and tools shall be kept in proper storage area when not in use.

(21) Linemen shall not wear climbers or spurs while working on a tower truck.

(22) Employees operating controls of aerial equipment shall not stand on the ground or on separate grounded surface unless wearing rubber gloves or standing on insulated board or mat, where equipment is exposed to or operated in the near vicinity of high voltage conductors.

(23) Operating levers or controls shall be kept clear of tools, materials or obstructions.

(24) Load limits as recommended by the manufacturer of aerial manlift equipment shall not be exceeded. Shock loading of the equipment is prohibited.

(25) Employees shall not climb into or out of the basket or platform while it is elevated or change from one basket to another on dual basket equipment, except in case of emergency or when the employees involved agree that this is the safest way to perform the work. This exception shall not be used to circumvent safety rules.

(26) Employees shall not belt to adjacent poles, structures, or equipment while performing work from aerial devices.

(27) Whenever it is necessary to work beyond the guarded traffic work area, extreme care shall be exercised and all precautions taken to insure the safety of the operation and the employees.

(28) Power tools not in use shall be disconnected from external power sources.

(29) Electrical, hydraulic or air tools shall have safety switches or devices to prevent accidental operation and, in addition, a quick means of disconnecting on electrically operated equipment shall be within easy reach of the operator.

(30) Existing safety rules governing the use of hot line tools, rubber and other protective equipment and safe work practices while performing work from poles or structures shall also apply to work done from aerial manlift equipment.

(31) The basket shall be kept clean and all tools not in use shall be secured or removed.

(32) Approved warning light shall be operating when the boom leaves the cradle. This light shall be visible to approaching traffic when the boom is in position over any traveled area.

(33) A braking system, independent of the drive-line braking system, shall be installed on all aerial manlift equipment where, from the engineering standpoint, it is feasible.

(34) Safety check valves shall be installed in the hydraulic system of aerial manlift equipment to automatically lock the boom or ladder in position in case of failure to any part of the hydraulic pressure system.

(35) All aerial manlift equipment shall have both upper and lower controls (except ladder trucks need not have upper controls). The upper controls shall not be capable of rendering the lower controls inoperative. The lower controls should be located at or near the base of the aerial structure.

If the lower controls are used, the operator shall have a view of the elevated employee(s) or there shall be communication between the operator and the employee in the elevated aerial structure: PROVIDED, That no employee shall be raised, lowered, or moved into or from the elevated position in any aerial manlift equipment unless there is another employee, not in the elevated aerial structure, available at the site to operate the lower controls, except as follows:

(a) Where there is a fixed method permanently attached to or part of the equipment which will permit an employee to descend from the elevated position without lowering the elevated structure, or

(b) Where there is a system which will provide operation from the elevated position in the event of failure or malfunction of the primary system.

This section shall not be interpreted as an exception to any other rule in this chapter.

(36) Controls in aerial manlift equipment shall be protected from accidental operation. Controls of the outriggers shall also be protected from accidental operation. Such protection may be by guarding or equivalent means.

(37) The manufacturer's recommended maximum load limit shall be posted at a conspicuous place near each set of controls and shall be kept in a legible condition.

(38) Side member guys on aerial ladders shall be insulated.

(39) The manufacturer's operator's instructional manual shall be kept on the vehicle.

(40) Operating instructions, proper sequence and maintenance procedures prescribed by the manufacturer for operation of the equipment shall be followed.

NEW SECTION

WAC 296-45-67545 REFUELING OPERATIONS. (1) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (Turbine) type fuel be permitted while the engines are running.

(2) Helicopters using Jet A (Turbine-Kerosene) type fuel may be refueled with engines running provided the following criteria is met:

(a) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(b) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

(c) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of the available fire extinguishing equipment they may be expected to utilize.

(d) There shall be no smoking, open flames, exposed flame heaters, flare pots, or open flame lights within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(e) Due to the numerous causes of static electricity, it shall be considered present at all times. Prior to starting

refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter. The use of conductive hose shall not be accepted to accomplish this bonding. All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(f) To control spills, fuel shall be pumped either by hand or power. Pouring or gravity flow shall not be permitted. Self-closing nozzles or deadman controls shall be used and shall not be blocked open. Nozzles shall not be dragged along the ground.

(g) In case of a spill, the fueling operation shall be immediately stopped until such time as the person-in-charge determines that it is safe to resume the refueling operation.

(h) When ambient temperatures have been in the one hundred degrees Fahrenheit range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

(3) Helicopters with their engines stopped being refueled with aviation gasoline or Jet B (Turbine) type fuel, shall also comply with subsection (2)(a) through (g) of this section.

AMENDATORY SECTION (Amending Order 80-15, filed 8/20/80)

WAC 296-54-507 MANAGEMENT'S RESPONSIBILITY. In addition to observance of the general safety and health standards:

(1) The employer shall assume the responsibility of safety training for new employees.

(2) The employer shall develop and maintain a hazard communication program as required by WAC 296-62-054 through 296-62-05427 which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(3) The employer shall assume the responsibility of work assignments so that no employee shall be allowed to work in a position or location so isolated that he is not within ordinary calling distance of another employee who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties is carried on, there shall be a minimum of two employees who shall work as a team and shall be in visual or hearing contact with one another to allow prompt awareness of injury or cessation of work activity of one employee by the other. No employee shall be left alone for a period of time to exceed fifteen minutes without visual or hearing contact. In addition, there shall be some system of back-up communication in the near proximity to enable an employee to call for assistance in case of emergency.

Note: This does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

~~((3))~~ (4) The employer shall establish a method of checking the employees in from the woods at the end of each shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of all movable equipment.

~~((4))~~ (5) Prior to the commencement of logging operations in a new area or setting, a safety meeting shall be held and a plan shall be developed and implemented whereby management shall ascertain by direct supervision that the work is being carried out with special emphasis on safety and safe work practices.

~~((5))~~ (6) When extreme weather or other extreme conditions are such that additional hazards arise, additional precautions shall be taken to assure safe operations. If the operation cannot be made safe because of the aforementioned conditions, the work shall be discontinued until safe to resume.

~~((6))~~ (7) Danger trees within reach of landings, roads, rigging, buildings or work areas shall be either felled before regular operations begin or work shall be arranged so that employees shall not be exposed to hazards involved.

~~((7))~~ (8) Management shall ensure that intoxicating beverages and narcotics are not permitted or used by employees on or in the vicinity of the work site. Management shall cause employees under the influence of alcohol or narcotics to be removed from the work site. This requirement does not apply to employees taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the employee or others.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-56-60001 SCOPE AND APPLICABILITY. (1) The rules included in this chapter apply throughout the state of Washington, to any and all waterfront operations under the jurisdiction of the department of labor and industries, division of industrial safety and health.

(2) These minimum requirements are promulgated in order to augment the general safety and health standards, and any other safety and health standards promulgated by the department of labor and industries which are applicable to all places of employment under the jurisdiction of the department of labor and industries. The rules of this chapter, and the rules of chapters 296-24 and 296-62 WAC are applicable to all long-shore, stevedore and related waterfront operations: PROVIDED, That such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24 and 296-62 WAC. Specific standards which are applicable include, but are not limited to:

(a) Electrical—WAC 296-24-956 through 296-24-960.

(b) Toxic and hazardous substances are regulated by chapter 296-62 WAC. Where references to this chapter are given they are for informational purposes only.

Where specific requirements of this chapter conflict with the provisions of chapter 296-62 WAC this chapter prevails. Chapter 296-62 WAC does not apply when a substance or cargo is contained within a manufacturer's original, sealed, intact means of packaging or containment complying with the department of transportation or International Maritime Organization requirements.

(c) Hearing conservation—WAC 296-62-09015 through 296-62-09055.

(d) Standards for commercial diving operations—Chapter 296-37 WAC.

(e) Safety requirements for scaffolding—WAC 296-24-825 through 296-24-82545.

(f) Safe practices of abrasive blasting operations ((; ventilation))—WAC 296-24-675 through 296-24-67519.

(g) Access to employee exposure and medical records—WAC 296-62-052 through 296-62-05221.

(h) Respiratory protection—WAC 296-62-071 through 296-62-07121.

(i) Safety rules for grain elevator ((operations)) operators—Chapter ((296-88)) 296-99 WAC.

(j) Hazard communication purpose—WAC 296-62-054 through 296-62-05427.

(k) Asbestos—WAC 296-62-07517.

(l) Confined space—WAC 296-62-145 through 296-62-14529.

(4) The provisions of this chapter do not apply to the following:

(a) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.

(b) Facilities subject to the regulations of the office of pipeline safety regulation of the materials transportation bureau, department of transportation, to the extent such regulations apply.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60069 PERSONNEL. (1) Qualifications of machinery operators.

(a) Only those employees determined by the employer to be competent by reason of training or experience, who understand the signs, notices and operating instructions and are familiar with the signal code in use shall be permitted to operate a crane, winch or other power-operated cargo handling apparatus, or any power-operated vehicle, or give signals to the operator of any hoisting apparatus. Employees being trained and supervised by a designated individual may operate such machinery and give signals to operators during training.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate the employee shall be permitted to operate a crane, winch, other power-operated cargo handling apparatus or a power-operated vehicle.

(c) Persons who have recovered from a heart attack shall be exempted from the provisions of (b) of this subsection, as it pertains to their heart condition, provided:

(i) A medical release is obtained from their attending medical doctor.

(ii) The release shall state that the operation of a crane, winch, power-operated cargo handling apparatus or power-operated vehicle, will not present a hazard to themselves or others.

(iii) An examination by a medical doctor, and renewal of the work release certification is required annually.

(2) Supervisory accident prevention proficiency.

(a) Immediate supervisors of cargo-handling operations of more than five persons shall satisfactorily complete a course in accident prevention. Employees newly assigned to supervisory duties shall be required to meet the provisions of this paragraph within ninety days of such assignment.

(b) The course shall consist of instruction suited to the particular operations involved.

(c) No minor under eighteen years of age shall be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such operations by performing work such as hooking on or landing drafts, rigging gear, etc.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60103 TERMINALS HANDLING INTERMODAL CONTAINERS OR ROLL-ON ROLL-OFF OPERATIONS. (1) Every intermodal container shall be legibly and permanently marked with:

(a) The weight of the container when empty, in pounds;

(b) The maximum cargo weight the container is designed to carry, in pounds; and

(c) The sum of the maximum weight of the container with cargo, in pounds (gross container capacity).

(2) No container shall be hoisted by any crane or derrick unless the following conditions have been met:

(a) The employer shall ascertain from the carrier whether a container to be hoisted is loaded or empty. Empty containers shall be identified before loading or discharge in such a manner as will inform every supervisor and foreman on the site and in charge of loading or discharging, and every crane or other hoisting equipment operator and signalman, if any, that the container is empty. Methods of identification may include cargo plans, manifests or markings on the container.

(b) In the case of a loaded container:

(i) The actual gross weight shall be plainly marked so as to be visible to the crane operator, other hoisting equipment operator, signalman, and to every supervisor and foreman on the site and in charge of the operation; or

(ii) The cargo stowage plan or equivalent permanently recorded display serving the same purpose, containing the actual gross weight and the serial number or other positive identification of that specific container, shall be provided to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of the operation.

(c) Every outbound loaded container which is received at a marine terminal ready to load aboard a vessel without further consolidation or loading shall be weighed to obtain the actual gross weight before being hoisted.

(d)(i) When container weighing scales are located at a marine terminal, any outbound container with a load consolidated at that terminal shall be weighed to obtain an actual weight before being hoisted.

(ii) If the terminal has no scales, the actual gross weight may be calculated on the basis of the container's contents and the container's empty weight. The weights used in the calculation shall be posted conspicuously on the container, with the name of the person making the calculation and the date.

(iii) Container weights shall be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights, the weight of containers so calculated at the source from which the inaccurate weights originated shall no longer be recognized as true gross weights. Such containers shall not be hoisted unless actual gross weights have been obtained by weighing.

~~(e) ((Open type vehicle carrying containers and those built specifically and used solely for the carriage of compressed gases))~~ The following containers are exempted from the requirements of ((subsection (2))) (c) and (d) of this ((section)) subsection:

(i) Open type vehicle containers.

(ii) Dry, or closed type containers, which are being used to transport vehicles and which contain no other cargo, and have the contents clearly marked on the outside.

(iii) Containers built specifically for the carriage of compressed gases.

(f) The weight of loaded inbound containers from foreign ports shall be determined by weighing or by the method of calculation described in (d)(ii) of this subsection or by shipping documents.

(g) Any scale used within Washington state to weigh containers for the purpose of the requirements of this section shall meet the accuracy standards of the state or local public authority in which the scale is located.

(3) No container shall be hoisted if its actual gross weight exceeds the weight marked as required in subsection (1)(c) of this section, or if it exceeds the capacity of the crane or other hoisting device intended to be used.

(4)(a) Marked or designated areas shall be set aside within a container or roll-on roll-off terminal for passage of employees to and from active cargo transfer points, except where transportation to and from those points is provided by the employer.

(b) The employer shall direct employees to stay clear of the area beneath a suspended container. Employees shall stay clear of the area beneath a suspended container.

(5) Employees working in the immediate area of container handling equipment or in the terminal's traffic lanes shall wear high visibility vests, decals, reflectors or equivalent protection.

(6) Containers shall be handled using lifting fittings or other arrangements suitable and intended for the purposes set forth in (a) and (c) of this subsection, except when damage to an intermodal container makes special means of handling necessary.

(a) Loaded intermodal containers of twenty feet (6.1 m) or more in length shall be hoisted as follows:

(i) When hoisting by the top fittings, the lifting forces shall be applied vertically from at least four fittings or by means which will safely lift the container without damage. The lifting fittings provided shall be used.

(ii) If hoisted from bottom fittings, the hoisting connections shall bear on the fittings only, making no other contact with the container. The angles of the four bridle legs shall not be less than thirty degrees to the horizontal in the case of forty foot (12.2 m) containers, thirty-seven degrees in the case of thirty foot (9.1 m) containers, or forty-five degrees in the case of twenty foot (6.1 m) containers.

(iii) Lifting containers by fork lift trucks or by grapple arms from above or from one side may be done only if the container is designed for this type of handling.

(b) Means of hoisting other than those required by subsection (2) of this section may be used only if the containers and hoisting means are designed for such use.

(c)(i) When using intermodal container spreaders that employ lanyards for activation of load-disengagement, all possible precautions shall be taken to prevent accidental release of the load.

(ii) Intermodal container spreader twistlock systems shall be designed and used so that a suspended load cannot accidentally be released.

(7) Flat bed trucks or container chassis used to move intermodal containers shall be equipped with pins, flanges, or other means to prevent the container from shifting.

(8)(a) Intermodal containers shall be inspected for defects in structural members or fittings before handling.

(b) Any intermodal container found to be unsafe shall be identified as such, promptly removed from service and repaired before being returned to service.

(9) Containers shall not be hoisted unless all engaged chassis twist locks are released.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-59-005 INCORPORATION OF OTHER STANDARDS. (1) Lifts and tows shall be designed, installed, operated, and maintained in accordance with American National Standard Institute (ANSI) B77.1-1982, Standards for Passenger Tramways—Aerial Tramways and Lifts, Surface Lifts, and Tows—Safety Requirements.

(2) Future revised editions of ANSI B77.1-1982 may be used for new installations or major modifications of existing installations, as recommended or approved by the equipment manufacturer or a qualified design engineer, except that, where specific provisions exist, variances shall be requested from the department.

(3) Commercial explosives shall be transported, stored, and used in compliance with chapter 296-52 WAC, Safety standards for the possession and handling of explosives, and chapter 70.74 RCW, Washington State Explosives Act, except that avalanche control blasting shall comply with the special provisions of this chapter.

(4) The use of military type weapons for avalanche control shall comply with all requirements of the United States government and/or the military branch having jurisdiction. Compliance shall include qualification of employees, security requirements, and storage and handling of ammunition.

(5) The employer shall develop and maintain a hazard communication program as required by WAC 296-62-054 through 296-62-05427 which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(6) When employees perform activities such as construction work or logging, the WAC chapter governing the specific activity shall apply, e.g., chapter 296-155 or 296-54 WAC, et seq.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-052 ACCESS TO EMPLOYEE EXPOSURE AND MEDICAL RECORDS. ~~((This standard establishes rights of access to the information by employees and designated representatives, while at the same time affording appropriate privacy and confidentiality protection:))~~

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-05201 PURPOSE. The purpose of this section is to provide employees and their designated representatives a right of access to relevant exposure and medical records, and to provide representatives of the director of labor and industries a right of access to these records in order to fulfill responsibilities under the Washington Industrial Safety and Health Act. Access by employees, their representatives, and the director of labor and industries is necessary to yield both direct and indirect improvements in the detection, treatment and prevention of occupational disease. Each employer is responsible for assuring compliance with this section, but the activities involved in complying with the access to medical records provisions can be carried out, on behalf of the employer, by the physician or other health care personnel in charge of employee medical records. Except as expressly provided, nothing in this section is intended to affect existing legal and ethical obligations concerning the maintenance and confidentiality of employee medical information, the duty to disclose information to a patient/employee or any other aspect of the medical-care relationship, or affect existing legal obligations concerning the protection of trade secret information.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-05203 SCOPE AND APPLICATION. (1) This section applies to every employer, except as provided in subsection (4) of this section, who makes, maintains, contracts for, or has access to employee exposure or medical records, or analyses thereof, pertaining to employees exposed to toxic substances or harmful physical agents.

(2) This section applies to all employee exposure and medical records, and analyses thereof, of such employees ~~((exposed to toxic substances or harmful physical agents)),~~ whether or not the records are ~~((related to))~~ mandated by specific occupational safety and health standards.

(3) This section applies to all employee exposure and medical records, and analyses thereof, made or maintained in any manner, including on an in-house or contractual (e.g., fee-for-service) basis. Each employer shall assure that the preservation and access requirements of this section are complied with regardless of the manner in which records are made or maintained.

(4) This section does not apply to the agricultural operations covered by chapter 296-306 WAC.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-05205 DEFINITIONS ~~((APPLICABLE TO THIS SECTION))~~. (1) Access - the right and opportunity to examine and copy.

(2) Analysis using exposure or medical records - any compilation of data, or any ~~((research;))~~ statistical ~~((or other))~~ study based at least in part on information collected from individual employee exposure or medical records or information collected from health insurance claims records, provided that either the analysis has been reported to the employer or no further work is currently being done by the person responsible for preparing the analysis.

(3) Designated representative - any individual or organization to whom an employee gives written authorization to exercise a right of access. For the purposes of access to employee exposure records and analyses using exposure or medical records, a recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

(4) Employee - a current employee, a former employee, or an employee being assigned or transferred to work where there will be exposure to toxic substances or harmful physical agents. In the case of a deceased or legally incapacitated employee, the employee's legal representative may directly exercise all the employee's rights under this section.

(5) Employee exposure record - a record containing any of the following kinds of information ~~((concerning employee exposure to toxic substances or harmful physical agents))~~:

(a) Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;

(b) Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs;

(c) Material safety data sheets indicating that the material may pose a hazard to human health; or

(d) In the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common or trade name) of a toxic substance or harmful physical agent.

(6)(a) Employee medical record – a record concerning the health status of an employee which is made or maintained by a physician, nurse, or other health care personnel, or technician, including:

(i) Medical and employment questionnaires or histories (including job description and occupational exposures);

(ii) The results of medical examinations (preemployment, pre-assignment, periodic, or episodic) and laboratory tests (including chest and other x-ray examinations taken for purposes of establishing a base-line or detecting occupational illness, and all biological monitoring not defined as an "employee exposure record");

(iii) Medical opinions, diagnoses, progress notes, and recommendations;

(iv) First-aid records;

(v) Descriptions of treatments and prescriptions; and

~~((f))~~ (vi) Employee medical complaints.

(b) Employee medical record does not include ((the following)) medical information in the form of:

(i) Physical specimens (e.g., blood or urine samples) which are routinely discarded as a part of normal medical practice(, and are not required to be maintained by other legal requirements); or

(ii) Records concerning health insurance claims if maintained separately from the employer's medical program and its records, and not accessible to the employer by employee name or other direct personal identifier (e.g., Social Security number, payroll number, etc.); or

(iii) Records created solely in preparation for litigation which are privileged from discovery under applicable rules or procedure or evidence; or

(iv) Records concerning voluntary employee assistance programs (alcohol, drug abuse, or personal counseling programs) if maintained separately from the employer's medical program and its records.

(7) Employer – a current employer, a former employer or a successor employer.

(8) Exposure or exposed – an employee is subjected to a toxic substance or harmful physical agent in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes past exposure and potential (e.g., accidental or possible) exposure, but does not include situations where the employer can demonstrate that the toxic substance or harmful physical agent is not used, handled, stored, generated, or present in the workplace in any manner different from typical nonoccupational situations.

(9) Health professional – a physician, occupational health nurse, industrial hygienist, toxicologist, or epidemiologist, providing medical or other occupational health services to exposed employees.

(10) Record – any item, collection, or grouping of information regardless of the form or process by which it is maintained (e.g., paper document, microfiche, microfilm, x-ray film, or automated data processing).

~~((f))~~ (11) Specific chemical identity – the chemical name, chemical abstracts service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

(12)(a) Specific written consent – ((f)) a written authorization containing the following:

(i) The name and signature of the employee authorizing the release of medical information;

(ii) The date of the written authorization;

(iii) The name of the individual or organization that is authorized to release the medical information;

(iv) The name of the designated representative (individual or organization) that is authorized to receive the released information;

(v) A general description of the medical information that is authorized to be released;

(vi) A general description of the purpose for the release of the medical information; and

(vii) A date or condition upon which the written authorization will expire (if less than one year).

(b) A written authorization does not operate to authorize the release of medical information not in existence on the date of written authorization, unless ((this)) the release of future information is expressly authorized, and does not operate for more than one year from the date of written authorization.

(c) A written authorization may be revoked in writing prospectively at any time.

~~((f))~~ (13) Toxic substance or harmful physical agent – any chemical substance, biological agent (bacteria, virus, fungus, etc.), or physical stress (noise, heat, cold, vibration, repetitive motion, ionizing and nonionizing radiation, hypo- or hyperbaric pressure, etc.) which:

(a) ~~((is regulated by any WISHA law or rule due to a hazard to health;~~

~~((b))~~ Is listed in the latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) (See Appendix B); or

~~((c))~~ (b) Has yielded positive evidence of an acute or chronic health hazard in ((human, animal, or other biological)) testing conducted by, or known to, the employer; or

~~((d) Has)~~ (c) Is the subject of a material safety data sheet ((available)) kept by or known to the employer indicating that the material may pose a hazard to human health.

(14) Trade secret – any confidential formula, pattern, process, device, or information or compilation of information that is used in an employer's business and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-05207 PRESERVATION OF RECORDS. (1) Unless a specific occupational safety and health standard provides a different period of time, each employer shall assure the preservation and retention of records as follows:

(a) Employee medical records. The medical record for each employee ((medical record)) shall be preserved and

maintained for at least the duration of employment plus thirty years, except that the following types of records need not be retained for any specific period:

(i) Health insurance claims records maintained separately from the employer's medical program and its records ((need not be retained for any specified period));

(ii) First-aid records (not including medical histories) of one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, and the like which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, if made on-site by a nonphysician and if maintained separately from the employer's medical program and its records; and

(iii) The medical records of employees who have worked for less than one year for the employer need not be retained beyond the term of employment if they are provided to the employee upon the termination of employment.

(b) Employee exposure records. Each employee exposure record shall be preserved and maintained for at least thirty years, except that:

(i) Background data to environmental (workplace) monitoring or measuring, such as laboratory reports and worksheets, need only be retained for one year ((so)) as long as the sampling results, the collection methodology (sampling plan), a description of the analytical and mathematical methods used, and a summary of other background data relevant to interpretation of the results obtained, are retained for at least thirty years; and

(ii) Material safety data sheets and WAC 296-62-05205(5) records concerning the identity of a substance or agent need not be retained for any specified period as long as some record of the identity (chemical name if known) of the substance or agent, where it was used, and when it was used is retained for at least thirty years; and

(iii) Biological monitoring results designated as exposure records by specific occupational safety and health standards shall be preserved and maintained as required by the specific standard.

(c) Analyses using exposure or medical records. Each analysis using exposure or medical records shall be preserved and maintained for at least thirty years.

(2) Nothing in this section is intended to mandate the form, manner, or process by which an employer preserves a record ((so)) as long as the information contained in the record is preserved and retrievable, except that chest x-ray films shall be preserved in their original state.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-62-05209 ACCESS TO RECORDS.

(1) General.

(a) Whenever an employee or designated representative requests access to a record, the employer shall assure that access is provided in a reasonable time, place, and manner((- but in no event later than fifteen days after the request for access is made)). If the employer cannot reasonably provide access to the record within

fifteen working days, the employer shall within fifteen working days apprise the employee or designated representative requesting the record of the reason for the delay and the earliest date when the record can be made available.

(b) The employer may require of the requester only such information as should be readily known to the requester and which may be necessary to locate or identify the records being requested (e.g., dates and locations where the employee worked during the time period in question).

(c) Whenever an employee or designated representative requests a copy of a record, the employer shall((- within the period of time previously specified,)) assure that either:

(i) A copy of the record is provided without cost to the employee or representative;

(ii) The necessary mechanical copying facilities (e.g., photocopying) are made available without cost to the employee or representative for copying the record; ((or))

(iii) The record is loaned to the employee or representative for a reasonable time to enable a copy to be made; or

(iv) In the case of an original x-ray, the employer may restrict access to on-site examination or make other suitable arrangements for the temporary loan of the x-ray.

((c)) (d) Whenever a record has been previously provided without cost to an employee or designated representative, the employer may charge reasonable, non-discriminatory administrative costs (i.e., search and copying expenses but not including overhead expenses) for a request by the employee or designated representative for additional copies of the record, except that:

(i) An employer shall not charge for an initial request for a copy of new information that has been added to a record which was previously provided; and

(ii) An employer shall not charge for an initial request by a recognized or certified collective bargaining agent for a copy of an employee exposure record or an analysis using exposure or medical records.

((d)) (e) Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.

(2) Employee and designated representative access.

(a) Employee exposure records. Except as limited by WAC 296-62-05211, each employer shall, upon request, assure the access of each employee and designated representative to employee exposure records relevant to the employee. For the purpose of this section, an exposure record((s)) relevant to the employee consists of:

(i) A record((s of the employee's past or present exposure to toxic substances or harmful physical agents)) which measures or monitors the amount of a toxic substance or harmful physical agent to which the employee is or has been exposed;

(ii) ((Exposure)) In the absence of such directly relevant records, such records of other employees with past or present job duties or working conditions related to or similar to those of the employee to the extent necessary to reasonably indicate the amount and nature of the

toxic substances or harmful physical agents to which the employee is or has been subjected; and

~~(iii) ((Records containing exposure information concerning the employee's workplace or working conditions; and~~

~~(iv) Exposure records pertaining to workplaces or working conditions to which the employee is being assigned or transferred.))~~ Exposure records to the extent necessary to reasonably indicate the amount and nature of the toxic substances or harmful physical agents at workplaces or under working conditions to which the employee is being assigned or transferred.

(iv) Requests by designated representatives for unconsented access to employee exposure records shall be in writing and shall specify with reasonable particularity:

(A) The records requested to be disclosed; and

(B) The occupational health need for gaining access to these records.

(b) Employee medical records.

(i) Each employer shall, upon request, assure the access of each employee to employee medical records of which the employee is the subject, except as provided in ~~((subdivision (2)))(b)(iv)~~ of this ~~((section))~~ subsection.

(ii) Each employer shall, upon request, assure the access of each designated representative to the employee medical records of any employee who has given the designated representative specific written consent. Appendix A to this section contains a sample form which may be used to establish specific written consent for access to employee medical records.

(iii) Whenever access to employee medical records is requested, a physician representing the employer may recommend that the employee or designated representative:

(A) Consult with the physician for the purposes of reviewing and discussing the records requested;

(B) Accept a summary of material facts and opinions in lieu of the records requested; or

(C) Accept release of the requested records only to a physician or other designated representative.

(iv) Whenever an employee requests access to his or her employee medical records, and a physician representing the employer believes that direct employee access to information contained in the records regarding a specific diagnosis of a terminal illness or a psychiatric condition could be detrimental to the employee's health, the employer may inform the employee that access will only be provided to a designated representative of the employee having specific written consent, and deny the employee's request for direct access to this information only. Where a designated representative with specific written consent requests access to information so withheld, the employer shall assure the access of the designated representative to this information, even when it is known that the designated representative will give the information to the employee.

(v) ~~((Nothing in this section precludes))~~ A physician, nurse, or other responsible health care personnel maintaining employee medical records ~~((from deleting))~~ may delete from requested medical records the identity of a family member, personal friend, or fellow employee who

has provided confidential information concerning an employee's health status.

(c) Analyses using exposure or medical records.

(i) Each employer shall, upon request, assure the access of each employee and designated representative to each analysis using exposure or medical records concerning the employee's working conditions or workplace.

(ii) Whenever access is requested to an analysis which reports the contents of employee medical records by either direct identifier (name, address, social security number, payroll number, etc.) or by information which could reasonably be used under the circumstances indirectly to identify specific employees (exact age, height, weight, race, sex, date of initial employment, job title, etc.) the employer shall assure that personal identifiers are removed before access is provided. If the employer can demonstrate that removal of personal identifiers from an analysis is not feasible, access to the personally identifiable portions of the analysis need not be provided.

(3) Department access.

(a) Each employer shall upon request, and without derogation of any rights under the Constitution or the Washington Industrial Safety and Health Act, that the employer chooses to exercise, assure the ~~((immediate))~~ prompt access of representatives of the director of the department of labor and industries to employee exposure and medical records and to analyses using exposure or medical records. Rules of agency practice and procedures governing WISHA access to employee medical records ((shall apply)) are contained in this chapter.

(b) Whenever the department seeks access to personally identifiable employee medical information by presenting to the employer a written access order, the employer shall prominently post a copy of the written access order and its accompanying cover letter for at least fifteen working days.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-05211 TRADE SECRETS. (1) Except as provided in subsection (2) of this section, nothing in this section precludes an employer from deleting from records requested by ~~((an))~~ a health professional, employee, or designated representative any trade secret data which discloses manufacturing processes, or discloses the percentage of a chemical substance in a mixture, as long as the health professional, employee, or designated representative is notified that information has been deleted. Whenever deletion of trade secret information substantially impairs evaluation of the place where or the time when exposure to a toxic substance or harmful physical agent occurred, the employer shall provide alternative information which is sufficient to permit the ~~((employee))~~ requesting party to identify where and when exposure occurred.

~~((2))~~ Notwithstanding any trade secret claims, whenever access to records is requested, the employer shall provide access to chemical or physical agent identities including chemical names, levels of exposure, and employee health status data contained in the requested records.

~~(3) Whenever trade secret information is provided to an employee or designated representative, the employer may require, as a condition of access, that the employee or designated representative agree in writing not to use the trade secret information for the purpose of commercial gain and not to permit misuse of the trade secret information by a competitor or potential competitor of the employer.)~~

~~(2) The employer may withhold the specific chemical identity, including the chemical name and other specific identification of a toxic substance from a disclosable record provided that:~~

~~(a) The claim that the information withheld is a trade secret can be supported;~~

~~(b) All other available information on the properties and effects of the toxic substance is disclosed;~~

~~(c) The employer informs the requesting party that the specific chemical identity is being withheld as a trade secret; and~~

~~(d) The specific chemical identity is made available to health professionals, employees, and designated representatives in accordance with the specific applicable provisions of this subsection.~~

~~(3) Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a toxic substance is necessary for emergency or first-aid treatment, the employer shall immediately disclose the specific chemical identity of a trade secret chemical to the treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The employer may require a written statement of need and confidentiality agreement, in accordance with the provisions of subsections (4) and (5) of this section, as soon as circumstances permit.~~

~~(4) In nonemergency situations, an employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under subsection (2) of this section, to a health professional, employee, or designated representative if:~~

~~(a) The request is in writing;~~

~~(b) The request describes with reasonable detail one or more of the following occupational health needs for the information:~~

~~(i) To assess the hazards of the chemicals to which employees will be exposed;~~

~~(ii) To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels;~~

~~(iii) To conduct preassignment or periodic medical surveillance of exposed employees;~~

~~(iv) To provide medical treatment to exposed employees;~~

~~(v) To select or assess appropriate personal protective equipment for exposed employees;~~

~~(vi) To design or assess engineering controls or other protective measures for exposed employees; and~~

~~(vii) To conduct studies to determine the health effects of exposure.~~

~~(c) The request explains in detail why the disclosure of the specific chemical identity is essential and that, in lieu thereof, the disclosure of the following information would not enable the health professional, employee, or~~

~~designated representative to provide the occupational health services described in (b) of this subsection:~~

~~(i) The properties and effects of the chemical;~~

~~(ii) Measures for controlling workers' exposure to the chemical;~~

~~(iii) Methods of monitoring and analyzing worker exposure to the chemical; and~~

~~(iv) Methods of diagnosing and treating harmful exposures to the chemical.~~

~~(d) The request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information; and~~

~~(e) The health professional, employee, or designated representative and the employer or contractor of the services of the health professional or designated representative agree in a written confidentiality agreement that the health professional, employee, or designated representative will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to WISHA, as provided in subsection (9) of this section, except as authorized by the terms of the agreement or by the employer.~~

~~(5) The confidentiality agreement authorized by subsection (4)(d) of this section:~~

~~(a) May restrict the use of the information to the health purposes indicated in the written statement of need;~~

~~(b) May provide for appropriate legal remedies in the event of a breach of the agreement, including stipulation of a reasonable preestimate of likely damages; and~~

~~(c) May not include requirements for the posting of a penalty bond.~~

~~(6) Nothing in this section is meant to preclude the parties from pursuing noncontractual remedies to the extent permitted by law.~~

~~(7) If the health professional, employee, or designated representative receiving the trade secret information decides that there is a need to disclose it to WISHA, the employer who provided the information shall be informed by the health professional prior to, or at the same time as, such disclosure.~~

~~(8) If the employer denies a written request for disclosure of a specific chemical identity, the denial must:~~

~~(a) Be provided to the health professional, employee, or designated representative within thirty days of the request;~~

~~(b) Be in writing;~~

~~(c) Include evidence to support the claim that the specific chemical identity is a trade secret;~~

~~(d) State the specific reasons why the request is being denied; and~~

~~(e) Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the specific chemical identity.~~

~~(9) The health professional, employee, or designated representative whose request for information is denied under subsection (4) of this section may refer the request and the written denial of the request to WISHA for consideration.~~

~~(10) When a health professional, employee, or designated representative refers a denial to WISHA under~~

subsection (9) of this section, WISHA shall consider the evidence to determine if:

(a) The employer has supported the claim that the specific chemical identity is a trade secret;

(b) The health professional, employee, or designated representative has supported the claim that there is a medical or occupational health need for the information; and

(c) The health professional, employee, or designated representative has demonstrated adequate means to protect the confidentiality.

(11)(a) If WISHA determines that the specific chemical identity requested under subsection (4) of this section is not a bona fide trade secret, or that it is a trade secret but the requesting health professional, employee, or designated representative has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means for complying with the terms of such agreement, the employer will be subject to citation by WISHA.

(b) If an employer demonstrates to WISHA that the execution of a confidentiality agreement would not provide sufficient protection against the potential harm from the unauthorized disclosure of a trade secret specific chemical identity, the director may issue such orders or impose such additional limitations or conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health needs are met without an undue risk of harm to the employer.

(12) Notwithstanding the existence of a trade secret claim, an employer shall upon request, disclose to the director or his representative, any information which this section requires the employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the director so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

(13) Nothing in this section shall be construed as requiring the disclosure under any circumstances of process or percentage of mixture information which is a trade secret.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-05213 EMPLOYEE INFORMATION. (1) Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform current employees (~~exposed to toxic substances or harmful physical agents~~) covered by this section of the following:

(a) The existence, location and availability of any records covered by this section;

(b) The person responsible for maintaining and providing access to records; and

(c) Each employee's rights of access to these records.

(2) Each employer shall (~~make readily available to employees~~) keep a copy of this standard and its appendices, and (~~shall distribute to employees any informational materials concerning this standard which are~~

~~made available to the employer by the department of labor and industries, technical services~~) make copies readily available upon request, to employees. The employer shall also distribute to current employees any informational materials concerning this section which are made available to the employer by the director for the Washington industrial safety and health division.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-05215 TRANSFER OF RECORDS. (1) Whenever an employer is ceasing to do business, the employer shall transfer all records subject to this section to the successor employer. The successor employer shall receive and maintain these records.

(2) Whenever an employer is ceasing to do business and there is no successor employer to receive and maintain the records subject to this standard, the employer shall notify affected current employees of their rights of access to records at least three months prior to the cessation of the employer's business.

(3) Whenever an employer either is ceasing to do business and there is no successor employer to receive and maintain the records, or intends to dispose of any records required to be preserved for at least thirty years, the employer shall:

(a) Transfer the records to the director of the department of labor and industries if so required by a specific (~~occupational~~) industrial safety and health standard; or

(b) Notify the director of the department of labor and industries in writing of the impending disposal of records at least three months prior to the disposal of the records.

(4) Where an employer regularly disposes of records required to be preserved for at least thirty years, the employer may, with at least three months notice, notify the director of the department of labor and industries on an annual basis of the records intended to be disposed of in the coming year.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-05217 APPENDICES. The information contained in the appendices A and B to this section is not intended, by itself, to create any additional obligations not otherwise imposed by this section nor detract from any existing obligation. (~~Copies of these appendices can be obtained from the following address:~~

Department of Labor and Industries
Division of Industrial Safety & Health
Technical Services Section
P.O. Box 207
Olympia, Washington 98504)

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-05219 EFFECTIVE DATE. WAC 296-62-052 through (~~296-62-05219~~) 296-62-05223 shall become effective (~~thirty days after filing with the code reviser. All obligations of this section commence on~~

~~the effective date except that the employer shall provide the information required under WAC 296-62-05213(1) to all current employees within sixty days after the effective date)) June 30, 1989.~~

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-05221 APPENDIX A—SAMPLE AUTHORIZATION LETTER FOR THE RELEASE OF EMPLOYEE MEDICAL RECORD INFORMATION TO A DESIGNATED REPRESENTATIVE. (Nonmandatory.)

I, _____ (full name of worker/patient) hereby authorize _____ (individual or organization holding the medical records) to release to _____ (individual or organization authorized to receive the medical information), the following medical information from my personal medical records:

(Describe generally the information desired to be released.)

I give my permission for this medical information to be used for the following purpose: _____, but I do not give permission for any other use or re-disclosure of this information.

(Note: Several extra lines are provided below so that you can place additional restrictions on this authorization letter if you want to. You may, however, leave these lines blank. On the other hand, you may want to (1) specify a particular expiration date for this letter (if less than one year); (2) describe medical information to be created in the future that you intend to be covered by this authorization letter; or (3) describe portions of the medical information in your records which you do not intend to be released as a result of this letter.)

Full name of Employee or Legal Representative

Signature of Employee or Legal Representative

Date of Signature

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-62-05223 APPENDIX B—AVAILABILITY OF NIOSH REGISTRY OF TOXIC EFFECTS OF CHEMICAL SUBSTANCES (RTECS). (Nonmandatory.) WAC 296-62-052 applies to all employee exposure and medical records, and analyses thereof, of employees exposed to toxic substances or harmful physical agents (WAC 296-62-05203). The term "toxic substance or harmful physical agent" is defined by WAC 296-62-05205(11) to encompass chemical substances, biological agents, and physical stresses for which there is evidence of harmful health effects.

The standard uses the latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) as one of the chief sources of information as to whether evidence of harmful health effects exists. If a substance is listed in the latest printed RTECS, the standard applies to exposure and medical records (and analyses of these records) relevant to employees exposed to the substance.

It is appropriate to note that the final standard does not require that employers purchase a copy of RTECS, and many employers need not consult RTECS to ascertain whether their employee exposure or medical records are subject to the standard. Employers who do not currently have the latest printed edition of the NIOSH RTECS, however, may desire to obtain a copy. The RTECS is issued in an annual printed edition as mandated by section 20(a)(6) of the Occupational Safety and Health Act (29 U.S.C. 669(a)(6)). ((The 1979 edition is the most recent printed edition as of July 1, 1981.

The RTECS may be purchased from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington D.C. 20402 (202-783-3238). New editions are anticipated to be issued in the late summer of each year. Some employers may also desire to subscribe to the quarterly update to the RTECS which is published in a microfiche edition. An annual subscription to the quarterly microfiche may be purchased from the GPO (Order the "Microfiche Edition, Registry of Toxic Effects of Chemical Substances"). Both the printed edition and the microfiche edition of RTECS are available for review at many university and public libraries throughout the country. The latest RTECS editions may also be examined at any OSHA regional or area office.)) The introduction to the 1980 printed edition describes the RTECS as follows:

"The 1980 edition of the Registry of Toxic Effects of Chemical Substances, formerly known as the Toxic Substances list, is the ninth revision prepared in compliance with the requirements of Section 20(a)(6) of the Occupational Safety and Health Act of 1970 (Public Law 91-596). The original list was completed on June 28, 1971, and has been updated annually in book format. Beginning in October 1977, quarterly revisions have been provided in microfiche. This edition of the Registry contains 168,096 listings of chemical substances: 45,156 are names of different chemicals with their associated toxicity data and 122,940 are synonyms. This edition includes approximately 5,900 new chemical compounds that did not appear in the 1979 Registry." (p.xi)

"The Registry's purposes are many, and it serves a variety of users. It is a single source document for basic toxicity information and for other data, such as chemical identifiers and information necessary for the preparation of safety directives and hazard evaluations for chemical substances. The various types of toxic effects linked to literature citations provide researchers and occupational health scientists with an introduction to the toxicological literature, making their own review of the toxic hazards of a given substance easier. By presenting data on the lowest reported doses that produce effects by several routes of entry in various species, the Registry furnishes

valuable information to those responsible for preparing safety data sheets for chemical substances in the workplace. Chemical and production engineers can use the Registry to identify the hazards which may be associated with chemical intermediates in the development of final products, and thus can more readily select substitutes or alternative processes which may be less hazardous. Some organizations, including health agencies and chemical companies, have included the NIOSH Registry accession numbers with the listing of chemicals in their files to reference toxicity information associated with those chemicals. By including foreign language chemical names, a start has been made toward providing rapid identification of substances produced in other countries." (p.xi)

"In this edition of the Registry, the editors intend to identify "all known toxic substances" which may exist in the environment and to provide pertinent data on the toxic effects from known doses entering an organism by any route described." (p.xi)

"It must be reemphasized that the entry of a substance in the Registry does not automatically mean that it must be avoided. A listing does mean, however, that the substance has the documented potential of being harmful if misused, and care must be exercised to prevent tragic consequences. Thus, the Registry lists many substances that are common in everyday life and are in nearly every household in the United States. One can name a variety of such dangerous substances: Prescription and nonprescription drugs; food additives; pesticide concentrates, sprays, and dusts; fungicides; herbicides; paints; glazes, dyes; bleaches and other household cleaning agents; alkalies; and various solvents and diluents. The list is extensive because chemicals have become an integral part of our existence."

The RTECS printed edition may be purchased from the Superintendent of Documents, U.S. Government Printing Office (GPO), Washington, DC 20402 (202-783-3238).

Some employers may desire to subscribe to the quarterly update to the RTECS which is published in a microfiche edition. An annual subscription to the quarterly microfiche may be purchased from the GPO (Order the "Microfiche Edition, Registry of Toxic Effects of Chemical Substances"). Both the printed edition and the microfiche edition of RTECS are available for review at many university and public libraries throughout the country. The latest RTECS editions may also be examined at the OSHA Technical Data Center, Room N2439—Rear, United States Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 (202-523-9700), or at any OSHA Regional or Area Office (See, major city telephone directories under United States Government—Labor Department)."

AMENDATORY SECTION (Amending Order 88-23, filed 10/6/88, effective 11/7/88)

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 μ L.

(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° C 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
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
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	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.t)) (d)(i) of this subsection.

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 µL.

(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	
2	44214	
3	43822	$\bar{X} = 44040.1$
4	44062	SD = 852.5
6	42724	CV = 0.019

(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	4295380	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					

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.

AMENDATORY SECTION (Amending Order 88-23, filed 10/6/88, effective 11/7/88)

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) ((τ)) 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 $\mu\text{g}/\text{mL}$ 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 μg .

(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-5100N ZG651+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 $\mu\text{g}/\text{mL}$, 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:

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

where $\text{A} = \mu\text{g}/\text{mL}$ from 3.7.2, $\text{B} =$ desorption volume, and $\text{C} = \text{L}$ of air sampled.

No desorption efficiency corrections are required.

(D) The following equation can be used to convert results in mg/m^3 to ppm.

$$\text{ppm} = (\text{mg}/\text{m}^3)(24.45)/\text{MW}$$

where $\text{mg}/\text{m}^3 =$ result from 3.7.3, $24.45 =$ molar volume of an ideal gas at 760 mm Hg and 25 $^{\circ}\text{C}$, $\text{MW} =$ 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 μg 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 thymolphthalein 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.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07703 DEFINITIONS. For the purpose of WAC 296-62-077 through 296-62-07753:

(1) "Action level" means an airborne concentration of asbestos of 0.1 fiber per cubic centimeter (f/cc) of air calculated as an eight-hour time-weighted average.

(2) "Air lock" means a system for ingress or egress to minimize air movement between a contaminated area and an uncontaminated area, consisting of an enclosure with two curtained doorways at least six feet apart unless space prohibits.

(3) "Asbestos" includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.

(4) "Authorized person" means any person authorized by the employer and required by work duties to be present in regulated areas.

(5) "Clean room" means an uncontaminated room having facilities for the storage of employees' street clothing and uncontaminated materials and equipment.

(6) "Competent person" means one who is capable of identifying existing asbestos hazards in the workplace and who has the authority to take prompt corrective measures to eliminate them, as specified in WAC 296-155-012(4). The duties of the competent person include at least the following: Establishing the negative-pressure enclosure, ensuring its integrity, and controlling entry to and exit from the enclosure; supervising any employee exposure monitoring required by the standard; ensuring that all employees working within such an enclosure wear the appropriate personal protective equipment, are trained in the use of appropriate methods of exposure control, and use the hygiene facilities and decontamination procedures specified in the standard; and ensuring that engineering controls in use are in proper operating condition and are functioning properly. To be designated as a competent person, the worker must satisfactorily complete a training course in accordance with WAC 296-62-07712(3).

(7) "Curtained doorway" means overlapping plastic sheeting curtains, at least four mils in thickness, constructed and used at entrance and exit of regulated areas, and designed to restrict the movement of air from one area to another.

(8) "Decontamination area" means an enclosed area adjacent and connected to the regulated area and consisting of an equipment room, shower area, and clean

room, which is used for the decontamination of workers, materials, and equipment contaminated with asbestos.

(9) "Demolition" means the wrecking or taking out of any load-supporting structural member and any related razing, removing, or stripping of asbestos products.

(10) "Department" means the department of labor and industries.

(11) "Director" means the director of the department of labor and industries or his/her authorized representatives.

(12) "Employee exposure" means that exposure to airborne asbestos that would occur if the employee were not using respiratory protective equipment.

(13) "Equipment room" means a contaminated room located within the decontamination area that is supplied with impermeable bags or containers for the disposal of contaminated protective clothing and equipment.

(14) "Fiber" means a particulate form of asbestos, five micrometers or longer, with a length-to-diameter ratio of at least three to one.

(15) "High-efficiency particulate air (HEPA) filter" means a filter capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micrometers mean aerodynamic diameter or larger.

(16) "Regulated area" means an area established by the employer to demarcate areas where airborne concentrations of asbestos exceed, or can reasonably be expected to exceed, the permissible exposure limits. The regulated area may take the form of (a) a temporary enclosure, as required by WAC 296-62-07711, or (b) an area demarcated in any manner that minimizes the number of employees exposed to asbestos.

(17) "Removal" means the taking out or stripping of asbestos or materials containing asbestos.

(18) "Renovation" means the modifying of any existing structure, or portion thereof, where exposure to airborne asbestos may result.

(19) "Repair" means overhauling, rebuilding, reconstructing, or reconditioning of structure or substrates where asbestos is present.

(20) "Small-scale, short duration operations" means tasks involving less than ten linear feet and less than eleven square feet of material. This means a total of eleven square feet of material whether on flat surfaces or not and includes pipes. Regardless of pipe diameter, runs cannot exceed ten linear feet.

(21) "Structural member" means any load-supporting or nonload-supporting member of a facility such as beams, walls, and ceilings.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07705 PERMISSIBLE EXPOSURE LIMITS (PEL). (1) Time weighted average (TWA): The employer shall ensure that no employee is exposed to an airborne concentration of asbestos in excess of 0.2 fiber per cubic centimeter (0.2 f/cc) of air as an eight-hour time-weighted average (TWA) as determined by the method prescribed in WAC 296-62-07735, Appendix A, or by an equivalent method recognized by the department.

(2) ~~((Ceiling concentration. No employee shall be exposed at any time to airborne concentrations of asbestos in excess of 1.0 fiber per cubic centimeter (1.0 f/cc) of air during any fifteen minute period, as determined by the methods prescribed in WAC 296-62-07735, Appendix A, or by an equivalent method recognized by the department.))~~ Excursion limit. The employer shall ensure that no employee is exposed to an airborne concentration of asbestos in excess of 1.0 fiber per cubic centimeter of air (1 f/cc) as averaged over a sampling period of fifteen minutes.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07709 EXPOSURE MONITORING. (1) General.

(a) Each employer shall perform monitoring to determine accurately the airborne concentrations of asbestos to which employees may be exposed.

(b) Determinations of employee exposure shall be made from breathing zone air samples that are representative of the eight-hour TWA ~~((of each employee and of the ceiling concentrations))~~ and fifteen minute short-term exposures of each employee.

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

(d) ~~((Representative employee ceiling exposure shall be determined on the basis of one or more samples representing the highest exposure for employees in each work area. Sampling periods for ceiling concentration evaluations shall not exceed fifteen minutes.))~~ Representative fifteen minute short term employee exposures shall be determined on the basis of one or more samples representing fifteen minute exposures associated with operations that are most likely to produce exposures above the excursion limit for each shift for each job classification in each work area.

(e) Prior to the start of the removal, demolition, or renovation project, representative area monitoring shall be conducted for later use (see WAC 296-62-07713 (2)(c)).

(2) Initial monitoring.

(a) Each employer who has a workplace or work operation covered by this standard, except as provided for in (b) and (c) of this subsection, shall perform initial monitoring of employees who are, or may reasonably be expected to be exposed to airborne concentrations at or above the action level and/or excursion limit. The initial monitoring shall be at the initiation of each asbestos job to accurately determine the airborne concentration of asbestos to which employees may be exposed.

(b) Where the employer or his/her representative has monitored after December 20, 1985, the monitoring satisfies all other requirements of this section, and the monitoring data was obtained during work operations conducted ~~((at the same workplace and))~~ under workplace conditions closely resembling the processes, type of material including percentage of asbestos, control methods, work practices, and environmental conditions used

and prevailing in the employer's current operations, the employer may rely on such earlier monitoring results to satisfy the requirements of (a) of this subsection, except for employees engaged in removal, demolition, or renovation operations using negative-pressure enclosures as required by WAC 296-62-07712. ~~((The employer may rely on such earlier monitoring results to satisfy the requirements of (a) of this subsection.))~~

(c) Where the employer has relied upon objective data that demonstrates that asbestos is not capable of being released in airborne concentrations at or above the action level and/or excursion limit under those work conditions of processing, use, or handling expected to have the greatest potential for releasing asbestos, then no initial monitoring is required.

(3) Monitoring frequency (periodic monitoring) and patterns. After the initial determinations required by subsection (2)(a) of this section, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees.

(a) In no case shall sampling be at intervals greater than six months for employees whose exposures may reasonably be foreseen to exceed the action level and/or excursion limit.

(b) Daily monitoring within regulated areas: The employer shall conduct daily monitoring that is representative of the exposure of each employee who is assigned to work within a regulated area. Exception: When all employees within a regulated area are equipped with full facepiece supplied-air respirators operated in the pressure-demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter, the employer may dispense with the daily monitoring required by this subsection.

(c) Monitoring outside negative-pressure enclosures: The employer shall conduct representative area monitoring of the airborne fiber levels at least every other day at the HEPA machine exhaust and entrance to the decontamination area.

(4) Changes in monitoring frequency. If either the initial or the periodic monitoring required by subsections (2) and (3) of this section statistically indicates that employee exposures are below the action level and/or excursion limit, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

(5) Additional monitoring. Notwithstanding the provisions of subsections (2)(b) and (4) of this section, the employer shall institute the exposure monitoring required under subsections (2)(a) and (3) of this section whenever there has been a change in the production, process, control equipment, personnel, or work practices that may result in new or additional exposures above the action level and/or excursion limit, or when the employer has any reason to suspect that a change may result in new or additional exposures above the action level and/or excursion limit.

(6) Method of monitoring.

(a) All samples taken to satisfy the monitoring requirements of this section shall be personal samples collected following the procedures specified in WAC 296-62-07735, Appendix A.

(b) Monitoring shall be performed by persons having a thorough understanding of monitoring principles and procedures and who can demonstrate proficiency in sampling techniques.

(c) All samples taken to satisfy the monitoring requirements of this section shall be evaluated using the WISHA reference method specified in WAC 296-62-07735, Appendix A, or an equivalent counting method recognized by the department.

(d) If an equivalent method to the WISHA reference method is used, the employer shall ensure that the method meets the following criteria:

(i) Replicate exposure data used to establish equivalency are collected in side-by-side field and laboratory comparisons;

(ii) The comparison indicates that ninety percent of the samples collected in the range 0.1 to 0.4 f/cc have an accuracy range of plus or minus twenty-five percent of the WISHA reference method results with a ninety-five percent confidence level as demonstrated by a statistically valid protocol; and

(iii) The equivalent method is documented and the results of the comparison testing are maintained.

(e) To satisfy the monitoring requirements of this section, employers must use the results of monitoring analysis performed by laboratories which have instituted quality assurance programs that include the elements as prescribed in WAC 296-62-07735, Appendix A.

(7) Employee notification of monitoring results.

(a) The employer shall, as soon as possible but no later than fifteen working days after the receipt of the results of any monitoring performed under the standard, notify the affected employees of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(b) The written notification required by (a) of this subsection shall contain the corrective action being taken by the employer to reduce employee exposure to or below the ((PEL)) permissible exposure limits, wherever monitoring results indicated that the ((~~PEL had~~)) permissible exposure limits have been exceeded.

(8) Observation of monitoring.

(a) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to asbestos conducted in accordance with this section.

(b) When observation of the monitoring of employee exposure to asbestos requires entry into an area where the use of protective clothing or equipment is required, the observer shall be provided with and be required to use such clothing and equipment and shall comply with all other applicable safety and health procedures.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07711 REGULATED AREAS. (1) General. The employer shall establish a regulated area in work areas where airborne concentrations of asbestos exceed or can reasonably be expected to exceed the permissible exposure limits prescribed in WAC 296-62-07705.

(2) Demarcation. The regulated area shall be demarcated in any manner that minimizes the number of persons within the area and protects persons outside the area from exposure to airborne concentrations of asbestos in excess of the permissible exposure limits.

(3) Access. Access to regulated areas shall be limited to authorized persons or to persons authorized by the Washington Industrial Safety and Health Act or regulations issued pursuant thereto.

(4) Provision of respirators. Each person entering a regulated area shall be supplied with and required to use a respirator, selected in accordance with WAC 296-62-07715.

(5) Protective clothing. All persons entering a regulated area shall be supplied with and required to wear protective clothing, selected in accordance with WAC 296-62-07717.

(6) Prohibited activities. The employer shall ensure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in the regulated areas.

(7) Confined space. The employer shall determine if a confined space hazard exists and shall take any necessary precautions in accordance with chapter 296-62 WAC.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07712 REQUIREMENTS FOR ASBESTOS REMOVAL, DEMOLITION, AND RENOVATION OPERATIONS. (1) Except when proper glove bag techniques are used as described in Appendix J WAC 296-62-07753, the employer, wherever feasible, shall establish negative-pressure enclosures having a minimum of one air exchange every fifteen minutes within the enclosure before commencing removal, demolition, and renovation operations. A sufficient amount of air shall be exhausted to create a pressure of -0.02 inches of water within the enclosure with respect to the area outside the enclosure.

(2) The employer shall designate a competent person ((to perform or)) who shall perform, or directly supervise the following duties:

(a) Set up the enclosure;
 (b) Ensure the integrity of the enclosure;
 (c) Control entry to and exit from the enclosure;
 (d) Supervise all employee exposure monitoring required by this section;

(e) Ensure that employees working within the enclosure wear protective clothing and respirators as required by WAC 296-62-07715 and 296-62-07717;

(f) Ensure that employees are trained in the use of engineering controls, work practices, and personal protective equipment;

(g) Ensure that employees use the hygiene facilities and observe the decontamination procedures specified in WAC 296-62-07719; and

(h) Ensure that engineering controls including HEPA filters are functioning properly.

(3) In addition to the qualifications specified in WAC 296-62-07703, the competent person shall be trained in all aspects of asbestos abatement, the contents of this standard, the identification of asbestos and their removal

procedures, and other practices for reducing the hazard. Such training shall be obtained in a comprehensive course conducted by an EPA asbestos training center, or an equivalent training course recognized by the department as complying with the requirements of this subsection. Every competent person shall also maintain a valid asbestos worker certificate as specified in WAC 296-65-010.

(4) Exception: For small-scale, short-duration operations, such as pipe repair, valve replacement, installing electrical conduits, installing or removing drywall, roofing, and other general building maintenance or renovation, the employer is not required to comply with the requirements of WAC 296-62-07712. Employers wishing to take advantage of the exemption in this subsection shall comply with WAC 296-62-07753, Appendix J.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07713 METHODS OF COMPLIANCE. (1) Engineering controls and work practices.

(a) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, except to the extent that such controls are not feasible. Engineering controls and work practices include but are not limited to the following:

(i) Local exhaust ventilation equipped with HEPA filter dust collection systems;

(ii) Vacuum cleaners equipped with HEPA filters;

(iii) Enclosure or isolation of processes producing asbestos dust;

(iv) Use of wet methods, wetting agents, or removal encapsulants to control employee exposures during asbestos handling, mixing, removal, cutting, application, and cleanup;

(v) Prompt disposal of wastes contaminated with asbestos in leak-tight containers; or

(vi) Use of work practices or other engineering controls that the director can show to be feasible.

(b) Wherever the feasible engineering controls and work practices that can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, 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 that complies with the requirements of WAC 296-62-07715.

(c) For the following operations, wherever feasible engineering controls and work practices that can be instituted are not sufficient to reduce the employee exposure to or below the permissible exposure limits prescribed in WAC 296-62-07705, the employer shall use them to reduce employee exposure to or below 0.5 fiber per cubic centimeter of air (as an eight-hour time-weighted average) and shall supplement them by the use of any combination of respiratory protection that complies with the requirements of WAC 296-62-07715, work practices and feasible engineering controls that will reduce employee exposure to or below the permissible

exposure limits prescribed in WAC 296-62-07705: Coupling cutoff in primary asbestos cement pipe manufacturing; sanding in primary and secondary asbestos cement sheet manufacturing; grinding in primary and secondary friction product manufacturing; carding and spinning in dry textile processes; and grinding and sanding in primary plastics manufacturing.

(d) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with good practices such as those found in the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1979.

(e) Particular tools. All hand-operated and power-operated tools which would produce or release fibers of asbestos so as to expose employees to levels in excess of the exposure limits prescribed in WAC 296-62-07705, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems which comply with (d) of this subsection. High-speed abrasive disc saws that are not equipped with appropriate engineering controls shall not be used for work related to asbestos.

(f) Wet methods. (~~Insofar as practicable,~~) Asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet saturated state (~~(sufficient)~~) to prevent the emission of airborne fibers (~~(so as to expose employees to levels in excess of the exposure limit prescribed in WAC 296-62-07705;)~~) unless the usefulness of the product would be diminished thereby.

(g) Materials containing asbestos shall not be applied by spray methods unless the materials contain less than 0.1% asbestos by weight, the asbestos is a natural contaminant and objective data indicate employee exposure will not exceed the action level of 0.1 f/cc.

(h) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, enclosed, or ventilated so as to prevent effectively the release of airborne fibers of asbestos so as to expose employees to levels in excess of the permissible exposure limits prescribed in WAC 296-62-07705.

(i) Compressed air. Compressed air shall not be used to remove asbestos or materials containing asbestos unless the compressed air is used in conjunction with an enclosed ventilation system designed to capture the dust cloud created by the compressed air.

(2) Clean-up.

(a) After completion of asbestos removal, demolition, and renovation operations, all surfaces in and around the work area shall be cleared of any asbestos debris.

(b) Lock-down. Where asbestos has been removed, encapsulant shall be applied to ensure binding of remaining fibers.

(c) The employer shall demonstrate by monitoring that the airborne fiber concentration is below the action level; or, at or below the airborne fiber level existing prior to the start of the removal, demolition, or renovation project; whichever level is lower.

(3) Compliance program.

(a) Where ~~((the PEL))~~ either the time weighted average and/or excursion limit is exceeded, the employer shall establish and implement a written program to reduce employee exposure to or below the permissible exposure limits by means of engineering and work practice controls as required by subsection (1) of this section, and by the use of respiratory protection where required or permitted under this section.

(b) Such programs shall be reviewed and updated as necessary to reflect significant changes in the status of the employer's compliance program.

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

(d) The employer shall not use employee rotation as a means of compliance with the ~~((PEL))~~ permissible exposure limits specified in WAC 296-62-07705.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07715 RESPIRATORY PROTECTION. (1) General. The employer shall provide respirators, and ensure that they are used, where required by WAC 296-62-077 through 296-62-07753. Respirators shall be used in the following circumstances:

- (a) During the interval necessary to install or implement feasible engineering and work practice controls;
- (b) In work operations, such as maintenance and repair activities, or other activities for which engineering and work practice controls are not feasible;
- (c) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits;
- (d) In emergencies;
- (e) In all regulated areas; and
- (f) Whenever employee exposure exceeds the ~~((PEL))~~ permissible exposure limits.

(2) Respirator selection.

(a) Where respirators are required 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 ensure that the employee uses the respirator provided. The employer shall select respirators from among those approved as being acceptable for protection by the Mine Safety and Health Administration (MSHA) or by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(b) The employer shall provide a powered, air-purifying respirator in lieu of any negative pressure respirator specified in Table 1 of this section whenever:

- (i) An employee chooses to use this type of respirator; and
- (ii) This respirator will provide adequate protection to the employee.

TABLE 1—RESPIRATORY PROTECTION FOR ASBESTOS FIBERS

Concentration of asbestos fibers	Required Respirator ^a
Not in excess of 2 f/cc.	1. Half-mask, air-purifying respirator, other than a disposable respirator, equipped with high-efficiency filters.
Not in excess of 10 f/cc.	1. Full facepiece air-purifying respirator equipped with high-efficiency filters.
Not in excess of 20 f/cc.	1. Any powered air-purifying respirator equipped with high-efficiency filters. 2. Any supplied-air respirator operated in continuous flow mode.
Not in excess of 200 f/cc.	1. Full facepiece supplied-air respirator operated in pressure demand mode.
Greater than 200 f/cc or unknown concentration.	1. Full facepiece supplied-air respirator operated in pressure-demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter. ^c 2. Full facepiece positive-pressure self-contained breathing apparatus (SCBA).

Note: a. Respirators assigned for higher environmental concentrations may be used at lower concentrations.
b. A high-efficiency filter means a filter that is capable of trapping and retaining at least 99.97 percent of all monodispersed particles of 0.3 micrometers mean aerodynamic diameter or larger.
c. See subsection (5)(c) of this section for fit testing requirements.

(3) Special respiratory protection requirements. Unless specifically identified in this subsection, respirator selection for asbestos removal, demolition, and renovation operations shall be in accordance with Table 1 of subsection (2) of this section. The employer shall provide and require to be worn, at no cost to the employee, a full facepiece supplied-air respirator operated in the pressure demand mode equipped with either an auxiliary positive pressure self-contained breathing apparatus or a HEPA filter to employees engaged in the following asbestos operations:

(a) Inside negative pressure enclosures used for removal, demolition, and renovation of friable asbestos from walls, ceilings, vessels, ventilation ducts, elevator shafts, and other structural members, but does not include pipes or piping systems; or

(b) Any dry removal of asbestos.

(4) Respirator program.

(a) Where respiratory protection is required, the employer shall institute a respirator program in accordance with WAC 296-62-071.

(b) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(c) Employees who wear respirators shall be permitted to leave work areas to wash their faces and respirator facepieces whenever necessary to prevent skin irritation associated with respirator use.

(d) No employee shall be assigned to tasks requiring the use of respirators if, based upon his or her most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by the use of a respirator. Such employee shall be assigned to another job or given the opportunity to transfer to a different position whose duties he or she is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay the employee had just prior to such transfer, if such a different position is available.

(5) Respirator fit testing.

(a) The employer shall ensure that the respirator issued to the employee exhibits the least possible facepiece leakage and that the respirator is fitted properly.

(b) For each employee wearing negative pressure respirators, employers shall perform either quantitative or qualitative face fit tests at the time of initial fitting and at least every six months thereafter. The qualitative fit tests may be used only for testing the fit of half-mask respirators to be worn in concentrations of asbestos not in excess of 2 f/cc, and shall be conducted in accordance with WAC 296-62-07739, Appendix C. The tests shall be used to select facepieces that provide the required protection as prescribed in Table 1 of this section.

(c) Any supplied-air respirator facepiece equipped with a back-up HEPA filter shall be quantitatively fit tested with the air supply disconnected at the time of initial fitting and at least every six months thereafter. The quantitative fit tests shall be conducted using the procedures described in WAC 296-62-07739(2), Appendix C, for negative pressure respirators.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07717 PROTECTIVE WORK CLOTHING AND EQUIPMENT. (1) Provision and use. If an employee is exposed to asbestos above the ((PEL)) permissible exposure limits, or where the possibility of eye irritation exists, the employer shall provide at no cost to the employee and ensure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

- (a) Coveralls or similar full-body work clothing;
- (b) Gloves, head coverings, and foot coverings; and
- (c) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-07801.

(2) Removal and storage.

(a) The employer shall ensure that employees remove work clothing contaminated with asbestos only in change rooms provided in accordance with WAC 296-62-07719(1).

(b) The employer shall ensure that no employee takes contaminated work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(c) Contaminated work clothing shall be placed and stored in closed containers which prevent dispersion of the asbestos outside the container.

(d) Containers of contaminated protective devices or work clothing which are to be taken out of change rooms or the workplace for cleaning, maintenance, or disposal, shall bear labels in accordance with WAC 296-62-07721(2).

(3) Cleaning and replacement.

(a) The employer shall clean, launder, repair, or replace protective clothing and equipment required by this paragraph to maintain their effectiveness. The employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(b) The employer shall prohibit the removal of asbestos from protective clothing and equipment by blowing or shaking.

(c) Laundering of contaminated clothing shall be done so as to prevent the release of airborne fibers of asbestos in excess of the permissible exposure limits prescribed in WAC 296-62-07705.

(d) Any employer who gives contaminated clothing to another person for laundering shall inform such person of the requirement in (c) of this subsection to effectively prevent the release of airborne fibers of asbestos in excess of the permissible exposure limits.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with asbestos of the potentially harmful effects of exposure to asbestos.

(f) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with WAC 296-62-07721.

(4) Protective clothing for removal, demolition, and renovation operations.

(a) The competent person shall periodically examine worksuits worn by employees for rips or tears that may occur during performance of work.

(b) When rips or tears are detected while an employee is working within a negative-pressure enclosure, rips and tears shall be immediately mended, or the worksuit shall be immediately replaced.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07719 HYGIENE FACILITIES AND PRACTICES. (1) Change rooms.

(a) The employer shall provide clean change rooms for employees required to work in regulated areas or required by WAC 296-62-07717(1) to wear protective clothing.

Exception: In lieu of the change area requirement specified in this subsection, the employer may permit employees in small-scale, short-duration operations, as described in WAC 296-62-07712(4), to clean their protective clothing with a portable HEPA-equipped vacuum before such employees leave the area where maintenance was performed.

(b) The employer shall ensure that change rooms are in accordance with WAC 296-24-120, and are equipped with two separate lockers or storage facilities, so separated as to prevent contamination of the employee's street clothes from his/her protective work clothing and equipment.

(2) Showers.

(a) The employer shall ensure that employees who work in negative pressure enclosures required by WAC 296-62-07712, or who work in areas where their airborne exposure is above the permissible exposure limits prescribed in WAC 296-62-07705, shower at the end of the work shift.

(b) The employer shall provide shower facilities which comply with WAC 296-24-12009(3).

(c) The employer shall ensure that employees who are required to shower pursuant to (a) of this subsection do not leave the workplace wearing any clothing or equipment worn during the work shift.

(3) Special requirements for removal, demolition, and renovation operations.

(a) Decontamination area. Except for small-scale, short-duration operations, as described in WAC 296-62-07753 Appendix J, the employer shall establish a decontamination area that is adjacent and connected to the regulated area for the decontamination of employees contaminated with asbestos. The decontamination area shall consist of an equipment room, shower area, and clean room in series. The employer shall ensure that employees enter and exit the regulated area through the decontamination area.

(b) Clean room. The clean room shall be equipped with a locker or appropriate storage container for each employee's use.

(c) Shower area. Where feasible, shower facilities shall be provided which comply with WAC 296-24-12009(3). The showers shall be contiguous both to the equipment room and the clean change room, unless the employer can demonstrate that this location is not feasible. Where the employer can demonstrate that it is not feasible to locate the shower between the equipment room and the clean change room, the employer shall ensure that employees:

(i) Remove asbestos contamination from their worksuits using a HEPA vacuum before proceeding to a shower that is not contiguous to the work area; or

(ii) Remove their contaminated worksuits, don clean worksuits, and proceed to a shower that is not contiguous to the work area.

(d) Equipment room. The equipment room shall be supplied with impermeable, labeled bags and containers for the containment and disposal of contaminated protective clothing and equipment.

(e) Decontamination area entry procedures.

(i) The employer shall ensure that employees:

(A) Enter the decontamination area through the clean room;

(B) Remove and deposit street clothing within a locker provided for their use; and

(C) Put on protective clothing and respiratory protection before leaving the clean room.

(ii) Before entering the enclosure, the employer shall ensure that employees pass through the equipment room.

(f) Decontamination area exit procedures.

(i) Before leaving the regulated area, the employer shall ensure that employees remove all gross contamination and debris from their protective clothing.

(ii) The employer shall ensure that employees remove their protective clothing in the equipment room and deposit the clothing in labeled impermeable bags or containers.

(iii) The employer shall ensure that employees do not remove their respirators in the equipment room.

(iv) The employer shall ensure that employees shower prior to entering the clean room. When taking a shower, employees shall be fully wetted, including the face and hair, prior to removing their respirators.

(v) The employer shall ensure that, after showering, employees enter the clean room before changing into street clothes.

(g) Decontamination area for personnel shall not be used for the transportation of asbestos debris.

(h) Waste load-out procedure. The waste load-out area as required by WAC 296-62-07723(7) shall be used as an area for final preparation and external decontamination of waste containers, as a short term storage area for bagged waste, and as a port for transporting waste.

The employer shall ensure waste containers be free of all gross contaminated material before removal from the negative-pressure enclosure. Gross contamination shall be wiped, scraped off, or washed off containers before they are placed into a two chamber air lock which is adjacent to the negative-pressure enclosure. In the first chamber, the exterior of the waste container shall be decontaminated or placed within a second waste container, and then it shall be moved into the second chamber of the air lock for temporary storage or transferred outside of the regulated area. The second waste container shall not be reused unless thoroughly decontaminated.

(4) Lunchrooms.

(a) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure is above the ((permissible exposure)) time weighted average and/or excursion limit.

(b) The employer shall ensure that lunchroom facilities have a positive pressure, filtered air supply, and are readily accessible to employees.

(c) The employer shall ensure that employees who work in areas where their airborne exposure is above the ((permissible exposure)) time weighted average and/or excursion limit, wash their hands and faces prior to eating, drinking, or smoking.

(d) The employer shall ensure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface asbestos fibers have been removed from the clothing or equipment by vacuuming or other method that removes dust without causing the asbestos to become airborne.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07721 COMMUNICATION OF HAZARDS TO EMPLOYEES. (1) Warning signs.

(a) Warning signs shall be provided and displayed at each regulated area. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(b) The warning signs required by (a) of this subsection shall bear the following information:

DANGER
ASBESTOS
CANCER AND LUNG DISEASE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED
IN THIS AREA

(2) Warning labels.

(a) Warning labels shall be affixed to all products containing asbestos including raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, and to their containers including waste containers. Where feasible, installed asbestos products shall contain a visible label.

(b) Labels shall be printed in large, bold letters on a contrasting background.

(c) The labels shall comply with the requirements of WAC 296-62-05411, and shall include the following information:

DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD
AVOID BREATHING AIRBORNE ASBESTOS FIBERS

(d) Where minerals to be labeled are only tremolite, anthophyllite, or actinolite, the employer may replace the term "asbestos" with the appropriate mineral name.

(3) Material safety data sheets. Employers who are manufacturers or importers of asbestos, or asbestos products shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413, except as provided by subsection (4) of this section.

(4) The provisions for labels required by subsection (2) of this section or for material safety data sheets required by subsection (3) of this section do not apply where:

(a) Asbestos fibers have been modified by a bonding agent, coating, binder, or other material, provided that the manufacturer can demonstrate that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of fibers of asbestos in excess of the action level and/or excursion limit will be released; or

(b) Asbestos is present in a product in concentrations less than 0.1 percent by weight.

(5) Employee information and training.

(a) The employer shall institute a training program for all employees who are exposed to airborne concentrations of asbestos at or above the action level and/or excursion limit and ensure their participation in the program.

(b) Training shall be provided prior to or at the time of initial assignment, unless the employee has received equivalent training within the previous twelve months, and at least annually thereafter.

(c) The training program shall be conducted in a manner which the employee is able to understand. The

employer shall ensure that each employee is informed of the following:

(i) The health effects associated with asbestos;

(ii) The relationship between smoking and exposure to asbestos in producing lung cancer;

(iii) Methods of recognizing asbestos and the quantity, location, manner of use, release, and storage of asbestos and the specific nature of operations which could result in exposure to asbestos;

(iv) The engineering controls and work practices associated with the employee's job assignment;

(v) The specific procedures implemented to protect employees from exposure to asbestos such as appropriate work practices, housekeeping procedures, hygiene facilities, decontamination procedures, emergency and clean-up procedures, personal protective equipment to be used, and waste disposal procedures, and any necessary instructions in the use of these controls and procedures;

(vi) The purpose, proper use, and limitations of respirators and protective clothing;

(vii) The purpose and a description of the medical surveillance program required by WAC 296-62-07725; and

(viii) The content of this standard, including appendices.

(d) Access to information and training materials.

(i) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(6) Certification.

(a) All individuals working on asbestos projects, as defined in WAC 296-65-003(4) shall be certified as required by WAC 296-65-010 and 296-65-030.

(b) In cases excepted under WAC 296-65-030 (1) and (2), all employees shall be trained according to subsection (5) of this section.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07725 MEDICAL SURVEILLANCE. (1) General.

(a) Employees covered. The employer shall institute a medical surveillance program for all employees who are or will be exposed to airborne concentrations of fibers of asbestos at or above the action level and/or excursion limit. Exception. Employers in the construction industry shall institute a medical surveillance program for all employees engaged in work involving levels of asbestos at or above the action level for thirty or more days per year, or who are required by this section to wear negative-pressure respirators.

(b) Examination by a physician.

(i) The employer shall ensure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee and at a reasonable time and place.

(ii) 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 academic or professional institution.

(2) Preplacement examinations.

(a) Except as provided by WAC 296-62-07725 (1)(a), before an employee is assigned to an occupation exposed to airborne concentrations of asbestos, a preplacement medical examination shall be provided or made available by the employer. Examinations administered using the thirty or more days per year criteria of WAC 296-62-07725 (1)(a) shall be given within ten working days following the thirtieth day of exposure. Examinations must be given prior to assignment of employees to areas where negative-pressure respirators are worn.

(b) All examinations shall include, as a minimum, a medical and work history: A complete physical examination of all systems with special emphasis on the pulmonary, cardiovascular, and gastrointestinal systems; completion of the respiratory disease standardized questionnaire in WAC 296-62-07741, Appendix D, Part 1; a chest roentgenogram (posterior-anterior 14x17 inches); pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV_{1.0}); and any additional tests deemed appropriate by the examining physician. Interpretation and classification of chest roentgenograms shall be conducted in accordance with WAC 296-62-07743, Appendix E.

(3) Periodic examinations.

(a) Periodic medical examinations shall be made available annually.

(b) The scope of the medical examination shall be in conformance with the protocol established in subsection (2)(b) of this section, except that the frequency of chest roentgenograms shall be conducted in accordance with Table 2 of this section, and the abbreviated standardized questionnaire contained in WAC 296-62-07741, Appendix D, Part 2, shall be administered to the employee.

TABLE 2—FREQUENCY OF CHEST ROENTGENOGRAMS

Years since first exposure	Age of employee		
	15 to 35	35+ to 45	45+
0 to 10.....	Every 5 years	Every 5 years	Every 5 years.
10+	Every 5 years	Every 2 years	Every 1 year.

(c) If the examining physician determines that any of the examinations should be provided more frequently than specified, the employer shall provide such examinations to affected employees at the frequencies specified by the physician.

(4) Termination of employment examinations.

(a) The employer shall provide, or make available, a termination of employment medical examination for any employee who has been exposed to airborne concentrations of fibers of asbestos at or above the action level and/or excursion limit.

(b) The medical examination shall be in accordance with the requirements of the periodic examinations stipulated in subsection (3) of this section, and shall be given within thirty calendar days before or after the date of termination of employment.

(5) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with subsection (2), (3), or (4) of this section within the past one-year period.

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

(a) A copy of this standard and Appendices D, E, and H of WAC 296-62-07741, 296-62-07743, and 296-62-07749 respectively.

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

(c) The employee's representative exposure level or anticipated exposure level.

(d) A description of any personal protective and respiratory equipment used or to be used.

(e) Information from previous medical examinations of the affected employee that is not otherwise available to the examining physician.

(7) Physician's written opinion.

(a) The employer shall obtain a written signed opinion from the examining physician. This written opinion shall contain the results of the medical examination and shall include:

(i) The physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of material health impairment from exposure to asbestos;

(ii) Any recommended limitations on the employee or upon the use of personal protective equipment such as clothing or respirators; and

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

(b) The employer shall instruct the physician not to reveal in the written opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to asbestos.

(c) The employer shall provide a copy of the physician's written opinion to the affected employee within thirty days from its receipt.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07731 DATES. (1) The requirements of the asbestos standard issued in May 1973, as amended, and published in WAC 296-62-07517, remain in effect until compliance is achieved with the parallel provisions of WAC 296-62-077 through 296-62-07753.

(2) Start-up dates. All obligations of WAC 296-62-077 through 296-62-07753 commence on the effective date except as follows:

(a) Hygiene and lunchroom facilities. Changerooms, showers, lavatories, and lunchroom facilities shall be constructed and in use no later than July 20, 1987. However, if as part of the compliance plan for a fixed facility as opposed to mobile or construction type activities it is predicted by an independent engineering firm that engineering controls and work practices will reduce

exposures below the ((~~permissible exposure~~)) time weighted average and/or excursion limit by July 20, 1988, for affected employees, then such facilities need not be completed until one year after the engineering controls are completed, if such controls have not in fact succeeded in reducing exposure to below the permissible exposure limits.

(b) Compliance program. Written compliance programs required by WAC 296-62-07713(2) as a result of initial monitoring shall be completed and available for inspection and copying as soon as possible but no later than July 20, 1987.

(c) Methods of compliance. The engineering and work practice controls as required by WAC 296-62-07713(1) shall be implemented as soon as possible but no later than July 20, 1988.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07745 APPENDIX F—WORK PRACTICES AND ENGINEERING CONTROLS FOR AUTOMOTIVE BRAKE REPAIR OPERATIONS—NONMANDATORY. This appendix is intended as guidance for employers in the automotive brake and clutch repair industry who wish to reduce their employees' asbestos exposures during repair operations to levels below the new standard's action level (0.1 f/cc). WISHA believes that employers in this industry sector are likely to be able to reduce their employees' exposures to asbestos by employing the engineering and work practice controls described in subsections (1) and (2) of this section. Those employers who choose to use these controls and who achieve exposures below the action level will thus be able to avoid any burden that might be imposed by complying with such requirements as medical surveillance, recordkeeping, training, respiratory protection, and regulated areas, which are triggered when employee exposures exceed the action level or ((~~PEL~~)) permissible exposure limits.

Asbestos exposure in the automotive brake and clutch repair industry occurs primarily during the replacement of clutch plates and brake pads, shoes, and linings. Asbestos fibers may become airborne when an automotive mechanic removes the asbestos-containing residue that has been deposited as brakes and clutches wear. Employee exposures to asbestos occur during the cleaning of the brake drum or clutch housing.

WISHA believes that employers engaged in brake repair operations who implement any of the work practices and engineering controls described in subsections (1) and (2) of this section may be able to reduce their employees' exposures to levels below the action level (0.1 fiber/cc). These control methods and the relevant record evidence on these and other methods are described in the following sections.

(1) Enclosed cylinder/HEPA vacuum system method.

The enclosed cylinder-vacuum system used in one of the facilities visited by representatives of the National Institute for Occupational Safety and Health (NIOSH) during a health hazard evaluation of brake repair facilities consists of three components:

(a) A wheel-shaped cylinder designed to cover and enclose the wheel assembly;

(b) A compressed-air hose and nozzle that fits into a port in the cylinder; and

(c) A HEPA-filtered vacuum used to evacuate airborne dust generated within the cylinder by the compressed air.

To operate the system, the brake assembly is enclosed in a cylinder that has viewing ports to provide visibility and cotton sleeves through which the mechanic can handle the brake assembly parts. The cylinder effectively isolates asbestos dust in the drum from the mechanic's breathing zone. One company manufactures the brake assembly isolation cylinder. The cylinder is equipped with built-in compressed-air guns and a connection for a vacuum cleaner equipped with a high efficiency particulate air (HEPA) filter. This type of filter is capable of removing all particles greater than 0.3 microns from the air. When the vacuum cleaner's filter is full, it must be replaced according to the manufacturer's instruction, and appropriate HEPA-filtered dual cartridge respirators should be worn during the process. The filter of the vacuum cleaner is assumed to be contaminated with asbestos fibers and should be handled carefully, wetted with a fine mist of water, placed immediately in a labelled plastic bag, and disposed of properly. When the cylinder is in place around the brake assembly and the HEPA vacuum is connected, compressed air is blown into the cylinder to loosen the residue from the brake assembly parts. The vacuum then evacuates the loosened material from within the cylinder, capturing the airborne material on the HEPA filter.

The HEPA vacuum system can be disconnected from the brake assembly isolation cylinder when the cylinder is not being used. The HEPA vacuum can then be used for clutch facing work, grinding, or other routine cleaning.

(2) Compressed air/solvent system method.

A compressed-air hose fitted at the end with a bottle of solvent can be used to loosen the asbestos-containing residue and to capture the resulting airborne particles in the solvent mist. The mechanic should begin spraying the asbestos-contaminated parts with the solvent at a sufficient distance to ensure that the asbestos particles are not dislodged by the velocity of the solvent spray. After the asbestos particles are thoroughly wetted, the spray may be brought closer to the parts and the parts may be sprayed as necessary to remove grease and other material. The automotive parts sprayed with the mist are then wiped with a rag, which must then be disposed of appropriately. Rags should be placed in a labelled plastic bag or other container while they are still wet. This ensures that the asbestos fibers will not become airborne after the brake and clutch parts have been cleaned. (If cleanup rags are laundered rather than disposed of, they must be washed using methods appropriate for the laundering of asbestos-contaminated materials.)

WISHA believes that a variant of this compressed-air/solvent mist process offers advantages over the compressed-air/solvent mist technique discussed above, both in terms of costs and employee protection. The variant involves the use of spray cans filled with any of several

solvent cleaners commercially available from auto supply stores. Spray cans of solvent are inexpensive, readily available, and easy to use. These cans will also save time, because no solvent delivery system has to be assembled, i.e., no compressed-air hose/mister ensemble. OSHA believes that a spray can will deliver solvent to the parts to be cleaned with considerably less force than the alternative compressed-air delivery system described above, and will thus generate fewer airborne asbestos fibers than the compressed-air method. The agency therefore believes that the exposure levels of automotive repair mechanics using the spray can/solvent mist process will be even lower than the exposures reported by NIOSH for the compressed-air/solvent mist system (0.08 f/cc).

(3) Information on the effectiveness of various control measures.

The amount of airborne asbestos generated during brake and clutch repair operations depends on the work practices and engineering controls used during the repair or removal activity.

(a) Prohibited methods.

The use of compressed air to blow the asbestos-containing residue off the surface of the brake drum removes the residue effectively but simultaneously produces an airborne cloud of asbestos fibers. According to NIOSH, the peak exposures of mechanics using this technique were as high as fifteen fibers/cc, and eight-hour TWA exposures ranged from 0.03 to 0.19 f/cc.

Dr. William J. Nicholson of the Mount Sinai School of Medicine cited data from Knight and Hickish (1970) that indicated that the concentration of asbestos ranged from 0.84 to 5.35 f/cc over a sixty-minute sampling period when compressed air was being used to blow out the asbestos-containing residue from the brake drum. In the same study, a peak concentration of eighty-seven f/cc was measured for a few seconds during brake cleaning performed with compressed air. Rohl et al. (1976) measured area concentrations (of unspecified duration) within three to five feet of operations involving the cleaning of brakes with compressed air and obtained readings ranging from 6.6 to 29.8 f/cc. Because of the high exposure levels that result from cleaning brake and clutch parts using compressed air, WISHA has prohibited this practice in the revised standard.

(b) Ineffective methods.

When dry brushing was used to remove the asbestos-containing residue from the brake drums and wheel assemblies, peak exposures measured by NIOSH ranged from 0.61 to 0.81 f/cc, while eight-hour TWA levels were at the new standard's permissible exposure limit (PEL) of 0.2 f/cc. Rohl and his colleagues collected area samples one to three feet from a brake cleaning operation being performed with a dry brush, and measured concentrations ranging from 1.3 to 3.6 f/cc; however, sampling times and TWA concentrations were not presented in the Rohl et al. study.

When a brush wetted with water, gasoline, or Stoddart solvent was used to clean the asbestos-containing residue from the affected parts, exposure levels (eight-hour TWAs) measured by NIOSH also exceeded

the new 0.2 f/cc PEL, and peak exposures ranged as high as 2.62 f/cc.

(c) Preferred methods.

Use of an engineering control system involving a cylinder that completely encloses the brake shoe assembly and a high efficiency particulate air (HEPA) filter-equipped vacuum produced eight-hour TWA employee exposures of 0.01 f/cc and peak exposures ranging from nondetectable to 0.07 f/cc. (Because this system achieved exposure levels below the standard's action level, it is described in detail above.) Data collected by the Mount Sinai Medical Center for Nilfisk of America, Inc., the manufacturer of the brake assembly enclosure system, showed that for two of three operations sampled, the exposure of mechanics to airborne asbestos fibers was nondetectable. For the third operator sampled by Mt. Sinai researchers, the exposure was 0.5 f/cc, which the authors attributed to asbestos that had contaminated the operator's clothing in the course of previous brake repair operations performed without the enclosed cylinder/vacuum system.

Some automotive repair facilities use a compressed-air hose to apply a solvent mist to remove the asbestos-containing residue from the brake drums before repair. The NIOSH data indicated that mechanics employing this method experienced exposures (eight-hour TWAs) of 0.8 f/cc, with peaks of 0.25 to 0.68 f/cc. This technique, and a variant of it, that ((OSHA)) WISHA believes is both less costly and more effective in reducing employee exposures, is described in greater detail in subsections (1) and (2) of this section.

(4) Summary.

In conclusion, WISHA believes that it is likely that employers in the brake and clutch repair industry will be able to avail themselves of the action level trigger built into the revised standard if they conscientiously employ one of the three control methods described above: The enclosed cylinder/HEPA vacuum system, the compressed air/solvent method, or the spray can/solvent mist system.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07747 APPENDIX G—SUBSTANCE TECHNICAL INFORMATION FOR ASBESTOS—NONMANDATORY. (1) Substance identification.

(a) Substance: "Asbestos" is the name of a class of magnesium-silicate minerals that occur in fibrous form. Minerals that are included in this group are chrysotile, crocidolite, amosite, tremolite asbestos, anthophyllite asbestos, and actinolite asbestos.

(b) Asbestos is used in the manufacture of heat-resistant clothing, automotive brake and clutch linings, and a variety of building materials including floor tiles, roofing felts, ceiling tiles, asbestos-cement pipe and sheet, and fire-resistant drywall. Asbestos is also present in pipe and boiler insulation materials, and in sprayed-on materials located on beams, in crawlspaces, and between walls.

(c) The potential for a product containing asbestos, tremolite, anthophyllite, and actinolite to release

breatheable fibers depends on its degree of friability. Friable means that the material can be crumbled with hand pressure and is therefore likely to emit fibers. The fibrous or fluffy sprayed-on materials used for fireproofing, insulation, or sound proofing are considered to be friable, and they readily release airborne fibers if disturbed. Materials such as vinyl-asbestos floor tile or roofing felts are considered nonfriable and generally do not emit airborne fibers unless subjected to sanding or sawing operations. Asbestos-cement pipe or sheet can emit airborne fibers if the materials are cut or sawed, or if they are broken during demolition operations.

(d) Permissible exposure: Exposure to airborne asbestos fibers may not exceed 0.2 fibers per cubic centimeter of air (0.2 f/cc) averaged over the eight-hour workday (time weighted average), or 0.1 fibers per cubic centimeter of air (0.1 f/cc) during any fifteen minute period, (excursion limit).

(2) Health hazard data.

(a) Asbestos can cause disabling respiratory disease and various types of cancers if the fibers are inhaled. Inhaling or ingesting fibers from contaminated clothing or skin can also result in these diseases. The symptoms of these diseases generally do not appear for twenty or more years after initial exposure.

(b) Exposure to asbestos has been shown to cause lung cancer, mesothelioma, and cancer of the stomach and colon. Mesothelioma is a rear cancer of the thin membrane lining of the chest and abdomen. Symptoms of mesothelioma include shortness of breath, pain in the walls of the chest, and/or abdominal pain.

(3) Respirators and protective clothing.

(a) Respirators: You are required to wear a respirator when performing tasks that result in asbestos exposure that exceeds ~~((the permissible exposure limit (PEL) of 0.2 f/cc))~~ 0.2 fibers per cubic centimeter of air (0.2 f/cc) as an eight-hour time weighted average and/or 1.0 fiber per cubic centimeter (1 f/cc) during any 15 minute period (excursion limit). These conditions can occur while your employer is in the process of installing engineering controls to reduce asbestos exposure, or where engineering controls are not feasible to reduce asbestos exposure. Air-purifying respirators equipped with a high-efficiency particulate air (HEPA) filter can be used where airborne asbestos fiber concentrations do not exceed 2 f/cc; otherwise, air-supplied, positive-pressure, full facepiece respirators must be used. Disposable respirators or dust masks are not permitted to be used for asbestos work. For effective protection, respirators must fit your face and head snugly. Your employer is required to conduct fit tests when you are first assigned a respirator and every six months thereafter. Respirators should not be loosened or removed in work situations where their use is required.

(b) Protective clothing: You are required to wear protective clothing in work areas where asbestos fiber concentrations exceed the permissible exposure limits ~~((PEL) of 0.2 f/cc))~~ to prevent contamination of the skin. Where protective clothing is required, your employer must provide you with clean garments. Unless

you are working on a large asbestos removal or demolition project, your employer must also provide a change room and separate lockers for your street clothes and contaminated work clothes. If you are working on a large asbestos removal or demolition project, and where it is feasible to do so, your employer must provide a clean room, shower, and decontamination room contiguous to the work area. When leaving the work area, you must remove contaminated clothing before proceeding to the shower. If the shower is not adjacent to the work area, you must vacuum your clothing before proceeding to the change room and shower. To prevent inhaling fibers in contaminated change rooms and showers, leave your respirator on until you leave the shower and enter the clean change room.

(4) Disposal procedures and cleanup.

(a) Wastes that are generated by processes where asbestos is present include:

(i) Empty asbestos shipping containers.

(ii) Process wastes such as cuttings, trimmings, or reject material.

(iii) Housekeeping waste from sweeping or vacuuming.

(iv) Asbestos fireproofing or insulating material that is removed from buildings.

(v) Building products that contain asbestos removed during building renovation or demolition.

(vi) Contaminated disposable protective clothing.

(b) Empty shipping bags can be flattened under exhaust hoods and packed into airtight containers for disposal. Empty shipping drums are difficult to clean and should be sealed.

(c) Vacuum bags or disposable paper filters should not be cleaned, but should be sprayed with a fine water mist and placed into a labeled waste container.

(d) Process waste and housekeeping waste should be wetted with water or a mixture of water and surfactant prior to packaging in disposable containers.

(e) Material containing asbestos that is removed from buildings must be disposed of in leaktight 6-mil thick plastic bags, plastic-lined cardboard containers, or plastic-lined metal containers. These wastes, which are removed while wet, should be sealed in containers before they dry out to minimize the release of asbestos fibers during handling.

(5) Access to information.

(a) Each year, your employer is required to inform you of the information contained in this standard and appendices for asbestos. In addition, your employer must instruct you in the proper work practices for handling materials containing asbestos and the correct use of protective equipment.

(b) Your employer is required to determine whether you are being exposed to asbestos. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure, and, if you are exposed above the permissible limits, he or she is required to inform you of the actions that are being taken to reduce your exposure to within the permissible limits.

(c) Your employer is required to keep records of your exposures and medical examinations. These exposure records must be kept for at least thirty years. Medical records must be kept for the period of your employment plus thirty years.

(d) Your employer is required to release your exposure and medical records to your physician or designated representative upon your written request.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-515 MANAGEMENT'S RESPONSIBILITY. (1) It shall be the responsibility of management to establish and supervise:

- (a) A safe and healthful working environment.
- (b) An accident prevention program as required by these standards.

(c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health. Such training shall include the on-the-job instructions on the safe use of powered materials handling equipment, machine tool operations, use of toxic materials and operation of utility systems prior to assignments to jobs involving such exposures.

(2) The employer shall develop and maintain a hazard communication program as required by WAC 296-62-054 through 296-62-05427 which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

(3) Management shall not assign mechanics, millwrights, or other persons to work on equipment by themselves when there is a probability that the person could fall from elevated work locations or equipment or that a person could be pinned down by heavy parts or equipment so that they could not call for or obtain assistance if the need arises.

Note: This subsection does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

~~((+))~~ (4) After the emergency actions following accidents that cause serious injuries that have immediate symptoms, a preliminary investigation of the cause of the accident shall be conducted. The investigation shall be conducted by a person designated by the employer, the immediate supervisor of the injured employee, witnesses, employee representative if available and any other person with the special expertise required to evaluate the facts relating to the cause of the accident. The findings of the investigation shall be documented by the employer for reference at any following formal investigation.

~~((+))~~ (5) Reporting of fatality or multiple hospitalization accidents.

(a) Within twenty-four hours after the occurrence of an employment accident which results in an immediate or probable fatality(s) or which results in the hospitalization of two or more employees, the employer of any employee so injured or killed shall report the accident,

either orally or in writing, to the nearest office of the department. The reporting may be by telephone or telegraph. The reporting shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The director may require such additional reports, in writing or otherwise, as he deems necessary, concerning the accident.

(b) Equipment involved in an accident resulting in an immediate or probable fatality, shall not be moved, until a representative of the division of industrial safety and health investigates the accident and releases such equipment, except where removal is essential to prevent further accident. Where necessary to remove the victim, such equipment may be moved only to the extent of making possible such removal.

(c) Upon arrival of division of industrial safety and health investigator, employer shall assign to assist the investigator, the immediate supervisor and all employees who were witnesses to the accident, or whoever the investigator deems necessary to complete his investigation.

~~((5))~~ (6) A system for maintaining records of occupational injuries and illnesses as prescribed by chapter 296-27 WAC.

Note: Recordable cases include:

- ~~((+))~~ (a) Every occupational death.
- ~~((+))~~ (b) Every industrial illness.
- ~~((+))~~ (c) Every occupational injury that involves one of the following:
 - ~~((+))~~ (i) Unconsciousness.
 - ~~((+))~~ (ii) Inability to perform all phases of regular job.
 - ~~((+))~~ (iii) Inability to work full time on regular job.
 - ~~((+))~~ (iv) Temporary assignment to another job.
 - ~~((+))~~ (v) Medical treatment beyond first aid.

All employers with eleven or more employees shall record occupational injury and illness information on forms OSHA 101 - supplementary record occupational injuries and illnesses and OSHA 200 - log and summary. Forms other than OSHA 101 may be substituted for the supplementary record of occupational injuries and illnesses if they contain the same items.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

WAC 296-78-56501 LOG DUMPS AND PONDS. (1) Log dumps, booms, ponds or storage areas, if used at night, shall be illuminated in accordance with the requirements of WAC 296-62-09003, general occupational health standards.

(2) A log dump shall be constructed at each log pond or decking ground. Log trucks shall not be unloaded by use of peavies or by hand.

(a) The roadbed shall be of hard packed gravel, heavy planking or equivalent material and shall be maintained at all times. Roadbeds at log dumps shall be of width and evenness to insure safe operation of equipment.

(b) A mechanical unloading device shall be provided and used for unloading logs. Log unloading areas shall be arranged and maintained to provide a safe working area.

(c) Signs prohibiting unauthorized foot or vehicle traffic in log unloading and storage areas shall be posted.

(d) At no time shall one person be permitted to work alone on a log dump, a booming or rafting grounds, or a log pond.

(3) Water log dumps. Ungrounded electrically powered hoists using handheld remote control in grounded locations, such as log dumps or mill log lifts, shall be actuated by circuits operating at less than 50 volts to ground.

(4)(a) A brow log, skid timbers or the equivalent shall be installed on all log dumps.

(b) Where logs are unloaded onto skids, sufficient space shall be provided between the top of the skids and the ground to accommodate the body of a person.

(c) All truck dumps shall be built with not more than six inches variation of level from side to side.

(5)(a) All truck log dumps shall be equipped with a positive safeguard to prevent logs from leaving the load on the side opposite the brow log. Jill pokes shall not be used on truck log dumps.

(b) Unloading lines shall be attached and tightened or other positive safeguard in place before binder chains are released at any log dump.

(c) Stakes and chocks which trip shall be constructed in such manner that the tripping mechanism that releases the stake or chocks is activated at the opposite side of the load being tripped.

(d) Binders shall be released only from the side on which the unloader operates, except when released by remote control devices or except when person making release is protected by racks or stanchions or other equivalent means.

(e) Loads on which a binder is fouled by the unloading machine shall have an extra binder or metal band of equal strength placed around the load, or the load shall be otherwise secured so that the fouled binder can be safely removed.

(f) Unloading lines, crotch lines, or equally effective means shall be arranged and used in a manner to minimize the possibility of any log swinging or rolling back.

(6)(a) In unloading operations, the operator of unloading machine shall have an unobstructed view of the vehicle and the logs being unloaded.

(b) Unloading lines shall be arranged so that it is not necessary for the employees to attach them from the pond or dump site of the load except when entire loads are lifted from the log-transporting vehicle.

(7) All log dumps shall be kept reasonably free of bark and other debris.

(8) Employees shall remain in the clear until all moving equipment has come to a complete stop.

(9) Artificial log ponds subject to unhealthy stagnation shall be drained, cleansed, and water changed at least once every six months.

(10) All employees whose regular work requires walking on logs shall wear spiked or calked shoes, except when working in snow.

(11) Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices.

(a) Employees are not considered exposed to the danger of drowning:

(i) When working behind standard height and strength guardrails;

(ii) When working inside operating cabs or stations which eliminate the possibility of accidentally falling into the water;

(iii) When wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water;

(iv) When water depth is known to be chest-deep or less.

(b) Prior to and after each use, personal floating devices shall be inspected for defects which would reduce their designed effectiveness. Defective personal flotation devices shall not be used.

(c) To meet the approved criteria required by this subsection (11) (~~of this subsection~~), a personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard lifesaving equipment specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices). Ski belt or inflatable type personal flotation devices are specifically prohibited.

(12)(a) Wooden pike poles shall be of continuous, straight grained No. 1 material. Defective poles, blunt or dull pikes shall not be used.

(b) Aluminum or other metal poles shall not be used where hazard of coming in contact with live electric wires exists.

(13)(a) Walkways and floats shall be provided and security anchored to provide safe passage for workers.

(b) Permanent cable swifters shall be so arranged that it will not be necessary to roll boom sticks in order to attach or detach them.

(c) Inspection of cable or dogging lines shall be made as necessary to determine when repair or removal from service is necessary.

(14)(a) Decks of floats or other walkways shall be kept above the waterline at all times and shall be capable of supporting four times the load to be imposed.

(b) Floating donkeys or other power-driven machinery used on booms shall be placed on a raft or float with enough buoyancy to keep the deck above water.

(15)(a) All regular boom sticks and foot logs shall be reasonably straight, have all protruding knots and bark removed, and shall be capable of supporting above the waterline at either end, any necessary weight of workers and equipment.

(b) Stiff booms shall be two float logs wide secured by boom chains or other connecting devices, and of a width adequate for the working needs. Walking surfaces shall be free of loose material and maintained in good repair.

(c) Boom sticks shall be fastened together with cross-ties or couplings.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-79-050 PERSONAL PROTECTION.

(1) Personal protective equipment and clothing. Personal protective clothing and equipment as required by the

general safety and health standards and the general occupational health standards shall be furnished by the employer and worn or used by the employee when needed to eliminate or minimize the degree of hazard involved with any specific operation.

(a) Required clothing, caps, etc. Employees shall wear sufficient clothing to protect them from hazards to which they may be exposed while performing their duties. Consideration must be given to temperatures in certain areas in which persons work. Employees whose hair is long enough to be caught in machinery or equipment around which they work shall wear caps, hair nets or other protection which will adequately confine the hair while performing their duties.

Rings or other jewelry which could create a hazard should not be worn by employees while in the performance of their work.

(b) Protective footwear. Employees who work in areas where there is a possibility of foot injury due to falling or rolling objects shall wear safety type footwear. Shoe guards and toe protectors will be supplied by management. Management shall also make safety shoes available for purchase by employees at not more than actual cost to management.

Calks or other suitable footwear which will afford reasonable protection from slipping shall be worn while working on logs. Calk boots shall be made available at cost.

(2) Working over or near water.

(a) Employees working over or near water who are exposed to the danger of drowning shall be provided with and shall wear U.S. Coast Guard approved personal flotation devices.

Note: The following exceptions will apply:

- (i) When water is known to be chest-deep or less on the exposed worker(s);
- (ii) When the employee is protected by standard guardrails;
- (iii) When the employee is protected by a safety belt or lanyard; or
- (iv) When the employee is within the confines of the cabin of a boat or other equivalent enclosure.

(b) Prior to and after each use, buoyant work devices shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(3) Protection from noise. The hearing protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply.

(4) Respiratory protection. The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-140 SANITATION. (1) Potable water.

(a) An adequate supply of potable water shall be provided in all places of employment.

(b) Portable containers used to dispense drinking water shall be capable of being tightly closed and equipped with a tap. Water shall not be dipped from containers.

(c) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

(d) The common drinking cup is prohibited.

(e) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(f) All water containers used to furnish drinking water shall be thoroughly cleaned at least once each week or more often as conditions require.

(g) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(h) The following definitions apply:

(i) Mobile crew: A work crew that routinely moves to a different work location periodically. Normally a mobile crew is not at the same location all day.

(ii) Normally unattended work location: An unattended site that is visited occasionally by one or more employees.

(iii) Nearby facility: A sanitary facility that is within three minutes travel by the transportation provided.

(2) Wash water.

(a) Clean, tepid wash water, between 70 and 100 degrees Fahrenheit, shall be provided at all construction sites.

(b) Individual hand towels shall be provided. Both a sanitary container for the unused towels and a receptacle for disposal of used towels shall be provided.

(c) Hand soap, industrial hand cleaner or similar cleansing agents shall be provided. Cleansing agents shall be adequate to remove any paints, coatings, herbicides, insecticides or other contaminants.

(d) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(e) Gasoline or solvents shall not be used for personal cleaning.

(f) Wash water areas will be maintained in a dry condition. Slipping or other hazards shall be eliminated from the wash water area before it is acceptable for use.

(3) Nonpotable water.

(a) Outlets for nonpotable water, such as water for industrial or firefighting purposes only, shall be identified by signs meeting the requirements of Part E of this chapter, to indicate clearly that the water is unsafe and is not to be used for drinking, washing or cooking purposes.

(b) There shall be no cross-connection, open or potential, between a system furnishing potable water, a system furnishing nonpotable water or a system furnishing wash water.

(4) Toilets.

(a) The provisions of this section apply to both portable chemical toilets and to flush toilets, except where

flush toilets are used the requirements of WAC 296-24-12007 (1)(a) shall apply instead of (b) of this subsection.

(b) Accessible toilets shall be provided for employees according to the following table:

TABLE B-1

<u>Number of Employees</u>	<u>Toilets Required</u>
1 - 10	1
11 - 25	2
26 - 40	3
41 - 60	4
61 - 80	5
Over 80	one additional toilet for each additional twenty employees or any fraction thereof.

((b)) (c) When the employer provides both flush and portable chemical toilets, the number of employees allowed to be served by the flush toilets, per WAC 296-24-12007 (1)(a) will be calculated. That number will be subtracted from the total number of employees and the employer will be required to provide an adequate number of portable chemical toilets for the number of remaining employees, as required by (b) of this subsection.

(d) Toilets shall be maintained in clean, sanitary and functional condition. Internal latches shall be provided to secure the units from inadvertent entry. Where there are twenty or more employees consisting of both sexes, facilities shall be provided for each sex.

(i) Each unit shall be properly cleaned on a routine basis.

(ii) Chemicals, toilet tissue and sanitary seat covers shall be maintained in a supply sufficient for use during the entire shift.

(iii) Any defective or inadequate unit shall be immediately removed from service.

((c)) (e) Specifications. The following specifications apply:

(i) A noncaustic chemical toilet (portable chemical toilet is) a self-contained unit equipped with a waste receiving chemical holding container.

(ii) Portable chemical toilets consisting of only a holding tank, commonly referred to as "elevator units" or "elevator toilets" are not acceptable. "Elevator units" may be used if they are individually located in a lockable room which affords privacy. When this type unit is used in a private individual lockable room the entire room will be considered a toilet facility, as such the room will meet all requirements of toilet facilities and be inspected in accordance with subsection (5)(b)(iii) of this section.

(iii) Rooms, buildings or shelters housing toilets shall be of sound construction, easy to clean, provide shelter and provide privacy. The toilet rooms shall be ventilated to the outside and adequately lighted. All openings into the toilet room shall be covered with 16-mesh screen.

((iii)) (iv) Toilets shall be serviced on a regular schedule. Servicing shall include the use of a disinfectant for cleaning urinals and seats, removing waste from containers, recharging containers with an odor controlling

chemical and installing an adequate supply of toilet tissue and seat covers.

((iv)) (v) Service shall be performed in accordance with local codes by approved servicing organizations. Waste shall be disposed of or discharged in accordance with requirements of local health department regulations.

((v)) (vi) Waste containers shall be fabricated from impervious materials, e.g. plastic, steel, fiberglass or their equivalent. Containers shall be water tight and capable of containing the chemical waste in a sanitary manner. The container shall be fitted to the building in a manner so as to prevent insects from entering from the exterior of the building. Containers shall be adequate in size to be used by the number of persons, according to the schedule for minimum requirements, without filling the container to more than half of its volume before regularly scheduled servicing.

((v)) (vii) Removal of waste shall be handled in a clean and sanitary manner by means of a vacuum hose and received by a leak-proof tank truck. All valves on the tank shall be leak-proof.

((vii)) (viii) Provisions shall be made so service trucks have a clear approach and convenient access to the toilets to be serviced.

((viii)) (ix) Disposal of waste from tank trucks shall be in accordance with local health department requirements. In the absence of provisions by local health departments, waste must be disposed of through municipal or district sanitary sewage systems. Municipal or area sanitary sewage districts shall provide sewage disposal locations and facilities which are adequate and convenient for duly authorized toilet service organizations.

((d)) (f) The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

(5)(a) On multi-employer worksites, the prime contractor shall ensure that the requirements of this section are met. Each employer is responsible for seeing that facilities for their own employees are provided.

(b) Each employer shall ensure, at the beginning of each shift, that the sanitation facilities required by this section are inspected. If any facility or unit fails to meet the following requirements, immediate corrective action shall be taken. Such action shall be documented and maintained at the site for at least 72 hours. Inspection shall establish:

(i) Potable water: Sufficient supply of water, sufficient supply of cups, container integrity, cleanliness of unit and area, capacity of trash receptacle (empty).

(ii) Wash water: Sufficient supply of clean water, proper temperature, sufficient supply of towels, sufficient supply of cleansing agents, container integrity, cleanliness of unit and area without the presence of physical hazards, capacity of trash receptacle (empty).

(iii) Toilets: Sufficient supply of toilet tissue and sanitary seat covers, capacity and condition of chemical agent, capacity and condition of holding tank, cleanliness of unit and area without the presence of physical

hazards, physical and structural condition of unit, condition of lock, condition of toilet seat and tissue holder, absence of all foreign debris.

(c) The location of the facilities required by subsections (1), (2) and (4) of this section shall be as close as practical to the highest concentration of employees.

(i) On multistory structures they shall be furnished on every third floor.

(ii) At all sites they shall be located within 200 feet horizontally of all employees.

(iii) The requirements of subsection (5)(c)(i) and (ii) do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

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

(7) Temporary sleeping quarters. When temporary sleeping quarters are provided, they shall be heated, ventilated and lighted.

NEW SECTION

WAC 296-155-180 HAZARD COMMUNICATION. General.

The employer shall develop and maintain a hazard communication program as required by WAC 296-62-054 through 296-62-05427 which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-205 HEAD PROTECTION. (1) ~~((All persons on any construction site shall wear protective helmets. Employers shall provide protective helmets at no cost to the employee.))~~ All employees on any construction site shall be provided an individual hard hat which meets all requirements of (a) and (b) of this subsection. Employers shall provide individual hard hats at no cost to the employees.

(a) ~~((Helmets))~~ Hard hats for the protection of employees against impact and/or penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1-1969, Safety Requirements for Industrial Head Protection.

(b) ~~((Helmets))~~ Hard hats for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute, Z89.2-1971.

(2) ~~((Caps with metal buttons or metal visors shall not be worn around electrical hazards.~~

~~(3) Persons working near moving machinery or in locations which present a hair-catching or fire hazard shall wear caps, nets or other head and face protection that will completely contain the hair.))~~ All employees must have their individual hard hats on site and readily available at all times.

(3) All employees shall wear a hard hat on any construction site whenever there is a potential exposure to danger of flying or falling objects to persons working or occupying the area.

Note: The hard hat may be removed whenever there is no potential exposure to a hazard.

(4) Employers of members of the Old Order Amish or the Sikh Dharma Brotherhood will not be cited for the failure to provide head protection and ~~((requiring))~~ to require these ((members)) employees to wear head protection provided these ~~((members))~~ employee have so notified their employer of their religious objection to the wearing of hard hats, in writing.

(5) Employees working on asphalt paving crews when they are exposed to extreme temperatures from hot mix and when they are not exposed to falling objects need not wear protective ~~((helmets))~~ hard hats. Flaggers working in conjunction with asphalt paving operations shall wear protective ~~((helmets))~~ hard hats.

(6) Caps with metal buttons or metal visors shall not be worn around electrical hazards.

(7) Employees working near moving machinery or in locations which present a hair-catching or fire hazard shall wear caps, nets or other head and face protection that will completely contain the hair.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-212 FOOT PROTECTION. (1) Substantial footwear, made of leather or other equally firm material, shall be worn by employees in any occupation in which there is a danger of injury to the feet through falling or moving objects, or from burning, scalding, cutting, penetration, or like hazard.

(a) The soles and heels of such footwear shall be of a material that will not create a slipping hazard.

(b) Shoes made of leather or other firm materials that have soft athletic-type soles which would protect employees from foot injuries and at the same time, provide soft and firm footing while working under specialty requirements or with specialty materials are acceptable if meeting safety shoe requirements established by OSHA or ANSI.

(c) Footwear that has deteriorated to a point where it does not provide the required protection shall not be used.

(2) Calks or other suitable footwear, which will afford reasonable protection from slipping, shall be worn while working on logs, poles, pilings, or similar forest products.

(3) Traditional tennis shoes, shoes with canvas tops, or thin or soft soled athletic shoes, open toed sandals, slippers, dress shoes or other similar type shoes shall not be worn. Soft or athletic-type soles with uppers of leather or other substantial material may be used where firm footing is desired and where minimal danger of injury to feet from falling or moving objects.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-305 SIGNALING. ~~((+))~~

Flaggers.

((a)) (1) When operations are such that signs, signals, and barricades do not provide the necessary protection on or adjacent to a highway or street, flaggers or other appropriate traffic controls shall be provided.

((b)) (2) Signaling directions by flaggers shall conform to American National Standards Institute D6.1-1978, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by the Washington state department of transportation. (M24-01 (HT).)

((c)) (3) Hand signaling by flaggers shall be by use of sign paddles at least 18 inches in diameter with series "C" letters at least 6 inches high or lights approved by the transportation commission. When hand signaling is done in periods of darkness, the sign paddles must be reflectorized or illuminated as required by ANSI D6.1-1978, Manual on Uniform Traffic Control Devices. The "STOP" side of the paddle shall have a red background with white lettering. When a paddle has a "SLOW" side, the background shall be orange and the lettering black. Colors shall conform to ANSI D6.1 current edition.

((d)) (4) Flaggers shall wear an orange warning garment and a yellow protective helmet while flagging. Warning garments worn at night shall be of reflectorized material. Yellow is specified as the color of helmets; the issue is clearly one of high visibility. Other colors providing equal visibility than the specified yellow will be acceptable. The iridescent or reflectorized hard hats, available in several colors, which provide "high visibility" in both day and night applications, will meet standard specifications.

((e)) (5) Each flagger shall have in their possession a valid certificate of completion of an approved flagging course.

Note: Personnel that have not completed a flagging course may be assigned duties as flaggers only during emergencies when a sudden, generally unexpected, set of circumstances demands immediate attention.

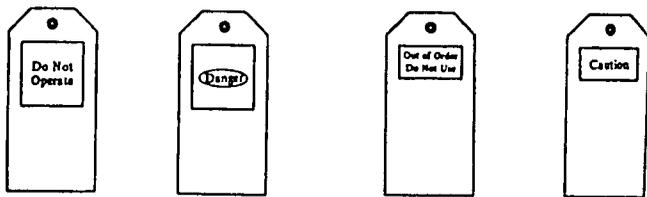


TABLE E-1

White tag- White letters on red square White tag- White letters on red oval with a black square Yellow tag- Yellow letters on a black background White tag- White letters on black background

Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
White	Red	Do Not Operate
White	Black and Red	Danger

Basic Stock (Background)	Safety Colors (Ink)	Copy Specification (Letters)
Yellow	Black	Caution
White	Black	Out of Order-Do Not Use

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-36313 OPERATION. (1) Acceptable tools. Only tools meeting the requirements of this standard shall be used.

(2) Qualified operators. Only qualified operators shall operate tools.

(3) Use lowest velocity. The lowest velocity class of tool that will properly set the fastener shall be used.

(4) Operating limitations. Tools shall be operated in strict accordance with the manufacturer's instructions.

(5) Personal protection. Eye or face protection, or both, shall be worn by operators, assistants, and adjacent personnel when tool is in use. Hearing protection shall be used when making fastenings in confined areas.

(6) Daily inspections. Each day, prior to use, the operator shall inspect the tool to determine that it is in proper working condition in accordance with the testing methods recommended by the manufacturer of the tool.

(7) Defective tools. Any tool found not to be in proper working condition shall be immediately removed from service and tagged "DEFECTIVE"; it shall not be used until it has been properly repaired in accordance with the manufacturer's instructions.

(8) Proper accessories. The proper shield, fixture, adapter, or accessory, suited for the application, as recommended and supplied by the manufacturer, shall be used.

(9) Proper loads and fasteners. Only those types of fasteners and power loads recommended by the tool manufacturer shall be used.

(10) Questionable material. Before fastening into any questionable material, the operator shall determine its suitability by using a fastener as a center punch. If the fastener point does not easily penetrate, is not blunted, and does not fracture the material, initial test fastenings shall then be made in accordance with the tool manufacturer's recommendations. (See WAC 296-155-36315(3).)

(11) Tool safety. No tool shall be loaded unless it is being prepared for immediate use. If the work is interrupted after loading, the tool shall be unloaded at once.

(12) Powder actuated magazine or clip-fed tools are not considered loaded unless a power load is actually in the ram (firing chamber), even though the magazine or clip is inserted in the tool. If work is interrupted, the firing chamber shall be cleared and the magazine or clip removed.

(13) Pointing tools. Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor

empty tools are to be pointed at any person; hands shall be kept clear of the open barrel end.

~~((13))~~ (14) Tool perpendicular to work. The tool shall always be held perpendicular to the work surface when fastening into any material, except for specific applications recommended by the tool manufacturer.

~~((14))~~ (15) Misfires. In the event of a misfire, the operator shall hold the tool firmly against the work surface for a period of thirty seconds and then follow the explicit instructions set forth in the manufacturer's instructions.

~~((15))~~ (16) Different power levels. Power loads of different power levels and types shall be kept in separate compartments or containers.

~~((16))~~ (17) Signs. A sign, at least 20 x 25 cm (8 x 10 in), using boldface type no less than 2.5 cm (1 in) in height, shall be posted in plain sight on all construction projects where tools are used. The sign shall bear wording similar to the following: "POWDER ACTUATED TOOL IN USE."

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-370 WOODWORKING TOOLS.

(1) Speeds. No saw shall be operated in excess of the manufacturers recommended speed.

(2) Guarding. All portable, hand held power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(3) Hand-fed table saws.

(a) Each circular hand-fed table saw shall be provided with a hood-type guard that will cover the blade at all times when the blade is not in use. This may be accomplished by the use of a guard that will automatically adjust to the thickness of the material being cut, or by a fixed or manually adjusted guard. If a fixed or manually adjusted guard is used, the space between the bottom of the guard and the material being cut shall not exceed 3/8 inch if 1-1/2 inches or more from the blade, and 1/4 inch if closer than 1-1/2 inches.

(b) When the blade is in use, the hood-type guard shall enclose that portion of the blade above the material.

(c) Hood-type guards shall be so designed and constructed as to resist blows and strains incidental to reasonable operation, adjusting, and handling, in order to protect the operator from flying splinters and broken saw teeth.

(d) The hood shall be so mounted as to ensure that its operation will be positive, reliable, and in alignment with the saw. The mounting shall be adequate to resist any reasonable side thrust or other force that would disrupt alignment.

(e) Where a hood-type guard cannot be used because of unusual shapes or cuts, a jig or fixture that will provide equal safety for the operator shall be used. On the completion of such operations, the guard shall be immediately replaced.

(f) A push stick shall be used on short or narrow stock when there is a possibility of the hand contacting the cutting tool.

(g) Each hand-fed circular rip saw shall be equipped with a spreader to minimize the possibility of material squeezing the saw or of material kickbacks. The spreader shall be made of tempered steel, or its equivalent, and shall be slightly thinner than the saw kerf. It shall be of sufficient width to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so that it will remain in true alignment with the blade, even when either the saw or table is tilted, and should be placed so that there is not more than 1/2-inch space between the spreader and the back of the blade when the recommended saw blade is in its maximum "up" position. If a blade smaller than the maximum permissible size is used, the spreader shall be moved to within 1/2 inch of the blade. The provision of a spreader in connection with grooving, dadoing, or rabbeting is not required. On the completion of such operations, the spreader shall be immediately replaced.

(h) Each hand-fed circular rip saw shall be provided with antikickback devices so located as to oppose the thrust or tendency of the saw blade to pick up the material or throw it back toward the operator. These devices shall be designed to provide holding power for all the thicknesses of material being cut.

(4) Radial saws.

(a) Hoods and guards. Each saw shall be provided with a device that will completely enclose the upper portion of the blade down to a point that includes the end of the saw arbor. The upper hood shall be so constructed as to protect the operator from flying splinters and broken saw teeth, and to deflect sawdust away from the operator. The sides of the lower exposed portion of the saw blade shall be guarded from the tips of the blade teeth inward radially with no greater than 3/8-inch gullet exposure. The device shall automatically adjust itself to the thickness of the stock and remain in contact with the stock being cut for the 90° blade positions (0° bevel) throughout the full working range of miter position. A permanent label not less than 1-1/2 inches X 3/4 inch shall be affixed to the guard visible from the normal operating position, reading as follows:

WARNING: TO AVOID INJURY, SHUT OFF POWER BEFORE CLEARING A JAMMED LOWER GUARD

Such a label shall be colored standard danger red or orange in accordance with American National Standard Safety Color Code for Marking Physical Hazards, Z53.1-1979.

(b) Spreaders. When radial saws are used for ripping, a spreader shall be provided and shall be aligned with the saw blade.

(c) Antikickback devices. Antikickback devices located on both sides of the saw blade on the outfeed side, so

as to oppose the thrust or tendency of the blade to pick up the material or to throw it back toward the operator, shall be used on each radial saw used for ripping. These devices shall be designed to provide adequate holding power for all the thicknesses of material being cut.

(d) Adjustable stops and return devices. An adjustable stop shall be provided to prevent the forward travel of the blade beyond the position necessary to complete the cut (~~in repetitive operations~~). A limit chain or other equally effective device shall be provided to prevent the saw blade from sliding beyond the edge of the table; or the table shall be extended to eliminate over-run.

(e) On any manually operated saw, installation shall be such that the front of the machine is slightly higher than the rear, or some other means shall be provided so that the cutting head will not roll or move out on the arm away from the column as a result of gravity or vibration. A permanent label not less than 1-1/2 inches X 3/4 inch shall be affixed to the cutting head visible from the normal crosscut operating position, reading as follows:

WARNING: TO AVOID INJURY, RETURN CARRIAGE TO THE FULL REAR POSITION AFTER EACH CROSSCUT TYPE OF OPERATION

Such a label shall be colored standard caution yellow in accordance with American National Standard Z53.1-1979.

(f) Direction of feed. Ripping and ploughing shall be against the direction in which the saw blade turns. The direction of the saw blade rotation shall be conspicuously marked on the hoods. In addition, a permanent label not less than 1-1/2 inches X 3/4 inch shall be affixed to the end of the guard at which the blade teeth exit the upper guard during operation. The label shall be at approximately the level of the arbor and shall read as follows:

DANGER: TO AVOID INJURY, DO NOT FEED MATERIAL INTO CUTTING TOOL FROM THIS END

Such a label shall be colored standard red or orange in accordance with American National Standard, Z53.1-1979.

(5) All woodworking tools and machinery shall meet any other applicable requirements of American National Standards Institute, 01.1-1971, Safety Code for Woodworking Machinery.

(6) The control switch on all stationary radial arm saws shall be placed at the front of the saw or table and shall be properly recessed or hooded to prevent accidental contact.

(a) A firm level working area shall be provided at the front of all stationary radial arm saws. The area shall be kept free of all stumbling hazards.

(b) A push stick or similar device shall be used for pushing short material through power saws.

(7) Circular power miter saws. The requirements of subsection (4)(a) of this section applies to guarding circular power miter saws.

(8) Personal protective equipment. All personal protective equipment required for use shall conform to the requirements of Part C of this chapter.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-48529 BOOM SUPPORTED ELEVATING WORK PLATFORMS. (1) All applicable rules for design, construction, maintenance, operation, testing and use of boom supported elevating work platforms shall be in accordance with ANSI A92.5-1980.

(2) Minimum rated work load. The minimum rated work load of a work platform shall be three hundred pounds. Either single or multiple ratings may be used.

(a) Work platforms with single ratings shall include means which clearly present the rated work load to the operator at the platform control station.

(b) Work platforms having multiple configurations with multiple ratings shall have means which clearly describe the rated work load of each configuration to the operator at the platform control station. Examples of multiple configurations are:

(i) Outriggers extended to firm footing versus outriggers not extended.

(ii) Large platform versus small platform.

(iii) Extendable boom retracted versus extended.

(iv) Boom elevated versus lowered.

(v) Extendable axles extended versus retracted.

(3) Boom angle indicator: When the rated capacity of the alternate configuration depends on the angle the boom makes with the horizontal, the manufacturer shall install means by which that angle can be determined. Such means shall be clearly displayed to the operator at the platform control station.

(4) Structural safety.

(a) All load-supporting structural elements of the work platform shall have a structural safety factor of not less than two to one based on the minimum yield strength of the materials used.

(b) The load-supporting structural elements of the work platform that are made of nonductile material which will not deform plastically before breaking shall have a structural safety factor of not less than five to one based on the minimum ultimate strength of the materials used.

(c) The design stress used in determining the structural safety factor shall be the maximum stresses developed within the element with the machine operating at its rated work load, used in the type of service for which it was designed, and operated in accordance with manufacturer's operation instructions.

(d) The design stress shall include the effects of stress concentration and dynamic loading as shown in ANSI A92.5-1980.

(5) Platform stability.

(a) Each work platform shall be capable of maintaining stability while sustaining a static load equal to one and one-third times its rated work load, concentrated anywhere twelve inches inside the perimeter of the platform, throughout its entire range of motion while on a slope of five degrees from the horizontal in the direction most likely to cause overturning.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of

the normal configuration to meet the stability requirements, they shall be extended.

(ii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(b) Each work platform shall sustain on level ground a test load equal to one and one-half times its rated work load throughout the entire range of motion in which the boom can be placed.

(i) The test load shall be placed with its center of gravity twelve inches inboard from the guardrail while the unit is in the least stable position.

(ii) The work platform shall remain stable during this test.

(iii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

(c) Each work platform shall be capable of maintaining stability when positioned on a five degree slope in its backward stability configuration in the direction and condition most likely to cause overturning, while sustaining a horizontal force of one hundred fifty pounds or fifteen percent of rated capacity, whichever is greater, applied to the upper perimeter of the platform in the direction most likely to cause overturning (see Fig. 1). Note that the most adverse condition may be with zero or with rated work load (concentrated one foot inside perimeter of platform), depending on basket configuration.

(i) If having the outriggers, stabilizers, or extendable axles in contact with the supporting surface is part of the normal configuration to meet stability requirements, they shall be extended.

(ii) A visual inspection shall be made to determine whether this test has produced an adverse effect on any component.

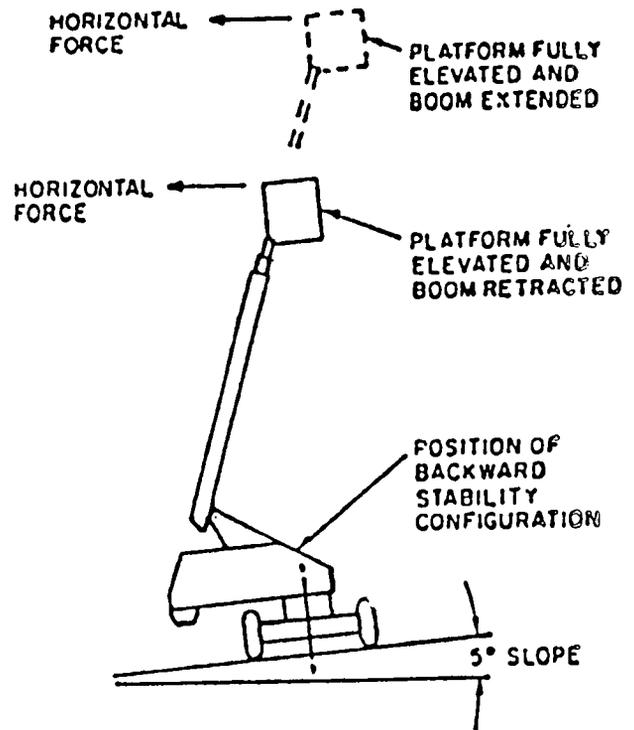


Fig. 1
Backward Stability - Typical Test Condition

(6) Work platform design requirement. The work platform shall be provided with a guardrail or other structure approximately forty-two inches plus or minus three inches high around its upper periphery, with a midrail, and with toeboards not less than four inches high. Guardrails and midrail chains or the equivalent may be substituted across an access opening.

(a) All stepping, standing, and working surfaces shall be skid resistant.

(b) Attachment points shall be provided for a body belt and lanyard for each person occupying the platform.

(7) Work platform controls. Work platforms shall have both primary and secondary controls.

(a) Primary controls shall be readily accessible to the operator on the platform.

(b) Secondary controls shall be designed to override the primary controls and shall be readily accessible from ground level.

(c) Both primary and secondary controls shall be clearly marked, using permanent legible identification which can be easily understood.

(d) All directional controls shall move in the direction of the function which they control when possible, and shall be of the type which automatically returns to the "off" or the neutral position when released.

(e) Such controls shall be protected against inadvertent operation.

(8) **Outrigger interlocks.** Where the work platform is equipped with outriggers, stabilizers, or extendable axles, interlocks shall be provided to ensure that the platform cannot be positioned beyond the maximum travel height unless the outriggers, stabilizers, or extendable axles are properly set. Control circuits shall ensure that the driving motor(s) cannot be activated unless the outriggers or stabilizers are disengaged and the platform has been lowered to the maximum travel height (MTH).

(9) **Auxiliary operating means:** All work platforms shall be provided with an auxiliary means of lowering, retracting, and rotating in the event of primary power loss.

(10) **Emergency stop:** All work platforms shall be equipped with an emergency stop device, readily accessible to the operator, which will effectively de-energize all powered systems in case of a malfunction.

(11) **Tilt alarm:** All work platforms shall be fitted with an alarm or other suitable warning at the platform, which will be activated automatically when the machine base is more than five degrees out of level in any direction.

(12) **System safety factors.**

(a) Where the platform is supporting its rated work load by a system of wire ropes or lift chains, or both, the safety factor of the wire rope or chain shall not be less than eight to one, based on ultimate strength.

(b) All critical components and hoses of hydraulic and pneumatic systems shall have a minimum bursting strength of four times the operating pressure for which the system is designed.

(c) Noncritical components shall have a minimum bursting strength of two times the operating pressure for which the system is designed.

(d) Critical components are defined as those in which a malfunction would result in a free descent of the platform.

(13) **Failsafe requirements.**

(a) Where the elevation of the platform is accomplished by an electromechanical assembly, the system shall be so designed as to prevent free descent in the event of a generator or power failure.

(b) Where the elevation of the platform is accomplished by a hydraulic or pneumatic cylinder assembly, the system shall be so equipped as to prevent free descent in the event a hydraulic or pneumatic line bursts.

(c) Hydraulically or pneumatically actuated outriggers or stabilizers, or both, shall be so designed as to prevent their retraction in the event a hydraulic or pneumatic line bursts.

(14) **Engine requirement.**

(a) Fuel lines of internal-combustion-engine-powered work platforms shall be supported to keep chafing to a minimum and located to keep exposure to engine and exhaust heat to a minimum.

(b) Liquid fuel lines shall be hard except where flexible connections are required for isolation from vibration.

(c) LP gas fuel systems shall use flexible LP gas hose or hard lines.

(d) Exhaust lines shall be equipped with mufflers and shall be located to minimize the exposure to noise and

fumes of operators and personnel located in the proximity of such units.

(15) **Specifications display.** There shall be displayed on all work platforms, in a permanent manner, at a readily visible location, the following information:

(a) Special warnings, cautions, or restrictions necessary for safe operation in accordance with ANSI Z35.1-1972 and Z35.4-1973.

(b) Make, model, serial number, and manufacturer's name and address.

(c) Rated work load.

(d) Maximum platform height and maximum travel height.

(e) Reference to studying operating instructions in manual before use.

(f) Alternative configuration statement. If a work platform is capable of several alternative configurations and loads, the alternatives shall be clearly described.

(g) A clear statement of whether or not the platform and its enclosure are electrically insulated. If they are electrically insulated, the voltage at which the platform is rated and the applicable test standard shall be stated.

(h) The rated work load shall be clearly displayed at each entrance to the platform and the operator control station.

(16) **Lift manual requirements.** Each work platform shall be provided with a manufacturer's manual(s) containing the following information:

(a) Descriptions, specifications, and ratings of the work platform, including the data specified in subsection (17) of this section.

(b) The maximum hydraulic operating pressure and the maximum voltage of the electrical systems which are part of the platform.

(c) Instructions regarding operation, safety rules, maintenance, and repair.

(d) Replacement parts information.

(17) **Inspection and maintenance.**

(a) Each work platform shall be inspected, maintained, repaired, and kept in proper working condition in accordance with the manufacturer's maintenance and repair manuals.

(b) Any work platform found not to be in safe operating condition shall be removed from service until repaired.

(c) All repairs shall be made by a qualified person in conformance with the manufacturer's maintenance and repair manual(s).

(18) **Operator requirements.** Only trained and authorized persons shall be permitted to operate the work platform. Before using the work platform, the operator shall:

(a) Be instructed by a qualified person in the intended purpose and function of each of the controls.

(b) Read and understand the manufacturer's operating instructions and safety rules, or be trained by a qualified person on the contents of the manufacturer's operating instructions and safety rules.

(c) Understand by reading or by having a qualified person explain all decals, warnings, and instructions displayed on the work platform.

(d) Prior to use on each work shift, the work platform shall be inspected for defects that would affect its safe

operation and use. The inspection shall consist of the following:

(i) Visual inspection for cracked welds or other structural defects, hydraulic leaks, damaged control cables, loose wire connections, and tire damage.

(ii) Function test of the operating controls to ensure that they perform their intended functions. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use of the work platform.

(iii) Before the work platform is used and during use, the job site shall be checked for hazards such as ditches, dropoffs or holes, bumps and floor obstructions, debris, overhead obstructions and high-voltage conductors, and other possible hazardous conditions.

(19) Requirements for operation. The work platform shall be used only in accordance with the manufacturer's operating instructions and safety rules, ANSI 92.6-1979 and this standard.

(a) Only trained and authorized personnel shall be permitted to operate the work platform.

(b) Before each elevation of the work platform, the operator shall:

(i) Check for overhead obstructions and high-voltage conductors. A minimum distance of ten feet from energized high-voltage conductors shall be maintained at all times between the conductors and the operator and platform equipment.

(ii) Ensure the work platform is elevated only on a firm and level surface.

(iii) Ensure that the load and its distribution on the platform are in accordance with the manufacturer's rated capacity. The manufacturer's rated work load shall never be exceeded.

(iv) Ensure that outriggers or stabilizers are used in accordance with manufacturer's instructions.

(v) Ensure that platform guardrails are properly installed and gates or openings are closed.

(vi) Check to see that all occupants' safety belts are on and properly attached.

~~((f))~~ (c) Before and during driving while elevated, the operator shall:

(i) Be required to look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(ii) Maintain a safe distance from obstacles, debris, dropoffs, holes, depressions, ramps, and other hazards to safe elevated travel.

(iii) Maintain a safe distance from overhead obstacles.

~~((g))~~ (d) Under all travel conditions the operator shall limit speed according to conditions of ground surface, congestion, slope, location of personnel, and other factors which may create a hazard of collision or injury to personnel.

~~((h))~~ (e) Stunt driving and horseplay shall not be permitted.

~~((i))~~ (f) Personnel shall maintain a firm footing on the platform while working thereon. Safety harness and lanyard devices fixed to attachment points provided and

approved by the manufacturer shall be used by all occupants. Use of railings, planks, ladders, or any other device on the work platform, except as provided in subsection (24) of this section, shall be prohibited.

~~((j))~~ (g) The operator shall immediately report to his supervisor any defects or malfunctions which become evident during operation. Any defects or malfunctions that affect the safety of operation shall be repaired prior to continued use of the work platform.

~~((k))~~ (h) Altering, modifying, or disabling safety devices or interlocks is prohibited.

~~((l))~~ (i) Care shall be taken to prevent ropes, electric cords, hoses, and the like from becoming entangled in the work platform when it is being elevated, lowered, or moved.

~~((m))~~ (j) Work platform rated capacities shall not be exceeded when live loads are transferred to the platform at elevated heights.

~~((n))~~ (k) The operator shall ensure that the area surrounding the work platform is clear of personnel and equipment before lowering the platform.

(20) Refueling: Fuel tanks shall not be filled while the engine is running. Caution shall be used while filling tanks to avoid spilling fuel.

(21) Battery charging: Batteries shall not be charged except in an open, well ventilated area free of flame, smoking, spark, and fire.

(22) Modifications: There shall be no modification or alteration to work platforms without the modifications being approved and certified in writing by the manufacturer or other equivalent entity, such as a nationally recognized testing laboratory, to be in conformance with all applicable provisions of ANSI A92.5-1980 and this standard.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-48533 CRANE ~~((AND FORK-LIFT SUSPENDED OR ELEVATED))~~ OR DERRIK SUSPENDED PERSONNEL PLATFORMS.

~~((1) The use of a platform suspended from a crane hook is permissible under the following controlled conditions, provided the hoisting mechanism of the crane or derrick is power-operated in both up and down directions, the crane is on firm footing, uniformly level within one percent, and outriggers on applicable crane carriers are used in a suitable manner:~~

~~(a) Boatswain's chairs:~~

~~(i) The lanyard of the safety belt or harness shall be secured to the lift line above the headache ball or to the crane hook itself.~~

~~(ii) The crane hook shall be moused or provided with a safety latch.~~

~~(b) Barrel-type platform:~~

~~(i) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.~~

~~(ii) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.~~

~~(iii) The bar or rod shall extend a minimum of eight feet above the floor of the platform.~~

(iv) The occupant of the platform shall wear a safety belt or harness in accordance with WAC 296-155-225 and the lanyard shall be secured to the lift line above the headache ball or to the hook itself.

(v) The hook shall be moused or provided with a safety latch.

(vi) The platform shall be provided with a standard guardrail.

(c) Box-type platform.

(i) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely attached to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.

(ii) The platform shall be provided with a standard guardrail and toe board on all open sides.

(iii) The occupants shall wear a safety belt or harness in accordance with WAC 296-155-225 and the lanyard shall be substantially secured to the platform or guardrail of the platform.

(iv) A substantial safety line shall pass through the eye of each leg of the bridle and securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

(v) The crane hook shall be moused or provided with a safety latch.

(vi) The platform shall be constructed with a minimum five to one safety factor with an allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(vii) The platform shall be marked for maximum occupancy.

(d) Rescue platform: If the platform is used as a rescue vehicle.

(i) The injured worker shall be strapped into the stretcher or basket.

(ii) A safety lanyard attached to the stretcher or basket as well as to the platform itself.

(iii) The safety lanyard shall meet the requirements of WAC 296-155-225.

(e) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to the lines running through the block, and to the block itself.

(f) Hand signals: The standard hand signals, to the operator, shall be in accordance with WAC 296-155-525 (1)(c), unless voice communication equipment (telephone, radio, or equivalent) is utilized. Signals shall be discernible or audible at all times.

(g) All shackle pins shall be secured in place by an appropriate means.

(2) When a forklift truck is used for elevating workers a platform shall be specifically built for that purpose and shall comply with the following requirements:

(a) The platform shall be securely attached to the forks and shall have standard guardrails and toeboards on all open sides.

(b) The hydraulic system of the forklift shall be so designed that the lift mechanism will not drop faster than one hundred thirty-five feet per minute in the event of a failure in any part of the system. Forklifts used for elevating platforms shall be identified that they are so designed.

(c) A safety strap shall be installed or the control lever shall be locked to prevent the boom from tilting.

(d) An operator shall be at the controls of the forklift equipment while persons are on the platform.

(e) The operator shall be in the normal operating position while raising or lowering the platform.

(f) The vehicle shall not travel from point to point while persons are on the platform except that inching or maneuvering at very slow speed is permissible.

(g) The area between persons on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(h) All platforms shall be visually inspected daily or before each use by the person in charge of the work being performed, and shall be tested as frequently as is necessary to maintain minimum safety factors:)) (1) Scope, application, and definitions.

(a) Scope and application. This standard applies to the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on the load lines of cranes or derricks.

(b) Definitions. For the purposes of this section, the following definitions apply:

(i) "Failure" means load refusal, breakage, or separation of components.

(ii) "Hoist" (or hoisting) means all crane or derrick functions such as lowering, lifting, swinging, booming in and out or up and down, or suspending a personnel platform.

(iii) "Load refusal" means the point where the ultimate strength is exceeded.

(iv) "Maximum intended load" means the total load of all employees, tools, materials, and other loads reasonably anticipated to be applied to a personnel platform or personnel platform component at any one time.

(v) "Runway" means a firm, level surface designed, prepared, and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.

(2) General requirements. The use of a crane or derrick to hoist employees on a personnel platform is prohibited, except when the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform or scaffold, would be more hazardous, or is not possible because of structural design or worksite conditions.

(3) Cranes and derricks.

(a) Operational criteria.

(b) Hoisting of the personnel platform shall be performed in a slow, controlled, cautious manner with no sudden movements of the crane or derrick, or the platform.

(c) Load lines shall be capable of supporting, without failure, at least seven times the maximum intended load, except that where rotation resistant rope is used, the lines shall be capable of supporting without failure, at least ten times the maximum intended load. The required design factor is achieved by taking the current safety factor of 3.5 (required under WAC 296-155-525 (3)(b)) and applying the fifty percent derating of the crane capacity which is required by (g) of this subsection.

(d) Load and boom hoist drum brakes, swing brakes, and locking devices such as pawls or dogs shall be engaged when the occupied personnel platform is in a stationary working position.

(e) The load line hoist drum shall have a system or device on the power train, other than the load hoist brake, which regulates the lowering rate of speed of the hoist mechanism (controlled load lowering). Free fall is prohibited.

(f) The crane shall be uniformly level within one percent of level grade and located on firm footing. Cranes equipped with outriggers shall have them all fully deployed following manufacturer's specifications, insofar as applicable, when hoisting employees.

(g) The total weight of the loaded personnel platform and related rigging shall not exceed fifty percent of the rated capacity for the radius and configuration of the crane or derrick.

(h) The use of machines having live booms (booms in which lowering is controlled by a brake without aid from other devices which slow the lowering speeds) is prohibited.

(i) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to the lines running through the block, and to the block itself.

(4) Instruments and components.

(a) Cranes and derricks with variable angle booms shall be equipped with a boom angle indicator, readily visible to the operator.

(b) Cranes with telescoping booms shall be equipped with a device to indicate clearly to the operator, at all times, the boom's extended length, or an accurate determination of the load radius to be used during the lift shall be made prior to hoisting personnel.

(c) A positive acting device shall be used which prevents contact between the load block or overhaul ball and the boom tip (anti-two-blocking device), or a system shall be used which deactivates the hoisting action before damage occurs in the event of a two-blocking situation (two block damage prevention feature).

(5) Rigging.

(a) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely shackled to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.

(b) Shackle bolts used for rigging of personnel platforms shall be secured against displacement.

(c) A substantial safety line shall pass through the eye of each leg of the bridle adjacent to the common ring, shackle, or equivalent device.

(d) Securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

(e) All eyes in wire rope slings shall be fabricated with thimbles.

(f) Wire rope, shackles, rings, master links, and other rigging hardware must be capable of supporting, without failure, at least five times the maximum intended load applied or transmitted to that component. Where rotation resistant wire rope is used for slings, they shall be capable of supporting without failure at least ten times the maximum intended load.

(g) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut and retaining pin may be used, or the hook shall be moused.

(h) Bridles and associated rigging for attaching the personnel platform to the hoist line shall be used only for the platform and the necessary employees, their tools and the materials necessary to do their work, and shall not be used for any other purpose when not hoisting personnel.

(6) Personnel platforms - Design criteria.

(a) The personnel platform and suspension system shall be designed by a qualified engineer or a qualified person competent in structural design.

(b) The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.

(c) The personnel platform itself, except the guardrail system and body belt/harness anchorages, shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load based on a minimum allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(d) Criteria for guardrail systems and body belt/harness anchorages are contained in WAC 296-155-225(4) and 296-155-505(6) respectively.

(e) The personnel platform shall be conspicuously posted with a plate or other permanent marking which indicates the weight of the platform and its rated load capacity or maximum intended load.

(7) Platform specifications.

(a) Each personnel platform shall be equipped with a guardrail system which meets the requirements of WAC 296-155-505(6) and, shall be enclosed at least from the toeboard to mid-rail with either solid construction or expanded metal having openings no greater than one-half inch (1.27 cm).

(b) A grab rail shall be installed inside the entire perimeter of the personnel platform.

(c) Access gates, if installed, shall not swing outward during hoisting.

(d) Access gates, including sliding or folding gates, shall be equipped with a restraining device to prevent accidental opening.

(e) Headroom shall be provided which allows employees to stand upright in the platform.

(f) In addition to the use of hard hats, employees shall be protected by overhead protection on the personnel platform when employees are exposed to falling objects.

(g) All rough edges exposed to contact by employees shall be surfaced or smoothed in order to prevent injury to employees from punctures or lacerations.

(h) All welding of the personnel platform and its components shall be performed by a qualified welder familiar with the weld grades, types, and material specified in the platform design.

(i) Occupants of all personnel platforms shall wear a safety belt or harness and lanyard which meets the requirements of WAC 296-155-225 (3) through (8).

(j) Box-type platform: The workers lanyard shall be secured to an anchorage within the platform meeting the requirements of WAC 296-155-225(4).

(k) Rescue platform:

(i) If the platform is used as a rescue vehicle, the injured worker shall be strapped into the stretcher or basket.

(ii) The basket shall then be secured by lanyard to an anchorage within the platform meeting the requirements of WAC 296-155-225(4).

(l) Boatswains chair: The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(m) Barrel-type platform:

(i) The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(ii) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.

(iii) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.

(iv) The bar or rod shall extend a minimum of eight feet above the floor of the platform.

(8) Personnel platform loading.

(a) The personnel platform shall not be loaded in excess of its rated load capacity.

(b) The number of employees occupying the personnel platform shall not exceed the number required for the work being performed.

(c) Personnel platforms shall be used only for employees, their tools, and the materials necessary to do their work, and shall not be used to hoist only materials or tools when not hoisting personnel.

(d) Materials and tools for use during a personnel lift shall be secured to prevent displacement.

(e) Materials and tools for use during a personnel lift shall be evenly distributed within the confines of the platform while the platform is suspended.

(9) Trial lift, inspection, and proof testing.

(a) A trial lift with the unoccupied personnel platform loaded at least to the anticipated lightweight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the personnel platform is to be hoisted and positioned. This trial lift shall be performed immediately

prior to placing personnel on the platform. The operator shall determine that all systems, controls, and safety devices are activated and functioning properly; that no interferences exist; and that all configurations necessary to reach those work locations will allow the operator to remain under the fifty percent limit of the hoist's rated capacity. Materials and tools to be used during the actual lift can be loaded in the platform, as provided in subsection (8)(d) and (e) of this section for the trial lift. A single trial lift may be performed at one time for all locations that are to be reached from a single set-up position.

(b) The trial lift shall be repeated prior to hoisting employees whenever the crane or derrick is moved and set up in a new location or returned to a previously used location. Additionally, the trial lift shall be repeated when the lift route is changed unless the operator determines that the route change is not significant (i.e., the route change would not affect the safety of hoisted employees).

(c) After the trial lift, and just prior to hoisting personnel, the platform shall be hoisted a few inches and inspected to ensure that it is secure and properly balanced. Employees shall not be hoisted unless the following conditions are determined to exist:

(i) Hoist ropes shall be free of kinks;

(ii) Multiple part lines shall not be twisted around each other;

(iii) The primary attachment shall be centered over the platform; and

(iv) The hoisting system shall be inspected if the load rope is slack to ensure all ropes are properly stated on drums and in sheaves.

(d) A visual inspection of the crane or derrick, rigging, personnel platform, and the crane or derrick base support or ground shall be conducted by a competent person immediately after the trial lift to determine whether the testing has exposed any defect or produced any adverse effect upon any component or structure.

(e) Any defects found during inspections which create a safety hazard shall be corrected before hoisting personnel.

(f) At each job site, prior to hoisting employees on the personnel platform, and after any repair or modification, the platform and rigging shall be proof tested to one hundred twenty-five percent of the platform's rated capacity by holding it in a suspended position for five minutes with the test load evenly distributed on the platform (this may be done concurrently with the trial lift). After prooftesting, a competent person shall inspect the platform and rigging. Any deficiencies found shall be corrected and another proof test shall be conducted. Personnel hoisting shall not be conducted until the proof testing requirements are satisfied.

(10) Work practices.

(a) Employees shall keep all parts of the body inside the platform during raising, lowering, and positioning. This provision does not apply to an occupant of the platform performing the duties of a signal person.

(b) Before employees exit or enter a hoisted personnel platform that is not landed, the platform shall be secured to the structure where the work is to be performed, unless securing to the structure creates an unsafe situation.

(c) Tag lines shall be used unless their use creates an unsafe condition.

(d) The crane or derrick operator shall remain at the controls at all times when the crane engine is running and the platform is occupied.

(e) Hoisting of employees shall be promptly discontinued upon indication of any dangerous weather conditions or other impending danger.

(f) Employees being hoisted shall remain in continuous sight of and in direct communication with the operator or signal person. In those situations where direct visual contact with the operator is not possible, and the use of a signal person would create a greater hazard for that person, direct communication alone such as by radio may be used.

(g) Hand signals to the operator shall be in accordance with WAC 296-155-525 (1)(c).

(h) Except over water, employees occupying the personnel platform shall use a body belt/harness system with lanyard appropriately attached to the lower load block or overhaul ball, or to a structural member within the personnel platform capable of supporting a fall impact for employees using the anchorage. When working over water, the requirements of WAC 296-155-235 shall apply.

(i) No lifts shall be made on another of the crane's or derrick's load lines while personnel are suspended on a platform.

(11) Traveling.

(a) Hoisting of employees while the crane is traveling is prohibited, except for portal, tower and locomotive cranes, or where the employer demonstrates that there is no less hazardous way to perform the work.

(b) Under any circumstances where a crane would travel while hoisting personnel, the employer shall implement the following procedures to safeguard employees:

(i) Crane travel shall be restricted to a fixed track or runway;

(ii) Travel shall be limited to the load radius of the boom used during the lift; and

(iii) The boom must be parallel to the direction of travel.

(c) A complete trial run shall be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by subsection (9)(a) of this section which tests the route of the lift.

(d) If travel is done with a rubber tired-carrier, the condition and air pressure of the tires shall be checked. The chart capacity for lifts on rubber shall be used for application of the fifty percent reduction of rated capacity. Notwithstanding subsection (3)(f) of this section, outriggers may be partially retracted as necessary for travel.

(12) Prelift meeting.

(a) A meeting attended by the crane or derrick operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed shall be held to review the appropriate requirements of this section and the procedures to be followed.

(b) This meeting shall be held prior to the trial lift at each new work location, and shall be repeated for any employees newly assigned to the operation.

NEW SECTION

WAC 296-155-48536 FORKLIFT ELEVATED WORK PLATFORMS. When a forklift truck is used for elevating workers a platform shall be specifically built for that purpose and shall comply with the following requirements:

(1) The platform shall be securely attached to the forks and shall have standard guardrails and toeboards on all open sides.

(2) The hydraulic system of the forklift shall be so designed that the lift mechanism will not drop faster than one hundred thirty-five feet per minute in the event of a failure in any part of the system. Forklifts used for elevating platforms shall be identified that they are so designed.

(3) A safety strap shall be installed or the control lever shall be locked to prevent the boom from tilting.

(4) An operator shall be at the controls of the forklift equipment while persons are on the platform.

(5) The operator shall be in the normal operating position while raising or lowering the platform.

(6) The vehicle shall not travel from point to point while workers are on the platform except that inching or maneuvering at very slow speed is permissible.

(7) The area between workers on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(8) All platforms shall be visually inspected daily or before each use by the person in charge of the work being performed, and shall be tested as frequently as is necessary to maintain minimum safety factors.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-510 STAIRWAYS. (1) General.

(a) In all buildings or structures two or more stories or twenty-four feet or more in height or depth, suitable permanent or temporary stairways shall be installed.

EXCEPTIONS:

At those locations where unusual site conditions prevail, an alternate effective means of access acceptable to the division may be afforded.

(b) For the purpose of this section, scaffolds shall not be considered to be structures. Stairways shall be at least twenty-four inches in width and shall be equipped with handrails, treads and landings. Temporary stairs shall have a landing not less than thirty inches wide in the direction of travel at each floor, or level, but never less than one landing for every twelve feet of vertical rise.

EXCEPTIONS:

Stairways forty-four inches or less in width may have one handrail, except that stairways open on one or both sides shall have handrails provided on the open side or sides.

Prefabricated metal scaffold stairway systems.

(c) Stairways, ramps or ladders shall be provided at all points where a break in elevation of eighteen inches or more occurs in a frequently traveled passageway, entry or exit.

(d) A minimum of one stairway shall be provided for access and exit for buildings and structures to three stories or thirty-six feet; if more than three stories or thirty-six feet, two or more stairways shall be provided. Where two stairways are provided and work is being performed in the stairways, one shall be maintained clear for access between levels at all times.

NOTE: For stairway access at demolition projects, refer to WAC 296-155-775 through 296-155-830.

EXCEPTIONS:

At those locations where unusual site conditions prevail, an alternate effective means of access acceptable to the division may be afforded.

For the purpose of this section, scaffolds shall not be considered to be structures.

(e) Stairways shall conform to the criteria shown in Figure K-1.

(f) Wood frame buildings.

(i) The stairway to a second or higher floor shall be completed before studs are raised to support the next higher floor.

(ii) Roof and attic work areas of all buildings shall be provided with a safe means of access and egress, such as stairways, ramps or ladders.

(iii) Cleats shall not be nailed to studs to provide access to and egress from roof or other work areas.

(g) Steel frame buildings. Stairways shall extend to the uppermost floor that has been planked or decked. Ladders may be used above that point.

(h) Reinforced concrete or composite steel—Concrete buildings. Stairways shall extend to the lowermost floor upon which a complete vertical shoring system is in place. A minimum of two ladders at different locations for each floor may be used above this floor but not to exceed three floors.

(2) Stairway railing and guardrails shall meet the requirements of WAC 296-155-505 (5) and (6).

(3) All parts of stairways shall be free of hazardous projections, such as protruding nails.

(4) Debris, and other loose materials, shall not be allowed on or under stairways.

(5) Slippery conditions on stairways shall be eliminated as soon as possible after they occur.

(6) Permanent steel or other metal stairways, and landings with hollow pan-type treads that are to be filled with concrete or other materials, when used during construction, shall be filled to the level of the nosing with solid material. The requirement shall not apply during the period of actual construction of the stairways themselves.

(7) Wooden treads for temporary service shall be full width.

(8) Metal landings shall be secured in place before filling.

(9) Temporary stairs shall have a landing not less than ~~((30))~~ thirty inches in the direction of travel at every ~~((12))~~ twelve feet of vertical rise.

(10) Stairs shall be installed at angles to the horizontal of between ~~((30° and 50°))~~ thirty degrees and fifty degrees. Because of space limitations, stairways sometimes have to be installed at angles above the fifty degree critical angle. Such installations are commonly called inclined ladders or ship's ladders. These shall have hand rails on both sides and open risers. They shall be capable of sustaining a live load of one hundred pounds per square foot with a safety factor of four. The following preferred and critical angles from the horizontal shall be considered for inclined ladders and ship's ladders:

(a) Thirty-five to sixty degrees – Preferred angle from horizontal.

(b) Sixty to seventy degrees – Critical angle from horizontal.

(11) Rise height and tread width shall be uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs.

(12) All stairs shall be lighted in accordance with Part B of this chapter.

(13) Spiral stairways shall not be permitted except for special limited usage and secondary access situations where it is not practical to provide a conventional stairway.

(14) Employers are permitted to use alternating tread type stairs as long as they install, use, and maintain the stairs in accordance with manufacturers' recommendations and the following:

(a) The stair must be installed at an angle of seventy degrees or less.

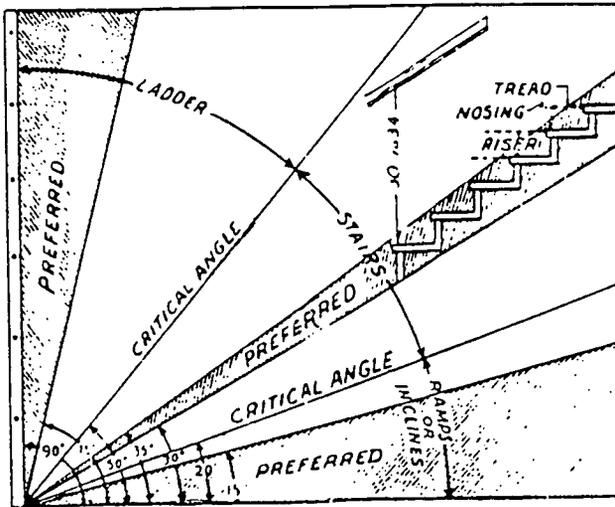
(b) The stair must be capable of withstanding a minimum uniform load of one hundred pounds per square foot with a design factor of 1.7, and the treads must be capable of carrying a minimum concentrated load of three hundred pounds at the center of any treadspan or exterior arc with a design factor of 1.7. If the stair is intended for greater loading, construction must allow for that loading.

(c) The stair must be equipped with a handrail on each side to assist the user in climbing or descending.

(15) Due to space limitations, when a permanent stairway must be installed at an angle above fifty degrees, such an installation (commonly called an inclined or ship's ladder) shall have treads, open risers and handrails on both sides.

(16) Where ladders are permitted for access under subsection (1) of this section, means shall be provided for employee hoisting of tools and material, such as a well wheel and hoisting line or the equivalent, so employees will have both hands free for ascending and descending ladders.

PREFERRED AND CRITICAL ANGLES OF FIXED LADDERS AND STAIRS



AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-675 SCOPE, APPLICATION, AND DEFINITIONS APPLICABLE TO THIS PART. ((1) "Bull float" means a tool used to spread out and smooth the concrete.

(2) "Formwork" or "falsework" means the total system of support for freshly placed concrete, including the mold or sheathing which contacts the concrete as well as all supporting members, hardware, and necessary bracing.

(3) "Guy" means a line that steadies a high piece or structure by pulling against an off-center load.

(4) "Shore" means a supporting member that resists a compressive force imposed by a load.

(5) "Vertical slip forms" means forms which are jacked vertically and continuously during placing of the concrete.) (1) Scope and application. This subpart sets forth requirements to protect all construction employees from the hazards associated with concrete and masonry construction operations performed in workplaces covered under chapter 296-155 WAC.

(2) Definitions applicable to this part.

(a) "Bull float" means a tool used to spread out and smooth the concrete.

(b) "Formwork" means the total system of support for freshly placed or partially cured concrete, including the mold or sheathing (form) that is in contact with the concrete as well as all supporting members including shores, reshores, hardware, braces, and related hardware.

(c) "Limited access zone" means an area alongside a masonry wall, which is under construction, and which is clearly demarcated to limit access by employees.

(d) "Precast concrete" means concrete members (such as walls, panels, slabs, columns, and beams) which have been formed, cast, and cured prior to final placement in a structure.

(e) "Reshoring" means the construction operation in which shoring equipment (also called reshores or reshoring equipment) is placed, as the original forms and shores are removed, in order to support partially cured concrete and construction loads.

(f) "Shore" means a supporting member that resists a compressive force imposed by a load.

(g) "Vertical slip forms" means forms which are jacked vertically during the placement of concrete.

(h) "Guy" means a line that steadies a high piece or structure by pulling against an off-center load.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-680 GENERAL PROVISIONS.

(1) General. All equipment, material and construction techniques used in concrete construction and masonry work shall meet the applicable requirements for design, construction, inspection, testing, maintenance and operations as prescribed in ANSI A10.9-1970 ((and ANSI A12.3.1-1970)), Safety Requirements for Concrete Construction and Masonry Work.

((2) Reinforcing steel:

(a) ~~Employees working more than 6 feet above any adjacent working surfaces, placing and tying reinforcing steel in walls, piers, columns, etc., shall use a safety belt, or equivalent device, in accordance with part C of this chapter.~~

(b) ~~Employees shall not be permitted to work above vertically protruding reinforcing steel unless it has been protected to eliminate the hazard of impalement.~~

(c) ~~Guying.~~ Reinforcing steel for walls, piers, columns, and similar vertical structures shall be guyed and supported to prevent collapse.

(d) ~~Wire mesh rolls.~~ Wire mesh rolls shall be secured at each end to prevent dangerous recoiling action.

(3) ~~Bulk concrete handling.~~ Bulk storage bins, containers, or silos shall have conical or tapered bottoms with mechanical or pneumatic means of starting the flow of material.

(4) Concrete placement:

(a) ~~Concrete mixers.~~ Concrete mixers equipped with 1-yard or larger loading skips shall be equipped with a mechanical device to clear the skip of material.

(b) ~~Guardrails.~~ Mixers of 1-yard capacity or greater shall be equipped with protective guardrails installed on each side of the skip.

(c) ~~Bull floats.~~ Handles on bull floats, used where they may contact energized electrical conductors, shall be constructed of nonconductive material, or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.

(d) ~~Powered concrete trowels.~~ Powered and rotating-type concrete troweling machines that are manually guided shall be equipped with a control switch that will automatically shut off the power whenever the operator removes his hands from the equipment handles.

(e) ~~Concrete buggies.~~ Handles of buggies shall not extend beyond the wheels on either side of the buggy.

Note: Installation of knuckle guards on buggy handles is recommended.

~~(f) Concrete finishing:~~

~~(i) Scaffolding for use of cement finishers shall comply with all applicable sections of WAC 296-155-485.~~

~~(ii) Where grinders, chippers and other equipment is used which creates a thrust force while working on scaffolding, such scaffold shall be securely tied to structure or held in with weighted drop lines.~~

~~(iii) Grinding and dressing operations carried on within closed rooms, stairwells, elevator shafts, etc., shall be provided with forced air ventilation.~~

~~(iv) Grinding machine operators shall wear respirators whenever machines are in operation or where dust hazard exists.~~

~~(v) Eye protection shall be worn by workers engaged in grinding, chipping or sacking concrete as required by WAC 296-155-215.~~

~~(g) Concrete pumping systems:~~

~~(i) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of pumcrete or similar systems. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field, and such determinations will be appropriately documented and recorded.~~

~~(ii) Rated load capacities, and recommended operating speeds and pressures, special hazard warnings, or instructions, shall be conspicuously posted on all equipment. Instructions and warnings shall be visible to the operator while he is at his control station.~~

~~(iii) Discharge pipes shall be provided with pipe supports designed for 100 percent overload.~~

~~(iv) The hose used to carry concrete in such systems shall be provided with positive fail-safe joint connectors to prevent separation of sections when pressurized.~~

~~(v) Hoses and/or pipes used to carry concrete under pressure shall be secured one to the other with an adequate length of at least 1/4 inch diameter chain or cable to prevent whipping in the event of an accidental separation of joints. All system safety pins shall be in place during pumping operations.~~

~~(vi) The employer shall designate a competent person who shall inspect all machinery, equipment, and accessories prior to each use, and periodically during use, to make sure it is in safe operating condition. Any deficiencies shall be repaired, or defective parts replaced, before continued use.~~

~~(vii) A thorough, annual inspection of the equipment, including x-ray of booms, shall be made by a competent person, or by a government or private agency recognized by the department. The employer shall maintain a permanent record of the dates and results of annual inspections for each pumcrete system.~~

~~(viii) All welding shall conform to ASW B3.0-41 Standard Qualification Procedure; AWS D8.4-61 Recommended Practices for Automotive Welding Design; or AWS D10.9-69 Standard Qualification of Welding Procedures and Welders for Piping and Tubing.~~

~~(ix) Booms shall not be used for operations other than that for which they are designed.~~

~~(h) Concrete buckets:~~

~~(i) Concrete buckets equipped with hydraulic or pneumatically operated gates shall have positive safety latches or similar safety devices installed to prevent aggregate and loose material from accumulating on the top and sides of the bucket.~~

~~(ii) Riding of concrete buckets for any purpose shall be prohibited, and vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.~~

~~(i) When discharging on a slope, the wheels of ready-mix trucks shall be blocked and the brakes set to prevent movement.~~

~~(j) Runways shall be constructed to carry the maximum contemplated load with a safety factor of four, have a smooth running surface and be of sufficient width for two buggies to pass. Single runs to have a minimum width of 42 inches with turnouts. Runways to have standard railings. Where motor driven concrete buggies are used, a minimum 4" x 4" wheel guard shall be securely fastened to outside edge of runways.~~

~~(k) Nozzlemen applying a cement, sand, and water mixture through a pneumatic hose shall be required to wear protective head and face equipment, as prescribed in Part C of this chapter.~~

~~(5) Vertical shoring:~~

~~(a) General requirements:~~

~~(i) When temporary storage of reinforcing rods, material, or equipment on top of formwork becomes necessary, these areas shall be strengthened to meet the intended loads.~~

~~(ii) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load without settlement or displacement.~~

~~(iii) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the shoring layout. Any equipment found to be damaged shall not be used for shoring.~~

~~(iv) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after the placement of concrete. Any shoring equipment that is found to be damaged or weakened shall be immediately reinforced or reshored.~~

~~(v) Reshoring shall be provided when necessary to safely support slabs and beams after stripping, or where such members are subjected to superimposed loads due to construction work done.~~

~~(b) Tubular welded frame shoring:~~

~~(i) Metal tubular frames used for shoring shall not be loaded beyond the safe working load recommended by the manufacturer.~~

~~(ii) All locking devices on frames and braces shall be in good working order; coupling pins shall align the frame or panel legs; pivoted cross braces shall have their center pivot in place, and all components shall be in a condition similar to that of original manufacture.~~

~~(iii) When checking the erected shoring frames with the shoring layout, the spacing between towers and cross brace spacing shall not exceed that shown on the layout, and all locking devices shall be in the closed position.~~

(iv) Devices for attaching the external lateral stability bracing shall be securely fastened to the legs of the shoring frames.

(v) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form.) (2) Construction loads. No construction loads shall be placed on a concrete structure or portion of a concrete structure unless the employer determines, based on information received from a person who is qualified in structural design, that the structure or portion of the structure is capable of supporting the loads.

(3) Vertical loads. Vertical loads consist of a dead load plus an allowance for live load. The weight of formwork together with the weight of freshly placed concrete is dead load. The live load consists of the weight of workmen, equipment, runways and impact, and shall be computed in pounds per square foot (psf) of horizontal projection.

(4) Lateral loads. Braces and shores shall be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. Wall forms shall be designed for a minimum wind load of ten psf, and bracing for wall forms should be designed for a lateral load of at least one hundred pounds per lineal foot of wall, applied at the top. Walls of unusual height require special consideration.

(5) Special loads. Formwork shall be designed for all special conditions of construction likely to occur, such as unsymmetrical placement of concrete, impact of machine-delivered concrete, uplift, and concentrated loads.

(6) Construction loads. Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and approved by the engineer-architect.

(7) Form supports and wedges shall be checked during concrete placement to prevent distortion or failure.

(8) Reinforcing steel.

(a) Employees shall not be permitted to work above vertically protruding reinforcing steel unless it has been protected to eliminate the hazard of impalement.

(b) Wire mesh rolls: Wire mesh rolls shall be secured at each end to prevent dangerous recoiling action.

(c) Guying: Reinforcing steel for walls, piers, columns, and similar vertical structures shall be guyed and supported to prevent overturning and to prevent collapse.

(9) Post-tensioning operations.

(a) No employee (except those essential to the post-tensioning operations) shall be permitted to be behind the jack during tensioning operations.

(b) Signs and barriers shall be erected to limit employee access to the post-tensioning area during tensioning operations.

(10) Working under loads.

(a) No employee shall be permitted to work under concrete buckets while buckets are being elevated or lowered into position.

(b) To the extent practical, elevated concrete buckets shall be routed so that no employee, or the fewest number of employees, are exposed to the hazards associated with falling concrete buckets.

(11) Personal protective equipment.

(a) No employee shall be permitted to apply a cement, sand, and water mixture through a pneumatic hose unless the employee is wearing protective head and face equipment.

(b) No employee shall be permitted to place or tie reinforcing steel more than six feet (1.8 m) above any adjacent working surface unless the employee is protected by the use of a safety belt or equivalent fall protection meeting the criteria of WAC 296-155-225.

NEW SECTION

WAC 296-155-681 SAFE WALKING SURFACES ON CONCRETE STRUCTURAL MEMBERS. Structural members with studs, dowels, or shear connectors installed on the top side shall not be used as a walkway and/or means of access unless such studs, dowels, or shear connectors are covered with suitable material and in such a manner as to provide a walking surface at least as stable and free of hazards as the top surface of the member would provide without attachments installed.

Note: For the purpose of this section, "stud" means all protruding metal attachments to structural members.

NEW SECTION

WAC 296-155-682 REQUIREMENTS FOR EQUIPMENT AND TOOLS. (1) Bulk cement storage. Bulk storage bins, containers, and silos shall be equipped with the following:

(a) Conical or tapered bottoms; and

(b) Mechanical or pneumatic means of starting the flow of material.

(2) No employee shall be permitted to enter storage facilities unless the ejection system has been shut down and locked out in accordance with WAC 296-155-429.

(3) Safety belts, harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used as prescribed in WAC 296-155-225 (10)(a).

(4) Concrete mixers. Concrete mixers with one cubic yard (.8 m3) or larger loading skips shall be equipped with the following:

(a) A mechanical device to clear the skip of materials; and

(b) Guardrails installed on each side of the skip.

(5) Power concrete trowels. Powered and rotating type concrete troweling machines that are manually guided shall be equipped with a control switch that will automatically shut off the power whenever the hands of the operator are removed from the equipment handles.

(6) Concrete buggies. Concrete buggy handles shall not extend beyond the wheels on either side of the buggy.

Note: Installation of knuckle guards on buggy handles is recommended.

(7) Runways shall be constructed to carry the maximum contemplated load with a safety factor of four,

have a smooth running surface and be of sufficient width for two buggies to pass. Single runs to have a minimum width of forty-two inches with turnouts. Runways to have standard railings. Where motor driven concrete buggies are used, a minimum four-inches by four-inches wheel guard shall be securely fastened to outside edge of runways.

(8) Concrete pumping systems.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of pumpcrete or similar systems. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field, and such determinations will be appropriately documented and recorded.

(b) Rated load capacities, and recommended operating speeds and pressures, special hazard warnings, or instructions, shall be conspicuously posted on all equipment. Instructions and warnings shall be visible to the operator while he is at his control station.

(c) Concrete pumping systems using discharge pipes shall be provided with pipe supports designed for one hundred percent overload.

(d) Compressed air hoses used on concrete pumping systems shall be provided with positive fail-safe joint connectors to prevent separation of sections when pressurized.

(e) No part of the concrete pumping system shall operate closer to high voltage electrical conductors than the distances specified in WAC 296-155-428 (1)(d)(i) and (ii).

(9) Concrete buckets.

(a) Concrete buckets equipped with hydraulic or pneumatic gates shall have positive safety latches or similar safety devices installed to prevent premature or accidental dumping.

(b) Concrete buckets shall be designed to prevent concrete from hanging up on top and the sides.

(c) Riding of concrete buckets for any purpose shall be prohibited, and vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.

(d) When discharging on a slope, the wheels of ready-mix trucks shall be blocked and the brakes set to prevent movement.

(10) Tremies. Sections of tremies and similar concrete conveyances shall be secured with wire rope (or equivalent materials in addition to the regular couplings or connections).

(11) Bull floats. Bull float handles, used where they might contact energized electrical conductors, shall be constructed of nonconductive material or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.

(12) Masonry saws shall be constructed, guarded, and operated in accordance with ANSI A10.9-1983. Safety requirements for concrete construction and masonry work and in accordance with WAC 296-155-367.

(13) Lockout/tagout procedures. No employee shall be permitted to perform maintenance or repair activity

on equipment (such as compressors, mixers, screens, or pumps used for concrete and masonry construction activities) where the inadvertent operation of the equipment could occur and cause injury, unless all potentially hazardous energy sources have been locked out and tagged in accordance with WAC 296-155-429.

NEW SECTION

WAC 296-155-683 CONCRETE FINISHING.

(1) Scaffolding for use of cement finishers shall comply with all applicable subsections of WAC 296-155-485.

(2) Where grinders, chippers, and other equipment is used which creates a thrust force while working on scaffolding, such scaffold shall be securely tied to a structure or held in with weighted drop lines.

(3) Grinding and dressing operations carried on within closed rooms, stairwells, elevator shafts, etc., shall be provided with forced air ventilation.

(4) Grinding machine operators shall wear respirators whenever machines are in operation or where dust hazard exists.

(5) Eye protection shall be worn by workers engaged in grinding, chipping, or sacking concrete as required by WAC 296-155-215.

NEW SECTION

WAC 296-155-684 REQUIREMENTS FOR CAST IN PLACE CONCRETE. (1) General requirements for formwork.

(a) Formwork shall be designed, fabricated, erected, supported, braced, and maintained so that it will be capable of supporting without failure all vertical and lateral loads that may reasonably be anticipated to be applied to the formwork. Formwork which is designed, fabricated, erected, supported, braced, and maintained in conformance with the Appendix to this section will be deemed to meet the requirements of this subdivision.

(b) Any form, regardless of size, shall be planned in every particular and designed and constructed with an adequate factor of safety. In addition to computable loading, additional form pressures may result from impact during concrete placement, sudden lowering of temperatures retarding the set and increasing the liquid head or static pressure, vibrations of the form or concrete, uneven stressing resulting from failure or weakening of form members, or impact from concrete buckets or placing equipment. As a result, an adequate factor of safety is required to offset these unpredictable conditions.

(c) The thoroughness of planning and design shall be governed by the size, complexity, and intended use of the form. Formwork which is complex in nature or which will be subjected to unusually high concrete pressures shall be designed or approved for use by an engineer or experienced form designer.

(2) Drawings or plans, including all revisions, for the jack layout, formwork (including shoring equipment), working decks, and scaffolds, shall be available at the jobsite.

(3) Shoring and reshoring.

(a) General: Shoring installations constructed in accordance with this standard shall be designed in accordance with American National Standard Recommended Practice for Concrete Formwork, ANSI-(ACI 347-78), Formwork for Concrete ACI 318-83, or with the following publications of the Scaffolding & Shoring Institute: Recommended Standard Safety Code for Vertical Shoring, 1970; Single Post Shore Safety Rules, 1969; and Steel Frame Shoring Safety, Safety Rules, 1969.

(b) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the shoring layout.

(c) A shoring layout shall be prepared or approved by a person qualified to analyze the loadings and stresses which are induced during the construction process.

(d) A copy of the shoring layout shall be available at the jobsite.

(e) The shoring layout shall include all details of the specification, including unusual conditions such as heavy beams, sloping areas, ramps, and cantilevered slabs, as well as plan and elevation views.

(f) Shoring equipment found to be damaged such that its strength is reduced to less than that required by WAC 296-155-683 (1)(a) shall not be used for shoring.

(g) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after concrete placement.

(h) Upon inspection, shoring equipment that is found to be damaged or weakened shall be immediately removed and replaced.

(i) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load without settlement or displacement.

(j) All base plates, shore heads, extension devices, and adjustment screws shall be in firm contact, and secured when necessary, with the foundation and the form.

(k) Eccentric loads on shore heads and similar members shall be prohibited unless these members have been designed for such loading.

(l) The minimum total design load for any shoring used in slab and beam structures shall be not less than one hundred pounds per square foot for the combined live and dead load regardless of slab thickness; however, the minimum allowance for live load and formwork shall be not less than twenty pounds per square foot in addition to the weight of the concrete. Additional allowance for live load shall be added for special conditions other than when placing concrete for standard-type slabs and beams. Shoring shall also be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. (See subsection (3)(b) of this section.)

(m) When motorized carts are used, the design load shall be increased twenty-five pounds per square foot.

(4) The design stresses for form lumber and timbers shall be within the tolerance of the grade, condition, and species of lumber used.

(5) The design stresses used for form lumber and timber shall be shown on all drawings, specifications, and shoring layouts.

(6) All load-carrying timber members of scaffold framing shall be a minimum of 1500 f (stress grade) construction grade lumber. All dimensions are nominal sizes except that where rough sizes are noted, only rough or undressed lumber of the size specified shall satisfy minimum requirements.

(7) When shoring from soil, an engineer or other qualified person shall determine that the soil is adequate to support the loads which are to be placed on it.

(8) Precautions shall be taken so that weather conditions do not change the load-carrying conditions of the soil below the design minimum.

(9) When shoring from fill or when excessive earth disturbance has occurred, an engineer or other qualified person shall supervise the compaction and reworking of the disturbed area and determine that it is capable of carrying the loads which are to be imposed upon it.

(10) Suitable sills shall be used on a pan or grid dome floor or any other floor system involving voids where vertical shoring equipment could concentrate an excessive load on a thin concrete section.

(11) When temporary storage of reinforcing rods, material, or equipment on top of formwork becomes necessary, these areas shall be sufficient to meet the loads.

(12) If any deviation in the shoring plan is necessary because of field conditions, the person who prepared the shoring layout shall be consulted for his approval of the actual field setup before concrete is placed.

(13) The shoring setup shall be checked to insure that all details of the layout have been met.

(14) The completed shoring setup shall be a homogeneous unit or units and shall have the specified bracing to give it lateral stability.

(15) The shoring setup shall be checked to make certain that bracing specified in the shoring layout for lateral stability is in place.

(16) All vertical shoring equipment shall be plumb. Maximum allowable deviation from the vertical is one-eighth inch in three feet. If this tolerance is exceeded, the shoring equipment shall not be used until readjusted within this limit.

(17) Upon inspection, shoring equipment that is found to be damaged or weakened shall be immediately removed and replaced.

(18) Shoring equipment shall not be released or removed until the approval of a qualified engineer has been received.

(19) Removal of shoring equipment shall be planned so that the equipment which is still in place is not overloaded.

(20) Slabs or beams which are to be reshored should be allowed to take their actual permanent deflection before final adjustment of reshoring equipment is made.

(21) While the reshoring is underway, no construction loads shall be permitted on the partially-cured concrete.

(22) The allowable load on the supporting slab shall not be exceeded when reshoring.

(23) The reshoring shall be thoroughly checked to determine that it is properly placed and that it has the load capacity to support the areas that are being reshored.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

~~WAC 296-155-685 ((SAFE WALKING SURFACES ON CONCRETE STRUCTURAL MEMBERS)) TUBULAR WELDED FRAME SHORING. ((Structural members with studs, dowels or shear connectors installed on the top side shall not be used as a walkway and/or means of access unless such studs, dowels or shear connectors are covered with suitable material and in such a manner as to provide a walking surface at least as stable and free of hazards as the top surface of the member would provide without attachments installed.~~

~~Note: For the purpose of this section, "stud" shall mean all protruding metal attachments to structural members.))~~

(1) Metal tubular frames used for shoring shall have allowable loads based on tests conducted according to the Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967.

(2) Design of shoring layouts shall be based on allowable loads which were obtained using the test procedures of subsection (1) of this section and on at least a two and one-half to one safety factor.

(3) All metal frame shoring equipment shall be inspected before erection.

(4) Metal frame shoring equipment and accessories shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects.

(5) All locking devices on frames and braces shall be in good working order, coupling pins shall align the frame or panel legs, pivoted cross braces shall have their center pivot in place, and all components shall be in a condition similar to that of original manufacture.

(6) When checking the erected shoring frames with the shoring layout, the spacing between towers and cross-brace spacing shall not exceed that shown on the layout, and all locking devices shall be in the closed position.

(7) Devices for attaching the external lateral stability bracing shall be securely fastened to the legs of the shoring frames.

(8) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material, and shall be snug against the legs of the frames.

(9) Eccentric loads on shore heads and similar members shall be prohibited unless the shore heads have been designed for such loading.

(10) When formwork is installed at an angle, or sloping, or when the surface shored from is sloping, the shoring shall be designed for such loading.

(11) Adjustment screws shall not be adjusted to raise formwork after the concrete is in place.

NEW SECTION

WAC 296-155-686 TUBE AND COUPLER SHORING. (1) Tube and coupler towers used for shoring shall have allowable loads based on tests conducted according to the Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967.

(2) Design of shoring layouts shall be based on working loads which were obtained using the test procedures of subsection (1) of this section and on at least a two and one-half to one safety factor.

(3) All tube and coupler components shall be inspected before being used.

(4) Tubes of shoring structures shall not be used if heavily rusted, bent, dented, or having other defects.

(5) Couplers (clamps) shall not be used if deformed, broken, or having defective or missing threads on bolts, or other defects.

(6) The material used for the couplers (clamps) shall be of a structural type such as drop-forged steel, malleable iron, or structural grade aluminum. Gray cast iron shall not be used.

(7) When checking the erected shoring towers with the shoring layout, the spacing between posts shall not exceed that shown on the layout, and all interlocking of tubular members and tightness of couplers should be checked.

(8) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material, and shall be snug against the posts.

(9) Eccentric loads on shore heads and similar members shall be prohibited unless the shore heads have been designed for such loading.

(10) Special precautions shall be taken when formwork is at angles, or sloping, or when the surface shored from is sloping.

(11) Adjustment screws shall not be adjusted to raise formwork after the concrete is in place.

NEW SECTION

WAC 296-155-687 SINGLE POST SHORES. (1) When checking erected single post shores with the shoring layout, the spacing between shores in either direction shall not exceed that shown on the layout, and all clamps, screws, pins, and all other components shall be in the closed or engaged position.

(2) For stability, single post shores shall be horizontally braced in both the longitudinal and transverse directions. Diagonal bracing shall also be installed. Such bracing shall be installed as the shores are being erected.

(3) Devices which attach to the external lateral stability bracing shall be securely fastened to the single post shores.

(4) All baseplates or shore heads of single post shores shall be in firm contact with the footing sill and the form material.

(5) Whenever single post shores are used in more than one tier, the layout shall be designed and inspected by a structural engineer.

(6) Eccentric loads on shore heads shall be prohibited unless the shore heads have been designed for such loading.

(7) When formwork is at an angle, or sloping, or when the surface shored from is sloping, the shoring shall be designed for such loading.

(8) Adjustment of single post shores to raise formwork shall not be made after concrete is in place.

(9) Respecting fabricated single post shores, the following shall apply:

(a) The clamp used for adjustable timber single post shores shall have working load ratings based on tests conducted according to the standard test procedures for fabricated single post shores in Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967, and on at least a three to one safety factor.

(b) Shoring layouts shall be made using working loads which were obtained using the test procedures of (a) of this subsection, and on at least a three to one safety factor.

(c) All fabricated single post shores shall be inspected before being used.

(d) Fabricated single post shores shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects. If they contain timber, they shall not be used if timber is split, cut, has sections removed, is rotted, or otherwise structurally damaged.

(e) All clamps, screws, pins, threads, and all other components shall be in a condition similar to that of original manufacture.

(10) Respecting adjustable timber single post shores, the following shall apply:

(a) The clamp used for adjustable timber single post shores shall have working load ratings based on tests conducted according to the standard test procedures for fabricated single post shores in Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967, and on at least a three to one safety factor.

(b) Timber used shall have the safety factor and allowable working load for each grade and species as recommended in the Tables for wooden columns in the Wood Structural Design Data Book, National Forest Products Association, 1970.

(c) The shoring layout shall be made using the allowable load obtained by using the test procedure for the clamp or Tables for timber referred to in (a) and (b) of this subsection.

(d) All timber and adjusting devices to be used for adjustable timber single post shores shall be inspected before erection.

(e) Timber shall not be used if it is split, cut, has sections removed, is rotted, or is otherwise structurally damaged.

(f) Adjusting devices shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects.

(g) All nails used to secure bracing on adjustable timber single post shores shall be driven home and the point of the nail bent over.

(11) Respecting timber single post shores, the following shall apply:

(a) Timber used as single post shores shall have the safety factor and allowable working load for each grade and species as recommended in the Tables for wooden columns in the Wood Structural Design Data Book, National Forest Products Association, 1970.

(b) The shoring layout shall be prepared by using working loads obtained by using the Tables referred to in (a) of this subsection.

(c) All timber to be used for single post shoring shall be inspected before erection.

(d) Timber shall not be used if it is split, cut, has sections removed, is rotted, or is otherwise structurally damaged.

(e) All nails used to secure bracing on timber single post shores shall be driven home and the point of the nail bent over.

(12) Tiered single post shores. Whenever single post shores are used one on top of another (tiered), the employer shall comply with the following specific requirements in addition to the general requirements for formwork:

(a) The design of the shoring shall be prepared by a qualified designer and the erected shoring shall be inspected by an engineer qualified in structural design.

(b) The single post shores shall be vertically aligned.

(c) The single post shores shall be spliced to prevent misalignment.

(d) The single post shores shall be adequately braced in two mutually perpendicular directions at the splice level. Each tier shall also be diagonally braced in the same two directions.

(e) Adjustment of single post shores to raise formwork shall not be made after the placement of concrete.

(f) Reshoring shall be erected, as the original forms and shores are removed, whenever the concrete is required to support loads in excess of its capacity.

NEW SECTION

WAC 296-155-688 VERTICAL SLIP FORMS.

(1) Slip forms shall be designed and constructed, and the form movement carried out, under the immediate supervision of a person or persons experienced in slip form design and operation. Drawings prepared by a qualified engineer, showing the jack layout, formwork, working decks, and scaffolding, shall be available at the jobsite, and followed.

(2) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be designed for this purpose. Such rods must be adequately braced where not encased in concrete.

(3) Forms shall be designed to prevent excessive distortion of the structure during the jacking operation.

(4) All vertical slip forms shall be provided with scaffolding or work platforms completely encircling the area of placement.

(5) Jacks and vertical supports shall be positioned in such a manner that the loads do not exceed the rated capacity of the jacks.

(6) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices

to support the slip forms whenever failure of the power supply or lifting mechanism occurs.

(7) The form structure shall be maintained within all design tolerances specified for plumbness during the jacking operation.

(8) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift. A jacking system, which provides precise, simultaneous movement of the entire form in small preselected increments, is recommended for large structures.

(9) Workmen placing reinforcing steel shall wear safety belts tied off by lanyards or otherwise securely fastened when working above the scaffold level.

(10) The total allowable load on slip form platforms shall be determined by the design engineer and enforced by the field supervisor.

(11) Lateral and diagonal bracing of the forms shall be provided to prevent excessive distortion of the structure during the sliding operation.

(12) While the slide is in operation, the form structure shall be maintained in line and plumb.

(13) A field supervisor experienced in slip form construction shall be present on the deck at all times.

NEW SECTION

WAC 296-155-689 PLACING AND REMOVAL OF FORMS. (1) When moved or raised by crane, cableway, A-frame, or similar mechanical device, forms shall be securely attached to slings having a minimum safety factor of five. Use of No. 9 tie wire, fiber rope, and similar makeshift lashing shall be prohibited.

(2) Taglines shall be used in moving panels or other large sections of forms by crane or hoist.

(3) All hoisting equipment, including hoisting cable used to raise and move forms shall have a minimum safety factor incorporated in the manufacturer's design, and the manufacturer's recommended loading shall not be exceeded. Field-fabricated or shop-fabricated hoisting equipment shall be designed or approved by a registered professional engineer, incorporating a minimum safety factor of five in its design. Panels and built-up form sections shall be equipped with metal hoisting brackets for attachment of slings.

(4) Forms intended for use where there is a free fall of over ten feet shall be equipped with adequate scaffolding and guardrails, or employees working on the forms shall be required to wear safety belts during forming and stripping operations.

(5) Vertical forms being raised or removed in sections shall not be released until adequately braced or secured. Overhead forms shall not be released until adequately braced or secured.

(6) Workmen or others at lower levels shall be protected from falling materials. Appropriate warning signs shall be erected along walkways.

(7) Forms shall not be removed until the concrete is cured. The concrete shall be adequately set in order to permit safe removal of the forms, shoring, and bracing. Engineer's specifications and local building codes shall be adhered to in determining the length of time forms should remain in place following concrete placement. In addition, tests shall be made on field-cured concrete

specimens in order to insure that concrete has obtained sufficient strength to safely support the load prior to removal of forms.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-690 ~~((FORMS AND SHORING))~~ APPENDIX TO WAC 296-155-684 CAST IN PLACE CONCRETE. ~~((†) General provisions:~~

~~(a) Formwork and shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during placement of concrete.~~

~~(b) Drawings or plans showing the jack layout, formwork, shoring, working decks, and scaffolding, shall be available at the jobsite.~~

~~(c) Stripped forms and shoring shall be removed and stockpiled promptly after stripping, in all areas in which persons are required to work or pass. Protruding nails, wire ties, and other form accessories not necessary to subsequent work shall be pulled, cut, or other means taken to eliminate the hazard.~~

~~(d) Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and approved by the engineer-architect.~~

~~(e) When employees are present, watchmen or fireguards shall be provided where salamanders or similar heaters are used to provide winter protection.~~

~~(f) Where tarpaulins or other flammable materials are used to form protective enclosures for winter protection, the material shall be fire-resistant and installed so as to prevent contact with the heating unit.~~

~~(g) Form supports and wedges shall be checked during concrete placement to prevent distortion or failure.~~

~~(2) Form design:~~

~~(a) Any form, regardless of size, shall be planned in every particular and designed and constructed with an adequate factor of safety. In addition to computable loading, additional form pressures may result from impact during concrete placement, sudden lowering of temperatures retarding the set and increasing the liquid head or static pressure, vibrations of the form or concrete, uneven stressing resulting from failure or weakening of form members, or impact from concrete buckets or placing equipment. As a result, an adequate factor of safety is required to offset these unpredictable conditions:~~

~~(b) The thoroughness of planning and design shall be governed by the size, complexity, and intended use of the form. Formwork which is complex in nature or which will be subjected to unusually high concrete pressures shall be designed or approved for use by an engineer or experienced form designer.~~

~~(3) Loads:~~

~~(a) Vertical loads. Vertical loads consist of a dead load plus an allowance for live load. The weight of formwork together with the weight of freshly placed concrete is dead load. The live load consists of the weight of workmen, equipment, runways, and impact, and shall be computed in pounds per square foot (psf) of horizontal projection.~~

(b) Lateral loads. Braces and shores shall be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. Wall forms shall be designed for a minimum wind load of 10 psf, and bracing for wall forms should be designed for a lateral load of at least one hundred pounds per lineal foot of wall, applied at the top. Walls of unusual height require special consideration.

(c) Special loads. Formwork shall be designed for all special conditions of construction likely to occur, such as unsymmetrical placement of concrete, impact of machine-delivered concrete, uplift, and concentrated loads.

(d) Construction loads. Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and approved by the engineer-architect.

(4) Placing and removal of forms.

(a) When moved or raised by crane, cableway, A-frame, or similar mechanical device, forms shall be securely attached to wire rope slings having a minimum safety factor of 5. Use of No. 9 tie wire, fiber rope, and similar makeshift lashing shall be prohibited.

(b) Taglines shall be used in moving panels or other large sections of forms by crane or hoist.

(c) All hoisting equipment, including hoisting cable used to raise and move forms shall have a minimum safety factor incorporated in the manufacturer's design, and the manufacturer's recommended loading shall not be exceeded. Field-fabricated or shop-fabricated hoisting equipment shall be designed or approved by a registered professional engineer, incorporating a minimum safety factor of five in its design. Panels and built-up form sections shall be equipped with metal hoisting brackets for attachment of slings.

(d) Forms intended for use where there is a free fall of over ten feet shall be equipped with adequate scaffolding and guardrails, or employees working on the forms shall be required to wear safety belts during forming and stripping operations.

(e) Vertical forms being raised or removed in sections shall not be released until adequately braced or secured. Overhead forms shall not be released until adequately braced or secured.

(f) Workmen or others at lower levels shall be protected from falling materials. Appropriate warning signs shall be erected along walkways.

(g) Forms shall not be removed until the concrete is cured. The concrete shall be adequately set in order to permit safe removal of the forms, shoring, and bracing. Engineer's specifications and local building codes shall be adhered to in determining the length of time forms should remain in place following concrete placement. In addition, tests shall be made on field-cured concrete specimens in order to insure that concrete has obtained sufficient strength to safely support the load prior to removal of forms.

(5) Vertical slip forms.

(a) Slip forms shall be designed and constructed, and the form movement carried out, under the immediate supervision of a person or persons experienced in slip form design and operation. Drawings prepared by a qualified engineer, showing the jack layout, formwork, working decks, and scaffolding, shall be available at the jobsite, and followed.

(b) The steel rods or pipe on which the jacks climb or by which the forms are lifted shall be designed for the purpose. Such rods must be adequately braced where not encased in concrete.

(c) Jacks and vertical supports shall be positioned in such a manner that the vertical loads are distributed equally and do not exceed the capacity of the jacks.

(d) The jacks or other lifting devices shall be provided with mechanical dogs or other automatic holding devices to protect against failure of the power supply or the lifting mechanism.

(e) Lifting shall proceed steadily and uniformly and shall not exceed the predetermined safe rate of lift. A jacking system, which provides precise, simultaneous movement of the entire form in small preselected increments, is recommended for large structures.

(f) Lateral and diagonal bracing of the forms shall be provided to prevent excessive distortion of the structure during the sliding operation.

(g) While the slide is in operation, the form structure shall be maintained in line and plumb.

(h) A field supervisor experienced in slipform construction shall be present on the deck at all times.

(i) All vertical lift forms shall be provided with scaffolding or work platforms completely encircling the area of placement.

(j) Workmen placing reinforcing steel shall wear safety belts tied off by lanyards or otherwise securely fastened when working above the scaffold level.

(k) The total allowable load on slip form platforms shall be determined by the design engineer and enforced by the field supervisor.

(6) Vertical shoring.

(a) Shoring installations constructed in accordance with this standard shall be designed in accordance with American National Standard Recommended Practice for Concrete Formwork, ANSI-(ACI 347-68) or with the following publications of the Scaffolding & Shoring Institute: Recommended Standard Safety Code for Vertical Shoring, 1970; Single Post Shore Safety Rules, 1969; and Steel Frame Shoring Safety Rules, 1969.

(b) The shoring layout shall include all details of the specification, including unusual conditions such as heavy beams, sloping areas, ramps, and cantilevered slabs, as well as plan and elevation views.

(c) A copy of the shoring layout shall be available at the jobsite.

(d) A shoring layout shall be prepared or approved by a person qualified to analyze the loadings and stresses which are induced during the construction process.

(e) The minimum total design load for any shoring used in slab and beam structures shall be not less than one hundred pounds per square foot for the combined live and dead load regardless of slab thickness; however, the minimum allowance for live load and formwork shall

be not less than twenty pounds per square foot in addition to the weight of the concrete. Additional allowance for live load shall be added for special conditions other than when placing concrete for standard-type slabs and beams. Shoring shall also be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. (See subsection (3)(b) of this section.)

(f) When motorized carts are used, the design load shall be increased twenty-five pounds per square foot.

(g) The design stresses for form lumber and timbers shall be within the tolerance of the grade, condition, and species of lumber used.

(h) The design stresses used for form lumber and timber shall be shown on all drawings, specifications, and shoring layouts.

(i) All load-carrying timber members of scaffold framing shall be a minimum of 1500 f (Stress Grade) construction grade lumber. All dimensions are nominal sizes except that where rough sizes are noted, only rough or undressed lumber of the size specified shall satisfy minimum requirements.

(j) The sills for shoring shall be sound, rigid, and capable of carrying the maximum intended load without settlement or displacement.

(k) When shoring from soil, an engineer or other qualified person shall determine that the soil is adequate to support the loads which are to be placed on it.

(l) Precautions shall be taken so that weather conditions do not change the load-carrying conditions of the soil below the design minimum.

(m) When shoring from fill or when excessive earth disturbance has occurred, an engineer or other qualified person shall supervise the compaction and reworking of the disturbed area and determine that it is capable of carrying the loads which are to be imposed upon it.

(n) Suitable sills shall be used on a pan or grid dome floor or any other floor system involving voids where vertical shoring equipment could concentrate an excessive load on a thin concrete section.

(o) When temporary storage of reinforcing rods, material, or equipment on top of formwork becomes necessary, these areas shall be sufficient to meet the loads.

(p) All shoring equipment shall be inspected prior to erection to determine that it is as specified in the shoring layout.

(q) Any equipment found to be damaged shall not be used for shoring.

(r) Erected shoring equipment shall be inspected immediately prior to, during, and immediately after the placement of concrete.

(s) If any deviation in the shoring plan is necessary because of field conditions, the person who prepared the shoring layout shall be consulted for his approval of the actual field setup before concrete is placed.

(t) The shoring setup shall be checked to insure that all details of the layout have been met.

(u) The completed shoring setup shall be a homogeneous unit or units and shall have the specified bracing to give it lateral stability.

(v) The shoring setup shall be checked to make certain that bracing specified in the shoring layout for lateral stability is in place.

(w) All vertical shoring equipment shall be plumb. Maximum allowable deviation from the vertical is one-eighth inch in three feet. If this tolerance is exceeded, the shoring equipment shall not be used until readjusted within this limit.

(x) Upon inspection, shoring equipment that is found to be damaged or weakened shall be immediately removed and replaced.

(y) Shoring equipment shall not be released or removed until the approval of a qualified engineer has been received.

(z) Removal of shoring equipment shall be planned so that the equipment which is still in place is not overloaded.

(7) Additional vertical shoring requirements:

(a) Slabs or beams which are to be reshored should be allowed to take their actual permanent deflection before final adjustment of reshoring equipment is made.

(b) While the reshoring is underway, no construction loads shall be permitted on the partially-cured concrete.

(c) The allowable load on the supporting slab shall not be exceeded when reshoring.

(d) The reshoring shall be thoroughly checked to determine that it is properly placed and that it has the load capacity to support the areas that are being reshored.

(8) Tubular welded frame shoring:

(a) Metal tubular frames used for shoring shall have allowable loads based on tests conducted according to the Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967.

(b) Design of shoring layouts shall be based on allowable loads which were obtained using the test procedures of (a) of this subsection and on at least a 2.5 to 1 safety factor.

(c) All metal frame shoring equipment shall be inspected before erection.

(d) Metal frame shoring equipment and accessories shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects.

(e) All locking devices on frames and braces shall be in good working order, coupling pins shall align the frame or panel legs, pivoted cross braces shall have their center pivot in place, and all components shall be in a condition similar to that of original manufacture.

(f) When checking the erected shoring frames with the shoring layout, the spacing between towers and cross brace spacing shall not exceed that shown on the layout, and all locking devices shall be in the closed position.

(g) Devices for attaching the external lateral stability bracing shall be securely fastened to the legs of the shoring frames.

(h) All baseplates, shoreheads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material, and shall be snug against the legs of the frames.

(i) Eccentric loads on shore heads and similar members shall be prohibited unless the shore heads have been designed for such loading.

(j) When formwork is installed at an angle, or sloping, or when the surface shored from is sloping, the shoring shall be designed for such loading.

(k) Adjustment screws shall not be adjusted to raise formwork after the concrete is in place.

(9) Tube and coupler shoring.

(a) Tube and coupler towers used for shoring shall have allowable loads based on tests conducted according to the Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967.

(b) Design of shoring layouts shall be based on working loads which were obtained using the test procedures of (a) of this subsection and on at least a 2.5 to 1 safety factor.

(c) All tube and coupler components shall be inspected before being used.

(d) Tubes of shoring structures shall not be used if heavily rusted, bent, dented, or having other defects.

(e) Couplers (clamps) shall not be used if deformed, broken, or having defective or missing threads on bolts, or other defects.

(f) The material used for the couplers (clamps) shall be of a structural type such as drop-forged steel, malleable iron, or structural grade aluminum. Gray cast iron shall not be used.

(g) When checking the erected shoring towers with the shoring layout, the spacing between posts shall not exceed that shown on the layout, and all interlocking of tubular members and tightness of couplers should be checked.

(h) All baseplates, shore heads, extension devices, or adjustment screws shall be in firm contact with the footing sill and the form material, and shall be snug against the posts.

(i) Eccentric loads on shore heads and similar members shall be prohibited unless the shore heads have been designed for such loading.

(j) Special precautions shall be taken when formwork is at angles, or sloping, or when the surface shored from is sloping.

(k) Adjustment screws shall not be adjusted to raise formwork after the concrete is in place.

(10) Single post shores.

(a) When checking erected single post shores with the shoring layout, the spacing between shores in either direction shall not exceed that shown on the layout, and all clamps, screws, pins, and all other components shall be in the closed or engaged position.

(b) For stability, single post shores shall be horizontally braced in both the longitudinal and transverse directions. Diagonal bracing shall also be installed. Such bracing shall be installed as the shores are being erected.

(c) Devices which attach to the external lateral stability bracing shall be securely fastened to the single post shores.

(d) All baseplates or shore heads of single post shores shall be in firm contact with the footing sill and the form material.

(e) Whenever single post shores are used in more than one tier, the layout shall be designed and inspected by a structural engineer.

(f) Eccentric loads on shore heads shall be prohibited unless the shore heads have been designed for such loading.

(g) When formwork is at an angle, or sloping, or when the surface shored from is sloping, the shoring shall be designed for such loading.

(h) Adjustment of single post shores to raise formwork shall not be made after concrete is in place.

(i) Respecting fabricated single post shores, the following shall apply:

(i) The clamp used for adjustable timber single post shores shall have working load ratings based on tests conducted according to the standard test procedures for fabricated single post shores in Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967, and on at least a 3 to 1 safety factor.

(ii) Shoring layouts shall be made using working loads which were obtained using the test procedures of (i)(i) of this subsection, and on at least a 3 to 1 safety factor.

(iii) All fabricated single post shores shall be inspected before being used.

(iv) Fabricated single post shores shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects. If they contain timber, they shall not be used if timber is split, cut, has sections removed, is rotted, or otherwise structurally damaged.

(v) All clamps, screws, pins, threads, and all other components shall be in a condition similar to that of original manufacture.

(j) Respecting adjustable timber single post shores, the following shall apply:

(i) The clamp used for adjustable timber single post shores shall have working load ratings based on tests conducted according to the standard test procedures for fabricated single post shores in Recommended Procedure for Compression Testing of Scaffolds and Shores, Scaffolding & Shoring Institute, 1967, and on at least a 3 to 1 safety factor.

(ii) Timber used shall have the safety factor and allowable working load for each grade and species as recommended in the Tables for wooden columns in the Wood Structural Design Data Book, National Forest Products Association, 1970.

(iii) The shoring layout shall be made using the allowable load obtained by using the test procedure for the clamp or Tables for timber referred to in (j)(i) and (ii) of this subsection.

(iv) All timber and adjusting devices to be used for adjustable timber single post shores shall be inspected before erection.

(v) Timber shall not be used if it is split, cut, has sections removed, is rotted, or is otherwise structurally damaged.

(vi) Adjusting devices shall not be used if heavily rusted, bent, dented, rewelded, or having broken weldments or other defects.

~~(vii) All nails used to secure bracing on adjustable timber single post shores shall be driven home and the point of the nail bent over.~~

~~(k) Respecting timber single post shores, the following shall apply:~~

~~(i) Timber used as single post shores shall have the safety factor and allowable working load for each grade and species as recommended in the Tables for wooden columns in the Wood Structural Design Data Book, National Forest Products Association, 1970.~~

~~(ii) The shoring layout shall be prepared by using working loads obtained by using the tables referred to in (k)(i) of this subsection.~~

~~(iii) All timber to be used for single post shoring shall be inspected before erection.~~

~~(iv) Timber shall not be used if it is split, cut, has sections removed, is rotted, or is otherwise structurally damaged.~~

~~(v) All nails used to secure bracing on timber single post shores shall be driven home and the point of the nail bent over.)~~ General requirements for formwork.

(This Appendix is nonmandatory.)

This Appendix serves as a nonmandatory guideline to assist employers in complying with the formwork requirements in §1926.703 (a)(1). Formwork which has been designed, fabricated, erected, braced, supported, and maintained in accordance with Sections 6 and 7 of the American National Standard for Construction and Demolition Operations—Concrete and Masonry Work, ANSI A10.9-1983, shall be deemed to be in compliance with the provision of §1926.703 (a)(1).

(Information collection requirements contained in paragraph (a)(2) were approved by the Office of Management and Budget under control number 1218-0095.)

(1) It shall be the responsibility of the contractor to use accessories which are designed to be compatible.

(2) The design capacity of all lifting devices and accessories shall be known. The devices and accessories with the appropriate capacity shall be used.

(3) Prior to pouring the panels of a tilt-up type construction job, a set of plans or job specifications, including lifting procedures, shall be drawn up.

(a) These plans shall be at the job site and made available upon request.

(b) Any changes made in the rigging procedure of a tilt-up panel or slab shall provide the same degree of safety as required by the original plans.

(c) The plans or specifications shall contain the following information:

(i) The type, size, and location of all lifting inserts.

(ii) The type, size, and location of all brace inserts or fittings for guy wires in each panel and floor or support.

(iii) The size of braces or guys to be used.

(iv) The compression strength which concrete panels must attain prior to being lifted.

(4) The following conditions shall be included in the erection process and shall be incorporated in the design plan:

(a) Braces and all associated components of the bracing system shall be designed to incorporate a safety factor of one and one-half to resist any normal stresses to

which they may be subjected, including normal high wind velocity pressures for the area.

(b) Precast concrete wall units, structural framing, and tilt-up wall panels shall be adequately supported to prevent overturning and to prevent collapse until permanent connections are completed.

(c) Floor braces used to secure panel sections shall be placed at an angle of not less than forty-five degrees or more than sixty degrees from horizontal when physically possible to install in this manner.

(d) The bracing on all panel sections shall be installed in such a manner as to prevent the panel from accidentally rotating.

(e) Each panel section not secured by other means shall have a minimum of two braces. The braces shall be installed in such a manner as to evenly distribute the load or guy wires, when properly installed, may be used in lieu of stiff leg braces.

(f) If braces are attached to a panel or slab by bolts tightened into inserts installed in holes drilled in concrete, the type of inserts used and method of installation shall be such as to develop the required strength to be maintained for the bracing system.

(g) Inserts to be installed for lifting sections of a panel shall be designed mechanically to maintain a safety factor of three.

(h) Lifting inserts which are embedded or otherwise attached to precast concrete members, other than the tilt-up members, shall be capable of supporting at least four times the maximum intended load applied or transmitted to them.

(i) The compression strength of the concrete shall be such that when the proper type, size, and amount of inserts are installed a minimum safety factor of two will be maintained.

(j) Lifting hardware such as spreader bars, slings, shackles, etc., shall be designed for a safety factor of not less than five and shall not be used whenever the safety factor is reduced below four.

(k) Lifting bolts or other lifting devices which have been bent, worn, or are defective shall be discarded.

(l) The upper and lower sections of telescoping type braces shall be secured by high tensile steel pins or bolts which provide adequate shear strength and which will positively secure against accidental removal.

(m) Manufactured products shall not be altered in a manner which would reduce the safe working load to less than its original value.

(n) Inserts shall be positioned so that bolts, or lifting devices, when inserted, will be perpendicular to the face on which they are placed.

(5) Design of the panels and layout of the pour shall be made in such a manner so that when picking, the top of the panel will be away from the crane. If this is not possible, the contractor shall consult with a representative of the department and the crane company involved to determine the procedure to be followed in lifting and placing in its permanent position safely. Panels shall be lifted and handled in such a manner that they will not strike the hoisting equipment, in case of failure.

(a) Physical stops shall be provided which will prevent the bottom edge of a panel being set from slipping off the edge of its supporting structure.

(b) Tilt-up panels shall not be set when there is a possibility that wind velocity would create a hazardous condition.

(c) A qualified signalman shall be designated and shall consult with the crane operator on lifting procedures prior to making the pick. The signalman shall be located in such a position during the pick of the panel that he can observe both the crane operator and the employees working in the immediate area.

(d) During the lifting process, workers shall keep clear of the under side of the panel.

(e) Persons not involved in the lifting process shall be kept clear of the hazardous area near where panels are being raised, moved, or placed.

(f) If braces must be removed temporarily during construction, other effective means shall be provided to safely support the panel during the interim period.

(g) Each panel shall be properly braced or otherwise secured prior to removal of the hoisting equipment.

(h) Short panels or sections not otherwise supported by floor, footings, columns or other structure, shall be properly shored.

NEW SECTION

WAC 296-155-691 PRECAST CONCRETE AND TILT-UP OPERATIONS. (1) It shall be the responsibility of the contractor to use accessories which are designed to be compatible.

(2) The design capacity of all lifting devices and accessories shall be known. The devices and accessories with the appropriate capacity shall be used.

(3) Prior to pouring the panels of a tilt-up type construction job, a set of plans or job specifications, including lifting procedures, shall be drawn up.

(a) These plans shall be at the job site and made available upon request.

(b) Any changes made in the rigging procedure of a tilt-up panel or slab shall provide the same degree of safety as required by the original plans.

(c) The plans or specifications shall contain the following information:

(i) The type, size, and location of all lifting inserts.

(ii) The type, size, and location of all brace inserts or fittings for guy wires in each panel and floor or support.

(iii) The size of braces or guys to be used.

(iv) The compression strength which concrete panels must attain prior to being lifted.

(4) The following conditions shall be included in the erection process and shall be incorporated in the design plan:

(a) Braces and all associated components of the bracing system shall be designed to incorporate a safety factor of one and one-half to resist any normal stresses to which they may be subjected, including normal high wind velocity pressures for the area.

(b) Precast concrete wall units, structural framing, and tilt-up wall panels shall be adequately supported to prevent overturning and to prevent collapse until permanent connections are completed.

(c) Floor braces used to secure panel sections shall be placed at an angle of not less than forty-five degrees or more than sixty degrees from horizontal when physically possible to install in this manner.

(d) The bracing on all panel sections shall be installed in such a manner as to prevent the panel from accidentally rotating.

(e) Each panel section not secured by other means shall have a minimum of two braces. The braces shall be installed in such a manner as to evenly distribute the load or guy wires, when properly installed, may be used in lieu of stiff leg braces.

(f) If braces are attached to a panel or slab by bolts tightened into inserts installed in holes drilled in concrete, the type of inserts used and method of installation shall be such as to develop the required strength to be maintained for the bracing system.

(g) Inserts to be installed for lifting sections of a panel shall be designed mechanically to maintain a safety factor of three.

(h) Lifting inserts which are embedded or otherwise attached to precast concrete members, other than the tilt-up members, shall be capable of supporting at least four times the maximum intended load applied or transmitted to them.

(i) The compression strength of the concrete shall be such that when the proper type, size, and amount of inserts are installed a minimum safety factor of two will be maintained.

(j) Lifting hardware such as spreader bars, slings, shackles, etc., shall be designed for a safety factor of not less than five and shall not be used whenever the safety factor is reduced below four.

(k) Lifting bolts or other lifting devices which have been bent, worn, or are defective shall be discarded.

(l) The upper and lower sections of telescoping type braces shall be secured by high tensile steel pins or bolts which provide adequate shear strength and which will positively secure against accidental removal.

(m) Manufactured products shall not be altered in a manner which would reduce the safe working load to less than its original value.

(n) Inserts shall be positioned so that bolts, or lifting devices, when inserted, will be perpendicular to the face on which they are placed.

(5) Design of the panels and layout of the pour shall be made in such a manner so that when picking, the top of the panel will be away from the crane. If this is not possible, the contractor shall consult with a representative of the department and the crane company involved to determine the procedure to be followed in lifting and placing in its permanent position safely. Panels shall be lifted and handled in such a manner that they will not strike the hoisting equipment, in case of failure.

(a) Physical stops shall be provided which will prevent the bottom edge of a panel being set from slipping off the edge of its supporting structure.

(b) Tilt-up panels shall not be set when there is a possibility that wind velocity would create a hazardous condition.

(c) A qualified signalman shall be designated and shall consult with the crane operator on lifting procedures prior to making the pick. The signalman shall be located in such a position during the pick of the panel that he can observe both the crane operator and the employees working in the immediate area.

(d) During the lifting process, workers shall keep clear of the under side of the panel.

(e) Persons not involved in the lifting process shall be kept clear of the hazardous area near where panels are being raised, moved or placed.

(f) If braces must be removed temporarily during construction, other effective means shall be provided to safely support the panel during the interim period.

(g) Each panel shall be properly braced or otherwise secured prior to removal of the hoisting equipment.

(h) Short panels or sections not otherwise supported by floor, footings, columns or other structure, shall be properly shored.

NEW SECTION

WAC 296-155-692 REQUIREMENTS FOR LIFT-SLAB OPERATIONS. (1) In addition to the general requirements of this section, employers engaged in lift-slab operations shall comply with the existing specific requirements for lift-slab operations which are prescribed in ANSI A10.9-1970. These requirements, found in Section 11 of the American National Standard Safety Requirements for Concrete Construction and Masonry Work, ANSI A10.9-1970, are reprinted in the Appendix to this section. In addition, there are applicable requirements in WAC 296-155-375 (1) through (3) which apply to jacks in general, and jacks used specifically in lift-slab construction.

(2) Lift-slab operations shall be designed and planned by a qualified professional engineer or architect. Such plans and designs shall include detailed instructions and sketches indicating the prescribed method of erection.

(3) Jacking equipment.

(a) Jacking equipment shall not be loaded beyond its safe working capacity.

(b) The threaded rods and other members that transmit loads to the jacks shall have a minimum safety factor of 2.5.

(c) Jacks shall be designed and installed so they will not continue to lift when overloaded.

(d) Jacks shall be installed with a safety device which will enable them to continue to support the load in any position should jack malfunction and lose its lifting ability.

NEW SECTION

WAC 296-155-694 APPENDIX TO WAC 296-155-692 LIFT-SLAB OPERATIONS. (Reprinted from ANSI A10.9-1970.)

(This Appendix is mandatory.)

Section 11. Lift-Slab Operations.

11.1 General. The safety requirements and recommendations in Section 11 apply specifically to lift-slab construction operations.

11.2 Design and Planning. Lift-slab operations shall be designed and planned by a qualified professional engineer or architect. Such plans and designs shall include detailed instructions and sketches indicating the prescribed method of erection.

11.3 Jacking Equipment.

11.3.1 Jacking equipment shall not be loaded beyond its safe working capacity, and then threaded rods and other members that transmit loads to the jacks shall have a minimum safety factor of 2.5. Jacking equipment used in lift-slab operations shall meet the criteria in 11.3.1 through 11.3.4. (Note: ANSI has interpreted this provision to mean that the safety factor of 2.5 must be met for all jacking components such as jacks, threaded rods, lifting nuts, lifting angles, as well as shearheads, columns and footings.)

11.3.2 Jacks shall be so designed and installed so that they will not continue to lift when overloaded.

11.3.3 Jacks shall be installed with a safety device which will enable them to continue to support the load in any position should the jack malfunction and lose its lifting ability.

11.3.4 The maximum number of manually-controlled jacks on one slab shall be limited to 14, and in no event should the number be too great to permit the operator to maintain the slab level within specified tolerances.

11.4 Uniform Lifting. Jacking operations shall be synchronized in such a manner as to insure even and uniform lifting of the slab. During lifting, all points of the slab support shall be kept within one-half inch of that needed to maintain the slab in a level position. If leveling is automatically controlled, a device shall be installed which will stop the operation when the one-half-inch tolerance is exceeded or when there is a malfunction in the jacking system. If level is maintained by manual controls, such controls shall be located in a central location and attended by a trained operator while lifting is in progress.

11.5 Falling Hazard. No one shall be permitted under the slab during jacking operations. (Note: ANSI has interpreted this provision as follows: "No one is permitted in the building during jacking operations except those employees required for the jacking operation and to secure slabs.")

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-695 MISCELLANEOUS CONCRETE CONSTRUCTION. (1) General provisions.

(a) Deadheads used in post tensioning of tendons shall be the type that will increase the grip on the cable as the tension is increased.

(b) Proper means and equipment shall be used to prevent the over-tensioning of the tendons.

(c) Only qualified workers shall perform this type work.

(2) Prestressed and poststressed concrete operations.

(a) Anchor fitting. In utilizing anchor fittings for tensioned strands, the recommendations and instructions of the supplier concerning installation, maintenance, and replacement shall be followed.

(b) Tools and strand vices shall be kept clean and in good repair.

(c) Safety factor.

(i) Extendable strand deflection devices used to pre-tension concrete members shall have a minimum safety factor of two.

(ii) Reusable strand deflection devices shall have a minimum safety factor of three.

(d) Jacking operations.

(i) During jacking operations of any tensioning element or group of tensioning elements, the anchors shall be kept turned up close to the anchorplate.

(ii) No one shall be permitted to stand in line or directly over the jacking equipment during tensioning operations.

(iii) Employees shall not stand behind the jack during tensioning operations.

(e) Jacking and pulling equipment. Pulling headers, bolts, and hydraulic rams shall be frequently inspected for indication of fatigue, and the threads on bolts and nuts inspected for diminishing cross section.

(f) Storage. Stressed members shall be stored on a level base and adequately supported during storage and transportation to prevent tipping.

(g) Rigging.

(i) Stressed members shall be handled at pick points specifically designated on the manufacturer's drawings.

(ii) Stressed members shall be lifted with lifting devices recommended by the manufacturer or the engineer in charge.

(iii) No one shall be allowed under stressed members during lifting and erection.

~~((3) Lift-slab operations.~~

~~(a) Design and planning. Lift-slab operations shall be designed and planned by a qualified professional engineer or architect. Such plans and designs shall include detailed instructions and sketches indicating the prescribed method of erection.~~

~~(b) Jacking equipment.~~

~~(i) Jacking equipment shall not be loaded beyond its safe working capacity.~~

~~(ii) The threaded rods and other members that transmit loads to the jacks shall have a minimum safety factor of 2.5.~~

~~(iii) Jacks shall be designed and installed so they will not continue to lift when overloaded.~~

~~(iv) Jacks shall be installed with a safety device which will enable them to continue to support the load in any position should jack malfunction and lose its lifting ability.~~

~~(4) Precast concrete and tilt-up operations.~~

~~(a) It shall be the responsibility of the contractor to use accessories which are designed to be compatible.~~

~~(b) The design capacity of all lifting devices and accessories shall be known. The devices and accessories with the appropriate capacity shall be used.~~

~~(c) Prior to pouring the panels of a tilt-up type construction job, a set of plans or job specifications, including lifting procedures, shall be drawn up.~~

~~(i) These plans shall be at the job site and made available upon request.~~

~~(ii) Any changes made in the rigging procedure of a tilt-up panel or slab shall provide the same degree of safety as required by the original plans.~~

~~(iii) The plans or specifications shall contain the following information:~~

~~(A) The type, size and location of all lifting inserts.~~

~~(B) The type, size and location of all brace inserts or fittings for guy wires in each panel and floor or support.~~

~~(C) The size of braces or guys to be used.~~

~~(D) The compression strength which concrete panels must attain prior to being lifted.~~

~~(d) The following conditions shall be included in the erection process and shall be incorporated in the design plan:~~

~~(i) Braces and all associated components of the bracing system shall be designed to incorporate a safety factor of one and one-half to resist any normal stresses to which they may be subjected, including normal high wind velocity pressures for the area.~~

~~(ii) Floor braces used to secure panel sections shall be placed at an angle of not less than forty-five degrees or more than sixty degrees from horizontal when physically possible to install in this manner.~~

~~(iii) The bracing on all panel sections shall be installed in such a manner as to prevent the panel from accidentally rotating.~~

~~(iv) Each panel section not secured by other means shall have a minimum of two braces. The braces shall be installed in such a manner as to evenly distribute the load or guy wires, when properly installed, may be used in lieu of stiff leg braces.~~

~~(v) If braces are attached to a panel or slab by bolts tightened into inserts installed in holes drilled in concrete, the type of inserts used and method of installation shall be such as to develop the required strength to be maintained for the bracing system.~~

~~(vi) Inserts to be installed for lifting sections of a panel shall be designed mechanically to maintain a safety factor of three.~~

~~(vii) The compression strength of the concrete shall be such that when the proper type, size and amount of inserts are installed a minimum safety factor of two will be maintained.~~

~~(c) Lifting hardware such as spreader bars, slings, shackles, etc., shall be designed for a safety factor of not less than five and shall not be used whenever the safety factor is reduced below four.~~

~~(f) Lifting bolts or other lifting devices which have been bent, worn, or are defective shall be discarded.~~

~~(g) The upper and lower sections of telescoping type braces shall be secured by high tensile steel pins or bolts which provide adequate shear strength and which will positively secure against accidental removal.~~

~~(h) Manufactured products shall not be altered in a manner which would reduce the safe working load to less than its original value.~~

~~(i) Inserts shall be positioned so that bolts, or lifting devices, when inserted, will be perpendicular to the face on which they are placed.~~

~~(j) Design of the panels and layout of the pour shall be made in such a manner so that when picking, the top of the panel will be away from the crane. If this is not~~

~~possible, the contractor shall consult with a representative of the department and the crane company involved to determine the procedure to be followed in lifting and placing in its permanent position safely. Panels shall be lifted and handled in such a manner that they will not strike the hoisting equipment, in case of failure.~~

~~(k) Physical stops shall be provided which will prevent the bottom edge of a panel being set from slipping off the edge of its supporting structure.~~

~~(l) Tilt-up panels shall not be set when there is a possibility that wind velocity would create a hazardous condition.~~

~~(m) A qualified signalman shall be designated and shall consult with the crane operator on lifting procedures prior to making the pick. The signalman shall be located in such a position during the pick of the panel that he can observe both the crane operator and the employees working in the immediate area.~~

~~(n) During the lifting process, workers shall keep clear of the under side of the panel.~~

~~(o) Persons not involved in the lifting process shall be kept clear of the hazardous area near where panels are being raised, moved or placed.~~

~~(p) If braces must be removed temporarily during construction, other effective means shall be provided to safely support the panel during the interim period.~~

~~(q) Each panel shall be properly braced or otherwise secured prior to removal of the hoisting equipment.~~

~~(r) Short panels or sections not otherwise supported by floor, footings, columns or other structure, shall be properly shored.))~~

NEW SECTION

WAC 296-155-697 REQUIREMENTS FOR MASONRY CONSTRUCTION. (1) A limited access zone shall be established whenever a masonry wall is being constructed. The limited access zone shall conform to the following:

(2) The limited access zone shall be established prior to the start of construction of the wall.

(3) The limited access zone shall be equal to the height of the wall to be constructed plus four feet, and shall run the entire length of the wall.

(4) The limited access zone shall be established on the side of the wall which will be unscaffolded.

(5) The limited access zone shall be restricted to entry by employees actively engaged in constructing the wall. No other employees shall be permitted to enter the zone.

(6) The limited access zone shall remain in place until the wall is adequately supported to prevent overturning and to prevent collapse unless the height of wall is over eight feet, in which case, the limited access zone shall remain in place until the requirements of subsection (9) of this section have been met.

(7) All masonry walls over eight feet in height shall be adequately braced to prevent overturning and to prevent collapse unless the wall is adequately supported so that it will not overturn or collapse. The bracing shall remain in place until permanent supporting elements of the structure are in place.

(8) Employees engaged in cutting or chipping shall wear suitable eye protection in accordance with WAC 296-155-215.

(9) Masonry saws shall be constructed, guarded and operated in accordance with ANSI A10.9-1983. Safety requirements for concrete construction and masonry work and in accordance with WAC 296-155-367.

(10) Persons charged with operation of derricks used for stone setting shall be qualified in that type of work.

(11) Stone shall be set directly on the wall by the derrick.

(12) Breast derricks when used in setting stone shall be secured against a slip or kick back and guyed with wire cables. Provide hold down line to prevent derrick from falling back.

(13) Stone cutters shall wear goggles while trimming stone or cutting holes.

(14) Pins shall be tested for security before stone is hoisted.

(15) Hoisting cables shall be protected from chafing and wearing over corners.

(16) Mason's mortar mixers shall have a bar-type grill installed over the mixer opening. The guard shall be installed with an automatic disconnect switch to stop the mixer tub rotation and prevent the mixer from starting whenever the guard is not in place.

NEW SECTION

WAC 296-155-699 APPENDIX A TO SUBPART Q—REFERENCES TO SUBPART Q OF PART 1926. (This Appendix is nonmandatory.)

The following nonmandatory references provide information which can be helpful in understanding and complying with the requirements contained in Subpart Q.

- Accident Prevention Manual for Industrial Operations; Eighth Edition; National Safety Council.

- Building Code Requirements for Reinforced Concrete (ACI 318-83).

- Formwork for Concrete (ACI SP-4).

- Recommended Practice for Concrete Formwork (ACI 347-78).

- Safety Requirements for Concrete and Masonry Work (ANSI A10.9-1983).

- Standard Test Method for Compressive Strength of Cylindrical Concrete Specimens (ASTM C39-86).

- Standard Test Method for Making and Curing Concrete Test Specimens in the Field (ASTM C31-85).

- Standard Test Method for Penetration Resistance of Hardened Concrete (ASTM C803-82).

- Standard Test Method for Compressive Strength of Concrete Cylinders Cast In-Place in Cylindrical Molds (ASTM C873-85).

- Standard Method for Developing Early Age Compressive Test Values and Projecting Later Age Strengths (ASTM C918-80).

- Recommended Practice for Inspection and Testing Agencies for Concrete, Steel and Bituminous Materials as Used in Construction (ASTM E329-77).

- Method of Making and Curing Concrete Test Specimens in the Laboratory (ASTM C192-88).

- Methods of Obtaining and Testing Drilled Cores and Sawed Beams of Concrete (ASTM C42-87).

- Methods of Securing, Preparing and Testing Specimens from Hardened Lightweight Insulating Concrete for Compressive Strength (ASTM C513-86).

- Test Method for Comprehensive Strength of Lightweight Insulating Concrete (ASTM C495-86).

- Method of Making, Accelerating Curing, and Testing of Concrete Compression Test Specimens (ASTM C684-81).

- Test Method for Compressive Strength of Concrete Using Portions of Beams Broken in Flexure (ASTM C116-68 (1980)).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-155-750 MASONRY CONSTRUCTION.

AMENDATORY SECTION (Amending Order 74-18, filed 5/6/74)

WAC 296-303-02007 MISCELLANEOUS MACHINES AND EQUIPMENT. (1) Sewing machine. Each sewing machine shall be equipped with a guard permanently attached to the machine, so that the operator's fingers cannot pass under the needle. It shall be of such form that the needle can be conveniently threaded without removing the guard. This requirement will not apply to domestic-type sewing machines having a presser-foot which is in the "down" position during operation of the machine.

(2) Exhaust or ventilating fans. Each exhaust or ventilating fan within ((7)) seven feet of the floor or working platform shall be completely covered with wire mesh of not less than No. 16 gage, and with openings that will reject a ball one-half inch in diameter.

(3) Steam pipes.

(a) All steam pipes that are within ((7)) seven feet of the floor or working platform, and with which the worker may come into contact, shall be insulated or covered with a heat-resistive material or shall be guarded to prevent direct contact with the worker.

(b) Where pressure-reducing valves are used, one or more relief or safety valves shall be provided on the low-pressure side of the reducing valve, in case the piping or equipment on the low-pressure side does not meet the requirements for full initial pressure. The relief or safety valve shall be located adjacent to, or as close as possible to, the reducing valve. Relief and safety valves vented to the atmosphere shall be so constructed as to prevent injury or damage caused by fluid escaping from relief or safety valves. The vents shall be of ample size and as short and direct as possible. The combined discharge capacity of the relief valves shall be such that the pressure rating of the lower-pressure piping and equipment will not be exceeded if the reducing valve sticks or fails to open.

AMENDATORY SECTION (Amending Order 74-18, filed 5/6/74)

WAC 296-303-040 STARTING AND STOPPING DEVICES. (1) Each power-driven machine shall be provided with means for disconnecting from the source of power. Starting and stopping devices for machines shall be so located as to be operable from the front of the machine, and so constructed as to allow proper guarding of belts and pulleys.

(2) Doors of washing machines, extractors, and tumbler/shaker dryer machines, shall have a cut-off micro switch or other method to shut-off power when loading doors are opened, making inner cylinder, tumbler, or shaker mechanisms inoperative while the door is open. In those situations where the cylinder or mechanism continues to rotate/move, and present a hazard after the power is off, an interlocking device, breaking switch, or a time-delay switch is additionally required to prevent injury.

AMENDATORY SECTION (Amending Order 75-6, filed 3/10/75)

WAC 296-304-010 SCOPE AND APPLICATION. (1) The provisions and standards of the general safety and health standards, chapter 296-24 WAC, and such other codes and standards as are promulgated by the division of industrial safety and health which are applicable to all industries, shall be applicable in the ship repairing, shipbuilding, or shipbreaking industries whenever the employees are covered under the Washington State Industrial Safety and Health Act, chapter 49.17 RCW. The rules of this chapter and the rules of the aforementioned chapter 296-24 WAC are applicable to all ship repairing, shipbuilding, and shipbreaking industries and operations, provided that such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(2) The responsibility for compliance with these regulations is placed upon "employers" as defined in WAC 296-304-01001(3).

(3) It is not the intent of these regulations to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

(4) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

(5) Safety standards for ship repairing, shipbuilding, and shipbreaking are written, promulgated, and applicable to workplace hazards found in shipyards and boatyards located on navigable waters, provided such installations are not under the exclusive safety jurisdiction of the federal government or the United States Coast Guard. Such operations shall include adjoining shore installations such as wharves, drydocks, graving docks,

terminals, building ways, marine railways, and other adjoining areas customarily used by the employer in ship repairing, shipbuilding, or shipbreaking operations.

(6) Small vessel manufacturing operations not located on navigable waters shall be cited from General Safety and Health Standards, chapter 296-24 WAC.

AMENDATORY SECTION (Amending Order 77-20, filed 10/18/77)

WAC 296-305-025 EMPLOYER'S RESPONSIBILITY. (1) It shall be the responsibility of the employer to establish and supervise:

(a) A safe and healthful working environment, as it applies to non combat conditions or to combat conditions at the fire scene after fire has been extinguished, as determined by the officer in charge.

(b) An accident prevention program as required by this chapter.

(c) Programs for training employees in the fundamentals of accident prevention.

(2) The employer shall be responsible for providing suitable expertise to comply with all testing requirements in this chapter. Such expertise may be secured from within the fire department, from equipment and apparatus manufacturers or other suitable sources.

(3) Alcoholic beverages shall not be allowed in station houses, except at those times when station houses are used as community centers.

(4) Controlled substances shall not be allowed in station houses, with the exception of those used by the profession to be administered to patients or medication prescribed by a physician, unless such prescribed medication would impair the performance of the individual.

(5) A bulletin board or posting area exclusively for safety and large enough to display the required safety poster (Form-WISHA-1) and other safety education material shall be provided. A bulletin board of "white background" and "green trim" is recommended.

(6) The employer shall develop and maintain a hazard communication program as required by WAC 296-62-054 through 296-62-05427 which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed, or may become exposed, in the course of their employment.

Chapter 296-306 WAC
SAFETY STANDARDS FOR ((~~AGRICULTURAL CODE~~)) AGRICULTURE

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-306-010 PURPOSE AND SCOPE. (1) The standards in this chapter apply to all agricultural operations with one or more employees, when such employees are covered by the Washington Industrial Safety and Health Act (WISHA).

(2) In the event that the provisions of this chapter conflict with the provisions contained in any other chapter of Title 296 WAC, this chapter shall prevail. Sections of other chapters 296-24 WAC apply only when specifically referenced in this chapter.

(3) When employees are assigned to perform tasks other than those directly related to agricultural operations, the proper chapter of Title 296 WAC shall apply.

(4) The air contaminant standards contained in WAC 296-62-073 through 296-62-07389 and 296-62-075 do not apply to chapter 296-306 WAC, Safety standards for agricultural code.

(5) The requirement that the employer shall develop and maintain a hazard communication program as required by WAC 296-62-054 through 296-62-05427 which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed or may become exposed in the course of their employment, shall apply to chapter 296-306 WAC.

Note: Such assignments may involve logging, mining, sawmills, etc., when the products of such activities are removed from the farm site for commercial distribution.

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

WAC 296-306-165 GENERAL REQUIREMENTS FOR ALL AGRICULTURAL EQUIPMENT. (1) Definitions.

(a) "Agricultural equipment" means equipment used in production or handling of agricultural products.

(b) "Agricultural field equipment" means tractors, self-propelled implements, implements and combinations thereof used in agricultural operations.

(c) "Agricultural tractor" means a two-wheel or four-wheel drive type vehicle, or a track vehicle, of more than ((20)) twenty net engine horsepower (continuous brake power rating per Society of Automotive Engineers (SAE) J816b - or the power recommended by the manufacturer for satisfactory operation under the manufacturer specified continuous duty conditions), designed to furnish the power to pull, carry, propel, or drive implements that are designed for agriculture. All self-propelled implements are excluded.

(d) "Augers" means screw conveyors and related accessories designed primarily for conveying agricultural materials on farms.

(e) "Constant-running drives" means those drives which continue to rotate when the engine is running. (With all clutches disengaged.)

(f) "Farm field equipment" means tractors or implements, including self-propelled implements, or any combination thereof used in agricultural operations.

(g) "Farmstead equipment" means agricultural equipment normally used in a stationary manner. This includes, but is not limited to, materials handling equipment and accessories for such equipment whether or not the equipment is an integral part of a building.

(h) "Guarding by location" means a component may be considered guarded by location when, because of its location, it does not present a hazard during operation or maintenance. A component seven feet or more above a working surface is considered guarded by location.

(i) "Ground-drive equipment" means equipment using power supplied by its pulled wheels to move gears, chains, sprockets, belts, pulleys, augers, tines, etc.

(j) "Low profile tractor" means a (~~wheeled tractor~~) wheel or track equipped vehicle possessing the following characteristics:

(i) The front wheel spacing is equal to the rear wheel spacing, as measured from the centerline of each right wheel to the centerline of the corresponding left wheel; or rear wheel spacing may be increased to gain stability, but in no instance shall the front wheel spacing be less than shown in Table I.

TABLE I

HORSEPOWER	MINIMUM SPAN
20 - 30	48 Inches
31 - 40	50 Inches
41 - 50	52 Inches
51 - 60	54 Inches
61 - 70	56 Inches
71 and Over	60 Inches

(ii) The clearance from the bottom of the tractor chassis to the ground does not exceed (~~(18)~~) eighteen inches.

(iii) The highest point of the hood does not exceed (~~(60)~~) sixty inches, and

(iv) The tractor is designed so that the operator straddles the transmission when seated.

(k) A "guard" or "shield" is a barrier which insures that no part of an employee may come into contact with a hazard created by a moving machinery part.

(l) "Power take-off shafts" are the shafts and knuckles between the tractor, or other power source, and the first gear set, pulley, sprocket, or other components on power takeoff shaft driven equipment.

(2) Immediate priority shall be given to guarding of power take-off drives on all tractors and equipment. These must be guarded no later than January 1, 1976.

(3) All other power transmission components must be guarded on all equipment manufactured on or after January 1, 1976.

(4) If unguarded power transmission components on older field equipment show evidence that they were once guarded, the guards shall be replaced by January 1, 1976.

(5) The manufacturer's instruction manual, if published by the manufacturer and currently available, shall be the source of information for the safe operation and maintenance of field equipment.

(6) Operating instructions. At the time of initial assignment and at least annually thereafter, the employer shall instruct every employee in the safe operation and servicing of all covered equipment with which he is or will be involved, including at least the following safe operating practices:

(a) Keep all guards in place when the machine is in operation;

(b) Passengers, other than persons required for instruction or machine operation shall not be permitted to ride on equipment unless a passenger seat or other protective device is provided.

(c) Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment, except

where the machine must be running to be properly serviced or maintained, in which case the employer shall instruct employees as to all steps and procedures which are necessary to safely service or maintain the equipment;

(d) Make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine;

(e) Lock out electrical power before performing maintenance or service on farmstead equipment.

(7) Methods of guarding. Except as otherwise provided in this chapter, each employer shall protect employees from coming into contact with moving machinery parts as follows:

(a) Through the installation and use of a guard or shield or guarding by location;

(b) Whenever a guard or shield or guarding by location is infeasible, by using a guardrail or fence.

(8) Strength and design of guards.

(a) Where guards are used to provide the protection required by this section, they shall be designed and located to prevent inadvertent contact with the hazard being guarded.

(b) Unless otherwise specified, each guard and its supports shall be capable of withstanding the force that a (~~(250)~~) two hundred fifty pound individual, leaning on or falling against the guard, would exert upon that guard.

(c) Guards shall be free from burrs, sharp edges, and sharp corners, and shall be securely fastened to the equipment or building.

(9) Guarding by railings. Guardrails or fences shall be capable of preventing employees from inadvertently entering the hazardous area.

(10) Servicing and maintenance.

(~~(a)~~) Whenever a moving machinery part presents a hazard during servicing or maintenance, the engine shall be stopped, the power source disconnected, and all machine movement stopped before servicing or maintenance is performed, except where the employer can establish that:

(~~(i)~~) (a) The equipment must be running to be properly serviced or maintained;

(~~(ii)~~) (b) The equipment cannot be serviced or maintained while a guard or guards are in place; and

(~~(iii)~~) (c) The servicing or maintenance is safely performed.

(11) Shields, guards and access doors that will prevent accidental contact with rotating machine parts on constant-running drives shall be in place when the machine is running. This requirement shall not apply to combines where such guards could create fire hazards.

(12) A guard or shield on stationary equipment shall be provided at the mesh point or pinch point where the chain or belt contacts the sprocket or pulley. Revolving shafts shall be guarded by a standard safeguard unless guarded by location. Shafts that protrude less than one-half the outside diameter of the shaft are exempt from this section.

(13) Projections, such as exposed bolts, keys, or set screws on sprockets, sheaves or pulleys on stationary equipment shall be shielded unless guarded by location.

AMENDATORY SECTION (Amending Order 83-19, filed 7/13/83, effective 9/12/83)

WAC 296-306-200 ROLLOVER PROTECTIVE STRUCTURES (ROPS) FOR TRACTORS USED IN AGRICULTURAL OPERATIONS. (1) Scope. Agricultural tractors manufactured after October 25, 1976, shall meet the requirements in this section.

Note: The promulgation of specific standards for rollover protective structures for rubber-tired skid-steer equipment is reserved pending promulgation of specific standards to cover such equipment. ROPS requirements contained in this section do not apply to rubber-tired skid-steer equipment used in agricultural operations.

(2) Rollover protective structure. A rollover protective structure (ROPS) shall be provided by the employer for each tractor operated by an employee. Except as provided in subsection (6) of this section, ROPS used on wheel-type tractors shall meet the test and performance requirements of WAC 296-306-250 through 296-306-25023 and ROPS used on track-type tractors shall meet the test and performance requirements of WAC 296-306-260 through 296-306-270. (See ROPS Design and Testing Criteria Addendum.)

(3) Seatbelts.

(a) Where ROPS are required by this section, the employer shall:

(i) Provide each tractor with a seatbelt which meets the requirements of this subsection;

(ii) Require that each employee uses such seatbelt while the tractor is moving; and

(iii) Require that each employee tightens the seatbelt sufficiently to confine the employee to the protected area provided by the ROPS.

(b) Each seatbelt shall meet the requirements set forth in Society of Automotive Engineers Standard SAE J4C, 1965 Motor Vehicle Seat Belt Assemblies,* except as noted hereafter:

(i) Where a suspended seat is used, the seatbelt shall be fastened to the movable portion of the seat to accommodate a ride motion of the operator.

(ii) The seatbelt anchorage shall be capable of withstanding tensile loading as required by WAC ~~((296-306-275 through))~~ 296-306-275 (1) and (2)~~((+))~~.

(iii) The seatbelt webbing material shall have a resistance to acids, alkalis, mildew, aging, moisture and sunlight equal to or better than that of untreated polyester fiber.

(4) Protection from spillage. Batteries, fuel tanks, oil reservoirs and coolant systems shall be constructed and located or sealed to assure that spillage will not occur which may come in contact with the operator in the event of an upset.

(5) Protection from sharp surfaces. All sharp edges and corners at the operator's station shall be designed to minimize operator injury in the event of an upset.

(6) Exempted uses. ~~((Items))~~ Subsections (2) and (3) of this section do not apply to the following uses:

(a) "Low profile" tractors while they are used in orchards, vineyards or hop yards where the vertical clearance requirements would substantially interfere with normal operations, and while their use is incidental to the work performed therein.

(b) "Low profile" tractors while used inside a farm building or greenhouse in which the vertical clearance is insufficient to allow a ROPS equipped tractor to operate, and while their use is incidental to the work performed therein.

(c) Tractors while used with mounted equipment which is incompatible with ROPS (e.g., cornpickers, cotton strippers, vegetable pickers and fruit harvesters.)

(d) Track-type agricultural tractors whose overall width (as measured between the outside edges of the tracks) is at least three times the height of their rated center of gravity, and whose rated maximum speed in either forward or reverse is not greater than ~~((7=))~~ seven miles per hour, when used only for tillage or harvesting operations and while their use is incidental thereto, and which:

(i) Does not involve operating on slopes in excess of ~~((40))~~ forty percent from horizontal; and

(ii) Does not involve operating on piled crop products or residue, as for example, silage in stacks or pits, and

(iii) Does not involve operating in close proximity to irrigation ditches, streams or other excavations more than two feet deep which contain slopes of more than ~~((40))~~ forty percent from horizontal; and

(iv) Does not involve construction-type operation, such as bulldozing, grading or land clearing.

(7) Remounting. Where ROPS are removed for any reason, they shall be remounted so as to meet the requirements of this subsection.

(8) Labeling. Each ROPS shall have a label, permanently affixed to the structure, which states:

(a) Manufacturer's or fabricator's name and address;

(b) ROPS model number, if any;

(c) Tractor makes, models, or series numbers that the structure is designed to fit; and

(d) That the ROPS model was tested in accordance with the requirements of this section.

(9) Operating instructions. Every employee who operates an agricultural tractor shall be informed of the operating practices contained in Exhibit A of this section and of any other practices dictated by the work environment. Such information shall be provided at the time of initial assignment and at least annually thereafter.

*Copies may be obtained from the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096.

EXHIBIT A

EMPLOYEE OPERATING INSTRUCTIONS

1. Securely fasten your seat belt if the tractor has a ROPS.
2. Where possible, avoid operating the tractor near ditches, embankments and holes.
3. Reduce speed when turning, crossing slopes and on rough, slick or muddy surfaces.
4. Stay off slopes too steep for safe operation.
5. Watch where you are going, especially at row ends, on roads and around trees.
6. Passengers, other than persons required for instruction or machine operation, shall not be permitted to ride on equipment unless a passenger seat or other protective device is provided.

7. Operate the tractor smoothly—no jerky turns, starts, or stops.
8. Hitch only to the drawbar and hitch points recommended by tractor manufacturers.
9. When tractor is stopped, set brakes securely and use park lock if available.

Note: See Number LI-414-28.

AMENDATORY SECTION (Amending Order 86-46, filed 4/22/87)

WAC 296-306-310 FIELD SANITATION—DEFINITIONS. (1) "Agricultural employer" means any person, corporation, association, or other legal entity that owns or operates an agricultural establishment or on whose premises or in whose interest an agricultural establishment is operated and any person, corporation, association, or other legal entity who is responsible for the management and condition of an agricultural establishment or who acts directly or indirectly in the interest of an employer in relation to any employee.

(2) "Agricultural establishment" is a business operation that uses paid employees in the production of food, fiber, or other materials such as seed, seedlings, plants, or parts of plants.

(3) "Accessible" means no more than one-fourth mile or five minutes travel time from the work location served.

(4) "Hand-labor operations" means agricultural activities or operations performed by hand or with hand tools. Some examples of "hand-labor operations" are the hand ~~((harvest))~~ cultivation, weeding, planting or harvesting of vegetables, nuts, fruit, ((hand weeding of crops, and hand planting of)) seedlings or other crops, including mushrooms, and the hand packing into containers. "Hand-labor" does not include such activities as logging operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses).

(5) "Handwashing facility" means a facility providing a tap with an adequate supply of water, approved by the local health authority. Soap, single-use hand towels and either a basin or other suitable container for washing shall be provided.

(6) "Potable water" means water that meets the standards for drinking purposes by the state or local authority having jurisdiction or water that meets the quality standards prescribed by the local health authority in accordance with the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141.

(7) "Toilet" means a fixed or portable facility designed for the purpose of adequate collection and containment of both defecation and urination~~((including))~~. "Toilet" includes biological ~~((or))~~, chemical ~~((toilets))~~, flush and combustion toilets, or sanitary privies. ~~((Toilets may be either fixed or portable.))~~

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-306-320 FIELD SANITATION—REQUIREMENTS. Agricultural employers shall provide

the following for employees engaged in hand-labor operations in the field, without cost to the employee:

(1) Orientation: Orientation shall be given verbally to all employees in a manner readily understandable by each employee and shall include:

(a) Potable water: The location(s) of potable water supplies;

(b) Nonpotable water: Identification of all nonpotable water at the worksite and prohibition of the use of nonpotable water with an explanation of the possible consequences of using nonpotable water;

(c) Handwashing facilities: The location(s) of handwashing facilities with an explanation of when and how they should be used and the consequences of nonuse; and

(d) Toilet facilities: The location(s) of toilet facilities with an explanation of the necessity to use them and to keep them sanitary as well as the possible consequences of nonuse.

(2) Potable drinking water.

(a) The water shall be provided and shall be placed in locations readily accessible to all employees.

(b) Potable water containers shall be refilled daily or more often as necessary.

(c) Potable water dispensers shall be designed, constructed, and serviced so that sanitary conditions are maintained. They shall be capable of being closed and shall be equipped with a tap.

~~((c))~~ (d) Open containers such as barrels, pails, or tanks for drinking water from which water must be dipped or poured, whether or not they are fitted with a cover, are prohibited.

~~((d))~~ (e) Marking: Any container used to distribute drinking water shall be clearly marked, in English and with appropriate international symbol as to the nature of its contents.

~~((e))~~ (f) Use: Any container used to distribute drinking water shall not be used for any other purpose.

~~((f))~~ (g) The water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity, and the nature of the work performed, to meet employees' needs.

Note: Suitable cool water should be sixty degrees Fahrenheit or less. During hot weather, workers may require up to three gallons of water per day.

~~((g))~~ (h) The use of common drinking cups or dippers is prohibited. Water shall be dispensed in single-use drinking cups, personal containers, or by water fountains. Single-use drinking cups mean a container of any type or size whether disposable or not, and may include personal containers so long as the option to use a personal container is exercised by the employee, not the employer.

~~((h))~~ (i) Employees shall not be permitted to drink from irrigation ditches, creeks or rivers. Potable water shall meet the standards for drinking purposes by the state or local authority having jurisdiction or water that meets the quality standards prescribed by the local health department in accordance with the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141.

(3) Handwashing facilities.

(a) One handwashing facility, providing a tap with an adequate supply of water, soap, single-use hand towels and either a basin or other suitable container for washing shall be provided for each ((thirty)) twenty employees or fraction thereof(~~(, except as stated in (h)(ii) of this subsection))~~).

Note: Nonpotable water shall not be used for washing any portion of the person, except as specifically permitted by the health authorities having jurisdiction.

(b) Running water: Each facility shall be provided with running water.

(c) Soap: Each facility shall be provided with a dispenser containing handsoap or a similar cleansing agent.

(d) Towels: Each facility shall be provided with individual single-use hand towels.

(e) Cleanliness: Facilities shall be maintained in a clean and sanitary condition in accordance with appropriate public health sanitation practices.

(f) Waste: Waste receptacles shall be provided. Disposal of wastes from the facilities shall not create a hazard or cause an unsanitary condition.

(g) Reasonable use: Employees shall be allowed reasonable opportunities during the work period to use the facilities.

(h) Location:

(i) Facilities shall be accessibly located in close proximity to toilet facilities and within one-quarter mile of each employee's place of work in the field.

(ii) Where it is not feasible to locate facilities (~~((within one-quarter mile, or where facilities are otherwise inaccessible, suitable immediate transportation shall be provided within five minutes transportation time, to facilities meeting the requirements of this subsection. Under exceptional and compelling circumstances, such as adverse weather, temperatures below freezing, or isolated terrain, longer transportation times may be used))~~) as required by (h)(i) of this subsection, the facilities shall be located at the point of closest vehicular access.

(4) Toilet facilities.

(a) One toilet facility shall be provided for each ((thirty)) twenty employees or fraction thereof(~~(, except as stated in (h)(ii) of this subsection))~~).

(b) Each employer shall ensure, at the beginning of each day, that the toilets are inspected. If any toilet facility fails to meet the requirements of this section, immediate corrective action shall be taken. Inspections shall be documented and the record shall be maintained at the work site for at least seventy-two hours.

(c) Toilet facilities shall be adequately ventilated; appropriately screened, and have self-closing doors that can be closed and latched from the inside and shall be constructed to ensure privacy.

(d) Cleanliness: Facilities shall be maintained in a clean, sanitary, and functional condition and in accordance with the appropriate public health sanitation practices.

(e) Toilets shall be supplied with toilet paper.

(f) Waste: Disposal of wastes from the facilities shall not create a hazard or cause an unsanitary condition.

(g) Reasonable use: Employees shall be allowed reasonable opportunities during the work period to use the facilities.

(h) Location:

(i) Facilities shall be accessibly located in close proximity to hand washing facilities and within one-quarter mile of each employee's place of work in the field.

(ii) Where it is not feasible to locate facilities (~~((within one-quarter mile, or where facilities are otherwise inaccessible, suitable immediate transportation shall be provided within five minutes transportation time, to facilities meeting the requirements of this subsection. Under exceptional and compelling circumstances, such as adverse weather, temperature below freezing, or isolated terrain, longer transportation times may be used))~~) as required by (h)(i) of this subsection, the facilities shall be located at the point of closest vehicular access.

WSR 89-11-036

**NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE**

[Memorandum—May 15, 1989]

The board of trustees of South Puget Sound Community College District 24 will hold a study session, Monday, May 22, 1989, beginning at 2:00 p.m. in the boardroom at South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, WA. The trustees plan to continue discussion from the study session of April 26 on the community college system budget allocation model, the 1989-90 college allocation and operating budget, strategic planning and other topics relevant to the continued operation and success of the college.

No action will be taken as a result of the study session.

WSR 89-11-037

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES**

[Memorandum—May 12, 1989]

**MOUNT SI NATURAL RESOURCES CONSERVATION AREA
ADVISORY COMMITTEE MEETINGS**

DATES: June 27, 1989
July 25, 1989
August 29, 1989
September 26, 1989
October 31, 1989
November 28, 1989

TIME: 7:00 p.m.

LOCATION: North Bend Railroad Depot
205 East McClellan
North Bend, WA

PURPOSE: The Mount Si Advisory Committee is working on a management plan recommendation for the Mount Si Natural Resources Conservation Area. All meetings are open to the public.

Direct comments and questions to the Department of Natural Resources, Land and Water Conservation, Mailstop EG-11, Olympia, Washington 98504.

WSR 89-11-038
ADOPTED RULES
SKAGIT VALLEY COLLEGE
 [Order 89-10—Filed May 15, 1989]

Be it resolved by the board of trustees of Skagit Valley College, Community College District No. 4, acting at Mt. Vernon, Washington, that it does adopt the annexed rules relating to Grievance procedure—Sexual harassment, sex discrimination, and handicapped discrimination, adoption of chapter 132D-300 WAC.

This action is taken pursuant to Notice No. WSR 89-07-058 filed with the code reviser on March 15, 1989. 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 board of trustees of Community College District No. 4 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 May 9, 1989.

By Arlene M. Miller
 Chair

Chapter 132D-300 WAC
GRIEVANCE PROCEDURE—SEXUAL HARASSMENT, SEX DISCRIMINATION, AND HANDICAPPED DISCRIMINATION

WAC

- 132D-300-010 Statement of policy.
 132D-300-020 Jurisdiction.
 132D-300-030 Grievance procedure.

NEW SECTION

WAC 132D-300-010 STATEMENT OF POLICY. Skagit Valley Community College is covered by Title IX of the Education Amendments of 1972 prohibiting sex discrimination in education and Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap. The college is committed to protecting the rights and dignity of each individual in the campus community and so will not tolerate discrimination of any kind, at any level.

Further, it is the policy of Skagit Valley Community College to provide an environment in which employees can work free from sexual harassment or sexual intimidation. Sexual harassment is a form of sex discrimination. As such it is a violation of Title VII of the 1964

Civil Rights Act and Title IX of the 1972 Education Amendments.

Sexual harassment of an employee is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:

- (1) Submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment or career advancement; and/or
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or decisions affecting that individual; and/or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or has the effect of creating an intimidating, hostile, or offensive environment.

NEW SECTION

WAC 132D-300-020 JURISDICTION. This chapter shall serve as a Title IX/Section 504 grievance procedure for all employees of Skagit Valley Community College including classified staff, faculty, and administrators. Students shall use the grievance procedure provided in chapter 132D-120 WAC to resolve Title IX/Section 504 grievances.

NEW SECTION

WAC 132D-300-030 GRIEVANCE PROCEDURE. (1) Any applicant for employment or employee of Skagit Valley Community College who believes he/she has been discriminated against on the basis of sex or on the basis of a handicap may lodge a formal institutional grievance according to the following procedures:

(a) Step 1: Informal meeting. The complainant may request an informal meeting with the individual believed to have committed the discriminatory act in an attempt to informally resolve the concern.

(b) Step 2: Official hearing. If not satisfied by the results of the informal meeting (or as a first step in the procedure), the complainant shall request a meeting with the college Title IX/handicap officer.

(i) The request for an official hearing must be made in writing and must stipulate the specific grievance(s) the complainant wishes to raise.

(ii) Within thirty calendar days of receiving the written request, the college Title IX/handicap officer shall arrange a meeting to hear the complaint. It shall be at the discretion of the complainant to determine whether the officer will meet with the complainant and the person to whom the complaint has been directed separately or in a single meeting. If the complainant requests a single meeting, the meeting shall be attended by the complainant, the person to whom the complaint is directed, and the college officer, who will chair the meeting.

(iii) Following the hearing and within thirty calendar days of receiving the written request, the college officer will report his/her findings in writing to both the complainant and the person to whom the complaint has been directed.

(c) Step 3: Presidential appeal. If the complaint is not resolved as a result of the hearing conducted by the college Title IX/handicap officer, either the complainant or the person to whom the complaint is directed may request an appeal to the college president.

(i) The request must be made in writing within ten days after receipt of the written results of the official hearing.

(ii) Within fifteen days after receiving the request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(iii) Attendance at the presidential appeal hearing shall be limited to the college president or designee, the Title IX/handicap officer, the complainant, and the person to whom the complaint is directed unless otherwise mutually agreed by the parties. The college president or presidential designee shall preside.

(iv) Either the complainant or the person to whom the complaint is directed may call witnesses at the discretion of the person presiding.

(v) The written findings of the presidential appeal will be considered final. No further intra-institutional appeal exists if the findings indicate that the person against whom the complaint is lodged engaged in sexual harassment or other discriminatory act, disciplinary proceedings may be commenced against the person pursuant to appropriate procedures, depending on whether the person is a member of classified staff, administrative exempt, or faculty.

(2) If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) Regional Director, Office of Civil Rights, HEW, 2901 - Third Avenue, M.S. 510, Seattle, Washington 98121.

(b) The Equal Opportunity Commission, 1321 - Second Avenue, 7th Floor, Seattle, Washington 98101.

(c) The Human Rights Commission, 402 Evergreen Plaza Building, 7th and Capitol Way, Olympia, Washington 98504.

WSR 89-11-039

ADOPTED RULES

WESTERN WASHINGTON UNIVERSITY

[Order 89-01—Filed May 15, 1989]

Be it resolved by the board of trustees of Western Washington University, acting at Western Washington University, Bellingham, Washington, that it does adopt the annexed rules relating to:

Amd	ch. 516-22 WAC	Student rights and responsibilities.
New	ch. 516-28 WAC	Standards and procedures for involuntary administrative withdrawal of students at Western Washington University for behavior from mental disorders.

This action is taken pursuant to Notice Nos. WSR 89-05-049 and 89-10-006 filed with the code reviser on February 15, 1989, and April 20, 1989. 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 board of trustees of Western Washington University as authorized in RCW 28B.35.120(12).

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 May 4, 1989.

By Craig Cole
Chair

NEW SECTION

WAC 516-22-035 ALCOHOL/DRUG POLICY VIOLATIONS. Substance abuse by members of the university community impacts the quality of the educational experience of all students. Two or more violations of alcohol/drug policies or a single substantive violation including, but not limited to, the sale of illegal substances or violence to others while under the influence of alcohol/drugs, shall make the student subject to disciplinary action.

Sanctions available to the university through its judicial structure are disciplinary probation, disciplinary suspension, or disciplinary expulsion.

NEW SECTION

WAC 516-22-040 HARASSMENT OF PEERS. A quality educational experience can only occur in an environment free of harassment and exploitation. A student shall be subject to disciplinary action if he/she engages in harassing behaviors including any act that creates an intimidating or hostile environment for another member of the university community including, but not limited to, those of a physically threatening, sexual, religious, or racial nature.

Sanctions available to the university through its judicial structure are disciplinary probation, disciplinary suspension, or disciplinary expulsion.

AMENDATORY SECTION (Amending Order 5-6-82, Resolution No. 5-6-82, filed 5/14/82)

WAC 516-22-138 CERTAIN SANCTIONS DEFINED. Among those sanctions which the conduct officer or judicial board may invoke are:

(1) Disciplinary probation - an official warning which is maintained in the student's conduct file for seven years. Should the student be found in violation of the code again, the disciplinary probation status may result in a more serious sanction for the second violation.

(2) Disciplinary suspension - termination of a student's enrollment for a period of time or until certain specified conditions have been met.

(3) Disciplinary expulsion - permanent termination of a student's enrollment with no option for later reenrollment.

Conditions congruent with the nature of the charge can be added to these sanctions, included but not limited to: Restitution for damages, attendance at educational programs, university community service, restriction of access to designated areas of campus. Failure to comply with sanctioned conditions can result in further action under the provisions of the code.

AMENDATORY SECTION (Amending Order 5-6-82, Resolution No. 5-6-82, filed 5/14/82)

WAC 516-22-210 COMMITTEE ON STUDENT RIGHTS AND RESPONSIBILITIES. There is established a committee on student rights and responsibilities to be composed of ~~((four))~~ five students: ~~((One appointed by inter-hall council, one appointed by the president of the associated students, one appointed by the associated students' governing board, and one selected at large from the student body;))~~ Three appointed by the associated students board of directors including at least one graduate student, and two appointed by university residence's interhall council; one member of the student affairs staff appointed by the vice-president for student affairs; one faculty member appointed by the faculty senate; ((the dean of students and the director of safety and security)) the university conduct officer; one member of the university security staff appointed by the director of public safety; and one member of the university residences' staff.

(1) The primary purpose of the committee on student rights and responsibilities shall be to evaluate the university's "student rights and responsibilities code." The committee may provide interpretations or may recommend changes in policy concerning student rights and responsibilities.

(2) The committee shall act as appellate group for decisions by the vice-president for student affairs to withhold certain records from students; shall act as appellate group in accordance with WAC 516-26-060 if informal proceedings fail to resolve complaints of students; and shall provide the review and revision mechanism for recommending changes in the "student records policy," chapter 516-26 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 516-22-200 ALTERNATIVE JUDICIAL PROCEEDING.

WAC 516-22-250 FAIRHAVEN COLLEGE JURISDICTION.

Chapter 516-28 WAC

STANDARDS AND PROCEDURES FOR INVOLUNTARY ADMINISTRATIVE WITHDRAWAL OF STUDENTS AT WESTERN WASHINGTON UNIVERSITY FOR BEHAVIOR FROM MENTAL DISORDERS

WAC

516-28-010

Preamble.

516-28-015

Standards for withdrawal.

516-28-020

Referral for evaluation.

516-28-025

Interim withdrawal.

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Notice of interim withdrawal.

516-28-035

Assistance in proceeding.

516-28-040

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516-28-045

Informal hearing guidelines.

516-28-050

Deviations from established procedures.

516-28-060

Relationship to student rights and responsibilities code.

516-28-065

Reinstatement.

NEW SECTION

WAC 516-28-010 PREAMBLE. Western Washington University students enjoy the basic rights of all members of society. At the same time the student is expected to respect university rules and federal, state, and local laws. Those students who because of mental disorders are unable to do so and who represent a serious threat to themselves or others and therefore may need to be administratively withdrawn from attendance at Western Washington University are assured of a fair judicial process; at the same time, other students, faculty, and staff at Western Washington University are assured of relief from disruption of the mission of the university caused by those with behavioral problems stemming from mental disorders. This chapter advises students of their rights and responsibilities regarding behavior arising from mental disorders while enrolled at Western Washington University, and of the process the university will take if involuntary administrative withdrawal is indicated.

NEW SECTION

WAC 516-28-015 STANDARDS FOR WITHDRAWAL. A student will be subject to involuntary administrative withdrawal from Western Washington University if it is determined that the student is suffering from a mental disorder (as defined in the American Psychiatric Association Diagnostic and Statistical Manual), and, as a result of the mental disorder (1) engages, or threatens to engage, in behavior which poses a danger of causing physical harm to self or others; or (2) engages, or threatens to engage, in behavior which would cause significant property damage, or directly and substantially impedes the lawful activities of others. These standards do not preclude removal from Western Washington University in accordance with provisions of other laws, rules, or regulations.

NEW SECTION

WAC 516-28-020 REFERRAL FOR EVALUATION. The vice-president for student affairs may refer a student for evaluation by a licensed psychiatrist or psychologist chosen by but not affiliated with the university, if:

(1) He/she believes that the student may meet the criteria set forth in WAC 516-28-015; or

(2) A student subject to disciplinary charges wishes to introduce relevant evidence of any mental disorder. Results of this evaluation shall be forwarded to the vice-president for student affairs.

Students referred for evaluation shall be so informed in writing, either by personal delivery or certified mail, and shall be given a copy of this code. The evaluation must be completed within five business days from receipt of the referral letter, unless a written extension is given by the vice-president for student affairs or his/her designee. Students may be accompanied by a licensed psychologist or psychiatrist of their choice, who may observe but not participate in the evaluation process. Legal representation at the evaluation will not be permitted.

Any pending disciplinary action may be withheld until the evaluation is completed, at the discretion of the vice-president for student affairs.

A student who fails to complete the evaluation in accordance with these standards and procedures may be withdrawn on an interim basis, or referred for disciplinary action, or both.

NEW SECTION

WAC 516-28-025 INTERIM WITHDRAWAL. An interim administrative withdrawal may be implemented immediately if a student fails to complete an evaluation as provided above, or if the vice-president for student affairs determines that a student may be suffering from a mental disorder, and the student's behavior poses an imminent danger of:

- (1) Causing serious physical harm to the student or others; or
- (2) Causing significant property damage, or directly and substantially impeding the lawful activities of others.

NEW SECTION

WAC 516-28-030 NOTICE OF INTERIM WITHDRAWAL. A student subject to an interim withdrawal shall be given written notice of the withdrawal either by personal delivery or by certified mail, and shall be given a copy of this code. The student will also be given an opportunity to appear personally before the vice-president for student affairs or his/her designee, within two business days from the effective date of the interim withdrawal, in order to review the following issues only:

- (1) The reliability of the information concerning the student's behavior;
- (2) Whether or not the student's behavior poses a danger of causing imminent serious physical harm to the student or others, causing significant property damage, or directly and substantially impedes the lawful activities of others;
- (3) Whether or not the student has completed an evaluation, in accordance with these standards and procedures; and
- (4) For what purposes and under what conditions the student may enter the campus pending completion of the informal hearing process.

If, after the meeting between the vice-president for student affairs or his/her designee and the student, the vice-president for student affairs or his/her designee maintains the same position as to the student's need for an evaluation by a mental health professional, such evaluation should take place within two business days after the student submits a request for an appointment with the mental health professional.

NEW SECTION

WAC 516-28-035 ASSISTANCE IN PROCEEDING. A student subject to interim withdrawal may be assisted in the proceeding specified in WAC 516-28-030 by a family member and a licensed psychologist or psychiatrist or a member of the faculty or staff of the university. Furthermore, the student may be accompanied by legal counsel, whose role will be limited to providing legal advice to the student. Students will be expected to speak for themselves whenever possible.

NEW SECTION

WAC 516-28-040 INFORMAL HEARING. An informal hearing will be held within seven business days after the student has been evaluated by the appropriate mental health professional. The student will remain withdrawn on an interim basis pending completion of the informal hearing, but will be allowed to enter the campus to attend the hearing, or for other necessary purposes as preauthorized by the vice-president for student affairs.

NEW SECTION

WAC 516-28-045 INFORMAL HEARING GUIDELINES. Students subject to an involuntary withdrawal shall be accorded an informal hearing before the vice-president for student affairs or his/her designee, utilizing the following guidelines:

- (1) Students will be informed to the time, date, and location of the informal hearing in writing, either by personal delivery or certified mail, at least two business days in advance.
- (2) The case file shall include an evaluation prepared by the mental health professional and the names of prospective witnesses. This file will be available for inspection by the student in the office of the vice-president for student affairs during normal business hours. This file will be available at least two business days prior to the informal hearing.
- (3) The informal hearing shall be conversational and nonadversarial. Formal rules of evidence will not apply. The vice-president for student affairs or his/her designee shall exercise active control over the proceedings to avoid needless consumption of time and to achieve the orderly completion of the hearing. Any person who disrupts the hearing may be excluded.
- (4) The student may choose to be assisted by a family member, a licensed psychiatrist or psychologist, or by a member of the faculty or staff of the university. Furthermore, the student may be accompanied by legal counsel, who is limited to providing legal advice to the student.

(5) Whenever possible, the student will be expected to respond to questions asked by the vice-president for student affairs or his/her designee. A student who refuses to answer on grounds of Fifth Amendment privilege may be informed that the vice-president for student affairs or his/her designee may draw a negative inference from the refusal which might result in dismissal from the institution in accordance with these standards and procedures.

(6) Those assisting the student, except for legal counsel, will be given reasonable time to ask relevant questions of any individual appearing at the informal hearing, as well as to present relevant evidence.

(7) The informal hearing may be conducted in the absence of a student who fails to appear after proper notice.

(8) A university official and/or a licensed psychiatrist or psychologist who prepared the evaluation report may be expected to appear at the informal hearing, and to respond to relevant questions or present evidence upon request of any party involved, if the vice-president for student affairs or his/her designee determines that such participation is essential to the resolution of the case.

(9) The informal hearing shall be tape-recorded and kept with the pertinent case file in the confidential records of the vice-president for student affairs for six years, following which the records will be destroyed. During this period, the records will be accessible only upon approval of the vice-president for student affairs and then only for compelling reasons.

(10) A written decision shall be rendered by the vice-president for student affairs or his/her designee within five business days after the completion of the informal hearing. The written decision, which will be personally delivered or sent by certified mail, shall contain a statement of reasons for any determination leading to involuntary withdrawal. The student will also be advised as to when a petition for reinstatement would be considered, along with any conditions of reinstatement.

(11) The decision of the vice-president for student affairs or his/her designee shall be final and not subject to appeal within the institution.

NEW SECTION

WAC 516-28-050 DEVIATIONS FROM ESTABLISHED PROCEDURES. Deviations from these procedures will not invalidate a decision or proceeding unless significant prejudice to a student may result.

NEW SECTION

WAC 516-28-060 RELATIONSHIP TO STUDENT RIGHTS AND RESPONSIBILITIES CODE. A student accused of engaging in conduct subject to disciplinary action pursuant to chapter 516-22 WAC may be diverted from that disciplinary process and withdrawn according to these standards and procedures if the student, as a result of mental disorder (1) lacks the capacity to respond to pending disciplinary charges or (2) did not know the nature of wrongfulness of the conduct at the time of the offense.

Students otherwise subject to disciplinary charges who wish to introduce relevant evidence of any mental disorder must so inform the vice-president for student affairs in writing at least two business days prior to any disciplinary hearing under chapter 516-22 WAC. If the vice-president for student affairs determines that the evidence may have merit, the case shall then be resolved in accordance with this chapter. If the vice-president for student affairs determines that the student does not meet the criteria set forth in this chapter, the case will be returned to the disciplinary process. The determination by the vice-president for student affairs shall be made within five days after the student's written submittal. Evidence of any mental disorder may not be admitted into evidence or considered by the hearing panel in any disciplinary proceeding under chapter 516-22 WAC.

NEW SECTION

WAC 516-28-065 REINSTATEMENT. Should the above process result in a decision that the student is capable of attending classes at Western Washington University, the vice-president for student affairs or his/her designee shall take equitable measures to mitigate the effects of the withdrawal upon the student.

WSR 89-11-040

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order 89-6—Filed May 16, 1989]

I, Garry G. Fujita, assistant director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to recordkeeping, new section WAC 458-20-254.

This action is taken pursuant to Notice No. WSR 89-08-089 filed with the code reviser on April 5, 1989. 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 May 16, 1989.

By Garry G. Fujita
Assistant Director

NEW SECTION

WAC 458-20-254 RECORD KEEPING. (1) Every person liable for an excise tax imposed by the laws of the state of Washington for which the department of revenue has primary or secondary administrative responsibility, i.e., Title 82 RCW, and, chapters 67.28 RCW (hotel/motel tax), 70.93 RCW (litter tax), 70.95 RCW (tax on tires), and 84.33 RCW (forest excise tax), shall keep complete and adequate records from which

the department may determine any tax for which such person may be liable.

(2) **GENERAL REQUIREMENTS.** (a) It is the duty of each taxpayer to prepare and preserve all books of record in a systematic manner conforming to accepted accounting methods and procedures. Records are to be kept, preserved, and presented upon request of the Department which will demonstrate:

(i) The amounts of gross receipts and sales from all sources, however derived, including barter or exchange transactions, whether or not such receipts or sales are taxable. These amounts must be supported by original source documents including but not limited to all purchase and sales invoices and contracts or such other documents as may be necessary to substantiate gross receipts and sales;

(ii) The amounts of all deductions, exemptions, or credits claimed through supporting documentation required by statute or administrative rule, or such other supporting documentation necessary to substantiate the deduction, exemption, or credit.

(b) The records kept, preserved and presented must include the normal books of account maintained by an ordinary prudent business person. Such records may include general ledgers, sales journals, cash receipts journals, check registers, and purchase journals, together with all bills, invoices, cash register tapes, or other documents of original entry supporting the books of account entries. The records shall include all federal and state tax returns and reports and all schedules or work papers used in the preparation of tax reports or returns.

(c) All such records shall be open for inspection and examination at any time by the department, upon reasonable notice, and shall be kept and preserved for a period of five years. RCW 82.32.070

(3) **MICROFILM AND/OR MICROFICHE.** Records may be microfilmed or microfiche, such as general books of accounts including cash books, journals, voucher registers, ledgers and like documents provided the microfilmed and/or microfiche records are authentic, accessible, and readable, and all of the following requirements are fully satisfied:

(a) Appropriate facilities are provided to preserve the films or fiche for the periods such records are required to be open to examination and to provide transcriptions of any information on film or fiche required to verify tax liability.

(b) All microfilmed or microfiche data must be indexed, cross referenced, and labeled to show beginning and ending numbers and beginning and ending alphabetical listings of all documents included.

(c) Taxpayers must make available upon request of the department, a reader/printer in good working order at the examination site for reading, locating, and reproducing any record that is maintained on microfilm or microfiche.

(d) Taxpayers must set forth in writing the procedures governing the establishment of a microfilm or microfiche system and the names of persons who are responsible for maintaining and operating the system with appropriate authorization from the Boards of Directors, general partner(s), or owner(s), whichever is applicable.

(e) The microfilm or microfiche system must be complete and must be used consistently in the regularly conducted activity of the business.

(f) Taxpayers must establish procedures with the appropriate documentation so that an original document can be traced through the microfilm or microfiche system.

(g) Taxpayers must establish internal procedures for microfilm or microfiche inspection and quality assurance.

(h) Taxpayers must keep a record identifying where, when, by whom, and on what equipment the microfilm or microfiche was produced.

(i) When displayed on a microfilm or microfiche reader (viewer) or reproduced on paper, the material must be legible and readable. For this purpose, legible means the quality of a letter or numeral which enables the reader to identify it positively and quickly to the exclusion of all other letters or numerals. Readable means the quality of a group of letters or numerals recognizable as words or complete numbers.

(j) All production of microfilm or microfiche and the processing duplication, quality control, storage, identification, and inspection thereof must meet industry standards as set forth by the American National Standards Institute, National Micrographics Association, or National Bureau of Standards.

(4) **AUTOMATED DATA PROCESS SYSTEM.** An Automated Data Process (ADP) accounting system may be used to provide the records required to verify tax liability. All ADP systems used for this purpose must include a method for producing legible and readable records to verify tax liability, reporting, and payment. The following requirements apply to any taxpayer who maintains records on an ADP system:

(a) ADP records shall provide an opportunity to trace any transaction back to the original source or forward to a final total. If detailed printouts are not made of transactions at the time they are done, the system must have the capability to reconstruct these transactions.

(b) A general ledger, with source references, shall be written out to coincide with financial reports for tax reporting periods. In the cases where subsidiary ledgers are used to support the general ledger accounts, the subsidiary ledgers shall be written out periodically.

(c) The audit trail shall be so designed that the details underlying the summary accounting data may be identified and made available to the department and that supporting documents, such as sales invoices, purchase invoices, credit memoranda, and like documents are readily available.

(d) A description of the ADP portion of the accounting system shall be made available. The statements and illustrations as to the scope of operations shall be sufficiently detailed to indicate:

(i) the application being preformed;

(ii) the procedures employed in each application (which, for example, might be supported by flow charts, block diagrams or other satisfactory description of the input or output procedures); and,

(iii) the controls used to insure accurate and reliable processing.

(e) Important changes in an ADP accounting system or any part thereof, together with their effective dates, shall be noted to preserve an accurate chronological record of such changes.

(f) Adequate record retention facilities shall be available for the storage of such information, printouts and all supporting documents.

(5) OUT-OF-STATE BUSINESSES. An out-of-state business which does not keep the necessary records within this state may either produce within this state such records as are required for examination by the department, or, permit the examination of the records by the department at the place where the records are kept. RCW 82.32.070, See also, WAC 458-20-215.

(6) FAILURE OF TAXPAYER TO MAINTAIN AND DISCLOSE COMPLETE AND ADEQUATE RECORDS. Any person who fails to comply with the requirements of RCW 82.32.070 or this section shall be forever barred from questioning, in any court action or proceedings, the correctness of any assessment of taxes made by the department based upon any period for which such books, records, and invoices have not been so kept and preserved. RCW 82.32.070

Reviser's note: Errors of punctuation 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 89-11-041
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed May 16, 1989]

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 Compensation plan—Fiscal impact, amending WAC 356-14-062;

that the agency will at 10:00 a.m., Thursday, July 13, 1989, 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 July 11, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-07-055 filed with the code reviser's office on March 15, 1989.

Dated: May 12, 1989
By: Robert Boysen
Acting Director

WSR 89-11-042
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed May 16, 1989]

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 356-18-220 Leave without pay—Effect on anniversary date and periodic increment date.
Amd WAC 356-05-390 Seniority;

that the agency will at 10:00 a.m., Thursday, June 8, 1989, 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 June 6, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-08-059 filed with the code reviser's office on April 3, 1989.

Dated: May 12, 1989
By: Robert Boysen
Acting Director

WSR 89-11-043
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed May 16, 1989]

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 Intermittent employment—Rules—Regulations, amending WAC 356-30-140;

that the agency will at 10:00 a.m., Thursday, June 8, 1989, 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 June 6, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-08-028 filed with the code reviser's office on March 30, 1989.

Dated: May 12, 1989
 By: Robert Boysen
 Acting Director

WSR 89-11-044
ADOPTED RULES
SKAGIT VALLEY COLLEGE
 [Order 89-09—Filed May 16, 1989]

Be it resolved by the board of trustees of Skagit Valley College, Community College District No. 4, acting at Mt. Vernon, Washington, that it does adopt the annexed rules relating to Family Educational Rights and Privacy Act, adoption of chapter 132D-280 WAC.

This action is taken pursuant to Notice No. WSR 89-07-063 filed with the code reviser on March 16, 1989. 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 board of trustees of Community College District No. 4 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 May 9, 1989.

By Arlene M. Miller
 Chair

Chapter 132D-280 WAC
 Family Educational Rights and Privacy Act

NEW SECTION

WAC 132D-280-010 CONFIDENTIALITY OF STUDENT RECORDS. The college continually receives requests from outside sources for information about students, both past and present. The staff and faculty of the college are reminded that 20 USC 1232(g), the Family Educational Rights and Privacy Act of 1974 directs the college to adopt a policy on student education records to insure that information contained in such records is treated in a responsible manner with due regard to the personal nature of the information contained in these records. In order to prevent embarrassment or possible legal involvement of the college and its employees because of improper disclosure of information, it is important that college policy be implemented in the release of such information.

NEW SECTION

WAC 132D-280-020 EDUCATION RECORDS—STUDENTS' RIGHT TO INSPECT. (1) A student has the right to inspect and review his or her education records. A list of the types of education records maintained by the college and the record locations

may be obtained by the student at the college's dean of student's office.

(a) For purposes of this section the term "education records" means those records, files, documents and other materials which contain information directly related to a student.

(b) The term "education records" does not include:

(i) Records of instructional, supervisory and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker and which are not accessible or revealed to any other person except a substitute.

(ii) Records of the campus security department which are kept apart from those records described in WAC 132D-280-020 (1)(a) and which are maintained solely for law enforcement purposes and which are not made available to persons other than law enforcement officials of the same jurisdiction.

(iii) In the case of persons who are employed by but do not attend that educational institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose.

(iv) Records on a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity and which are created, maintained or used only in connection with the treatment of the student, and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(2)(a) Recommendations, evaluations or comments concerning a student that are provided in confidence, either expressed or implied, as between the author and the recipient, shall be made available to the student, except as provided in paragraphs (b), (c) and (d) of this section.

(b) The student may specifically release his right to review where the information consists only of confidential recommendations respecting:

(i) Admission to any educational institution; or

(ii) An application for employment; or

(iii) Receipt of an honor or honorary recognition.

(c) A student's waiver of his or her right of access to confidential statements shall apply only if:

(i) The student is, upon request, notified of the names of all persons making confidential statements concerning him, and

(ii) Such confidential statements are used solely for the purpose for which they were originally intended, and

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the college.

(d) Recommendations, evaluations or comments concerning a student that have been provided in confidence, either expressed or implied, as between the author and recipient, prior to January 1, 1975, shall not be subject

to release under WAC 132D-280-020 (2)(a). Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the institution only for the purpose for which they were originally intended.

(3) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the record or data that pertains to the student.

(4) Students have the right to obtain copies of their education records. Charges for the copies shall not exceed the cost normally charged by the college (except in cases where charges have previously been approved by the boards of trustees' action for certain specified services, such as transcripts and grade sheets).

(5) The dean of students is the official custodian of academic records and therefore is the only official who may issue a transcript of the student's official academic record.

(6) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with WAC 132D-280-020 and 132D-280-025 be removed or destroyed prior to providing the student access.

NEW SECTION

WAC 132D-280-025 REQUESTS AND APPEAL PROCEDURES. (1) A request by a student for review of information should be made in writing to the college individual or office having custody of the particular record.

(2) An individual or office must respond to a request for education records within a reasonable period of time, but in no case more than thirty (30) days after the request has been made. A college individual or office which is unable to comply with a student's request within the above-stated time period shall inform the student of that fact and the reasons in writing.

(3)(a) A student who feels that his or her request has not been properly answered by a particular individual or office should contact the appropriate dean or director responsible for the individual or office for mediation.

(b) In cases where a student remains dissatisfied after consulting with the appropriate dean or director, the student may then file an official grievance in accordance with the provisions of WAC 132D-120.

NEW SECTION

WAC 132D-280-030 RELEASE OF PERSONALLY-IDENTIFIABLE RECORDS. (1) The college shall not permit access to or the release of education records or personally-identifiable information contained there (other than "directory information") without the written consent of the student, to any party other than the following:

(a) College staff, faculty and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college, with the understanding that

its use will be strictly limited to the performance of those responsibilities.

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation or a federally or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally-identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements.

(c) Agencies or individuals requesting information in connection with a student's application for, or receipt of financial aid.

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating or administering predictive tests, administering student aid programs and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Accrediting organizations in order to carry out their accrediting functions.

(f) Any person or entity designated by judicial order or lawfully-issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith. Any college individual(s) or office(s) receiving a subpoena or judicial order for education records should immediately notify the attorney general.

(2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

(a) A specification of the records to be released;

(b) The reasons for such release; and

(c) The names of the parties to whom such records will be released.

(3) In cases where records are made available without student release as permitted by WAC 132D-280-030 (1)(b), (c), (d), (e) and (f), the college shall maintain a record kept with the education record release which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with WAC 132D-280-030 (1)(a) need not be recorded.

(4) Personally-identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally-identifiable form to any other parties without obtaining consent of the student.

(5) The term "directory information" used in WAC 132D-280-030(1) is defined as student's name, address, telephone number, date and place of birth, major field of studies, participation in officially-recognized activities in

sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous education agency or institution attended by the student. Students may request that the college not release directory information except through written notice to the dean of student's office.

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

NEW SECTION

WAC 132D-280-035 COLLEGE RECORDS. All college individuals or offices having custody of education records will develop procedures in accordance with WAC 132D-280-010 through 132D-280-040. Any supplementary regulations found necessary by departments will be filed with the college's records committee, which will be responsible for periodic review of policy and procedures.

(1) Disciplinary records shall be kept separate from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.

(2) No records shall be kept that reflect a student's political or ideological beliefs or associations.

NEW SECTION

WAC 132D-280-040 REVIEW OF RECORDS REQUESTS AND REQUESTS TO AMEND. (1) The registrar shall be responsible for reviewing unusual requests for information and for assisting in the interpretation of these rules.

(2)(a) A student who believes that information contained in his or her educational records is inaccurate or misleading or violates his or her privacy may request that the College amend these records.

(b) The college shall decide within ten (10) working days of a student's request to amend records whether or not it will amend those records.

(c) If the college decides to refuse to amend the educational records of the student according to his or her request, it shall so inform the student of the refusal and advise the student of the right to a hearing.

(d) The student feeling aggrieved by a denial of his or her request to amend educational records may file an official grievance in accordance with the provisions of chapter 132D-120-280 WAC.

(e) If, at the conclusion of the hearing process, the college still declines to amend the student's educational records, the student may place a statement in his or her educational records explaining that he or she feels that the records are erroneous and setting out the reasons for this belief. This statement shall be retained as long as

the disputed information is on file and shall be forwarded with this information any time it is disclosed to an outside agency.

WSR 89-11-045

NOTICE OF PUBLIC MEETINGS HOSPITAL COMMISSION [Memorandum—May 16, 1989]

The regular meeting of the Washington State Hospital Commission, scheduled for Thursday, June 8, 1989, has been cancelled. The next scheduled meeting is Thursday, June 22, 1989.

WSR 89-11-046

PROPOSED RULES GAMBLING COMMISSION [Filed May 16, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 230-12-010, 230-25-065, 230-25-160 and 230-40-120;

that the agency will at 10:00 a.m., Friday, July 14, 1989, in the Westwater Inn, 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 9.46.070 (8), (11) and (14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 14, 1989.

Dated: May 16, 1989

By: Frank L. Miller
Deputy Director

STATEMENT OF PURPOSE

Title: WAC 230-12-010 Inspection of premises, records and devices; 230-25-065 Licensees may join together to conduct a fund raising event; 230-25-160 Pull tabs at fund raising events—Operational requirements—Limitations; and 230-40-120 Limits on wagers in card games.

Description of Purpose: Clarifies situation when records can be removed from licensed premises; house-keeping rule to simplify reporting requirements; and allows possession of pull tabs prior to start of fund raising event.

Statutory Authority: For amendments for WAC: For WAC 230-12-010 is RCW 9.46.070 (8) and (14); WAC 230-25-065 is RCW 9.46.070 (8); WAC 230-25-160 is RCW 9.46.070 (14); and WAC 230-40-120 is RCW 9.46.070 (11).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-12-010, the change is necessary to give proper notice to licensees regarding their rights to have documents returned; WAC 230-25-065, this

amendment removes an unnecessary reporting requirement; WAC 230-25-160, this rule is necessary to increase the usage of pull tabs at fund raising events; and WAC 230-40-120, this rule clarifies ante limits and is necessary to ensure uniform enforcement of this rule.

Agency Personnel Responsible for Drafting, Implementing, and Enforcing the Rules: Ronald O. Bailey, Director and Frank L. Miller, Deputy Director, 4511 Woodview Dr. S.E., Lacey, WA 98504-8121, 585-7640 scan, 438-7640 comm.

Proponents and Opponents: Gambling Commission staff propose these rule amendments.

Agency Comments: The agency believes the proposed amendments are self-explanatory and needs no further comment.

These amendments were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined there may be an economic impact upon a certain number of licensees administered by this agency by the adoption of these amendments.

AMENDATORY SECTION (Amending Order 114, filed 10/15/81)

WAC 230-12-010 INSPECTION OF PREMISES, RECORDS AND DEVICES. All premises licensed, or any premises in any way connected physically or otherwise with a licensed business, including vehicles used in connection therewith, shall at all times be open to inspection by the commission or its authorized representatives.

At any time during which a licensed gambling activity is being operated upon a premises, the commission, and any authorized representative of the commission, may enter upon the premises without advance notice and:

(1) Make a count of all monies received during the operation of the licensed activity located on the premises, inspect all receipts for income issued by the licensee, and inspect all receipts for prizes which have been awarded by the licensee.

(2) Inspect any of the other records of the licensee, or of any member that directly participates in the management, operation or promotion of a licensed activity, or of any employee of the licensee, or of any operator of the licensed activity.

(3) Inspect, including the dismantling of, all pieces of equipment or parts thereof, or devices of any nature, which are being used to conduct the licensed activity.

(4) When the commission, or its authorized representative, finds cause to believe that there is a reasonable probability that the provisions of chapter 9.46 RCW, including any amendments thereto, or any of the rules passed by the commission, have been or are being violated by the licensee, or its employees or operators, remove to another location or locations for further inspection and investigation, any and all records and any and all equipment, parts thereof, and devices of any nature located upon the premises related to the operation of the licensed activity, or any other gambling activity~~(:)~~; Provided, That the records may be removed, for inspection purposes, from the licensee's premises or control in the case of an inadequate working environment.

A receipt shall be issued to the licensee or operator of the activity which shall list and describe each record and each piece of equipment, or part thereof, and device which has been removed from the premises.

Each such record, piece of equipment, part thereof, and device so removed shall be returned to the premises or to the address of the licensee within reasonable period of time after its removal subsequent to notification of settlement of the case, in as good a condition as it was in when removed, unless the commission(:) or the director ((of gambling:)) determines that the record, equipment or devices so removed are necessary for an ongoing investigation of possible violations of statutes or rules of the commission by the licensee, by employees of the licensee, or by operators of the licensed activity. Copies of retained records and reports will be provided to the licensee upon written request.

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 143, filed 1/9/85)

WAC 230-25-065 LICENSEES MAY JOIN TOGETHER TO CONDUCT A FUND RAISING EVENT. (1) Organizations holding a license to conduct a fund raising event may join together with other organizations holding such a license to jointly conduct a fund raising event providing that the following conditions are met:

(a) Prior approval to do so is received by each licensee from the commission for that particular fund raising event;

(b) The method by which any income or losses and expenditures will be received, expended, and apportioned among the licensees conducting the fund raising event is disclosed in writing to the commission, together with the application for the fund raising event. Changes to the original application must be approved by the commission;

(c) The percentage of income or loss agreed to by any organization shall not be greater than the percentage needed for them to reach the maximum of \$10,000 for the calendar year;

(d) A lead organization and an event manager are designated in the application, with the lead organization having the responsibility for the central accounting system required by WAC 230-25-070, and compliance with WAC 230-25-030(3) regarding the distribution of receipts beyond those permitted in (2) below;

(e) Each licensee shall prepare a list of all persons from their organization taking part in the management or operation of the fund raising event. Such list shall be available on the premises and contain, at a minimum, the name, address, telephone number, and a brief statement signed by the chief executive officer certifying that each member listed is a bona fide member as specified in RCW 9.46.020(15) and WAC 230-25-260.

(f) A fund raising event report will be prepared and submitted by the lead organization as required by WAC 230-08-260~~((+)) and each participating licensee, including the lead organization, shall submit a joint fund raising event supplemental report as required by WAC 230-08-260(2))~~; and

(g) Records are kept by each of the participating licensees which clearly disclose the amount of money received and expended in connection with the joint fund raising event;

(2) The amount of income derived from the joint fund raising event will not exceed the event limit of \$10,000. In addition, each participating organization must comply with annual limits imposed by RCW 9.46.020(23) and WAC 230-25-030. The joint fund raising event shall count against only the lead organization or organizations receiving fifty percent or more of the allowable proceeds for the purposes of determining the number of such events an organization may conduct each year.

(3) The lead organization will be responsible for the deposit of the ending cash on hand and must comply with WAC 230-25-070(12). All funds due to any participating organization must be made by check and disbursed within 30 days following the end of the event.

AMENDATORY SECTION (Amending Order 143, filed 1/9/85)

WAC 230-25-160 PULL TABS AT FUND RAISING EVENTS - OPERATIONAL REQUIREMENTS - LIMITATIONS. (1) The following requirements shall be utilized in the sale of pull tabs at fund raising events.

(a) All pull tab series for use at fund raising events shall contain the inspection identification stamps and record entry labels and shall be purchased for specific use at fund raising events ~~((and delivered to the licensee no earlier than 24 hours before the commencement of the event))~~.

(b) Pull tabs shall only be sold out of the original shipping container or a non-coin operated dispensing device (clear container). Pull tab prices shall be equal to the price set by the manufacturer for each specific series. The maximum price for any pull tab shall not exceed fifty cents.

(c) Up to a maximum of three pull tab series may be out for play at one time. All pull tabs shall be sold from a booth or similar confined area which prohibits public access to the pull tabs;

(d) Each pull tab series shall constitute a separate table and have a separate number. Each series shall have a separate corresponding lock box, money paddle, chip rack for making change and payment of prizes, and a winners register. All currency, coin, or chips used to purchase pull tabs, shall immediately be placed in the corresponding lock box by the attendant(s) on duty. All change given back to players shall be in the form of chips or coin.

(e) All winning pull tabs shall be defaced when cashed in and deposited in the corresponding lock box. Winning pull tabs shall be paid

in chips and coin only. Provided: winning pull tabs may be redeemed for additional tabs from the same series only. When a winning pull tab of \$5 or more is cashed, the attendant shall immediately delete that prize from the corresponding flare with a black marker. In addition, the attendant(s) shall fill out the winners register for prizes paid in excess of twenty dollars;

(f) When a series is removed from play, the series (including the flare), the corresponding lock box and chip rack shall be transported to the count room by a runner at which time the box shall be opened for tabulation. All monies collected, prizes paid and tabs sold shall be tabulated and recorded on the pull tab accounting report furnished by the Commission in accordance with the instructions attached to the accounting report.

(g) After completing the count, winning pull tabs shall be packaged separately or banded and placed with the unused portion of that particular series in the original shipping container. The organization must retain the used series for a period of one year; and

(h) At the completion of the fund raising event, all series still out for play shall be transported to the count room in accordance with paragraphs (f) and (g). All unopened pull tab series shall be returned to the licensed distributor who furnished the series for a full refund. Pull tabs may not be sold, or transferred to another licensee.

AMENDATORY SECTION (Amending Order 159, filed 7/14/86)

WAC 230-40-120 LIMITS ON WAGERS IN CARD GAMES. The following limits shall not be exceeded in making wagers on any card game. For games in which the following method of wagering is allowed:

(1) Multiple wagers per player per hand during each round, each wager or raise shall not exceed \$5.00. There shall be no more than a total of two raises per round irrespective of the number of players: Provided, That in card games providing for three or more rounds of betting, the wager or raise for the last round of betting, shall not exceed \$10.00.

(2) Single wagers per player per hand during each round (no raises), each wager shall not exceed \$5.00.

(3) Single wager per player per game, each wager shall not exceed \$5.00.

(4) Amount per point, each point shall not equal more than five cents in value.

(5) An ante, except for panguingue (pan), shall not be more than ~~((twenty-five cents per person per hand to be played, contributed by each player, or the dealer of each hand, subject to house rules, may ante for all players before dealing in an amount not to exceed \$2.00. In lieu of an ante, the licensee may, by house rule, authorize one blind and not more than two straddles. The blind will not exceed \$1.00 and the straddles will not exceed \$3.00. The blind and straddle will become part of the player's wager. The maximum betting round when a blind and straddle are used shall not exceed \$15.00.))~~ \$6.00. The ante may, by house rule, be made by one or more players but the total ante may not exceed \$6.00. An ante may be used as part of a player's wager. The maximum betting on the first round when an ante is used may not exceed \$15.00 per person, including the ante.

(6) ~~((Forced wagers or raises in poker are prohibited except as an ante. In other authorized games, forced wagers and raises are prohibited except as they may be expressly included within the basic definition of the particular card game in Hoyle's Modern Encyclopedia of Card Games, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974 1st edition, pages 219-277.~~

(7)) Panguingue (pan) - maximum value of a chip for payoff will not exceed \$2.00. Ante will not exceed one chip. No doubling of conditions. Players going out, may collect not more than two chips from each participating player.

No licensee shall allow these wagering limits to be exceeded in a card game on his premises.

WSR 89-11-047
EMERGENCY RULES
GAMBLING COMMISSION
[Order 191—Filed May 16, 1989]

Be it resolved by the Washington State Gambling Commission, acting at Bellingham, Washington, that it

does adopt the annexed rules relating to the amending of WAC 230-20-699.

We, the Washington State Gambling 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 licensed operators would suffer severe financial hardships during the remaining months of the test period.

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

This rule is promulgated pursuant to RCW 9.46.070 (11) and (14) 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 May 12, 1989.

By Frank L. Miller
Deputy Director

AMENDATORY SECTION (Amending Order 186, filed 2/13/89)

WAC 230-20-699 SPECIAL AMUSEMENT GAME LICENSE - TEST AT LIMITED LOCATIONS. (1) Beginning June 1, 1988, the commission will conduct a ~~((twelve-month))~~ test to determine the feasibility of allowing the operation of electronic crane and other self-dispensing amusement games at selected locations. For the purposes of this test, operators allowed to participate will be divided into three groups:

(a) Those applicants that possess a valid license from the Washington State Liquor Board and prohibit minors on their premises; and

(b) Those locations that are frequented by minors to participate in activities other than the playing of amusement devices, limited to movie theaters, bowling alleys, and miniature golf course facilities; and

(c) Those applicants who operate adult-supervised family amusement centers in enclosed shopping centers which prohibit minors from entry during school hours, maintain full-time personnel whose responsibilities include maintaining security and daily machine maintenance, and which close at the same time as surrounding businesses within enclosed shopping centers.

(2) This test shall be conducted using the following rules and limitations:

(a) Each participant shall be required to obtain a Class B through E "special location amusement game" license as set forth in WAC 230-04-201. For the purposes of this test, the operator of the business where the coin operated amusement game(s) is located and operated shall be licensed. If the amusement game(s) is owned by someone other than the premises operator, that person(s) shall also obtain a license;

(b) Licenses issued under this test will not be subject to the limitations as specified in WAC 230-20-380 and WAC 230-12-230;

(c) The maximum fee to play shall be \$1.00 per game at the locations specified in (1)(a) above, and 25 cents at the locations specified in (1)(b) and (c) above;

(d) The operator(s) cost for each merchandise prize offered shall be equal to or greater than the amount wagered per game;

(e) Prior to being put out for play, all games must be submitted to the Commission staff for testing and for ultimate approval by the Commission. Provided: The Director may approve electronic cranes for use in this test that meet the standards set for in WAC 230-20-605 (2)(b);

(f) All games must be equipped with non-resetable "coin-in meters" to measure the gross revenue of each game;

(g) All games must have affixed a certification and identification stamp issued by the Commission. Each stamp shall cost \$30. Any such game located in an area authorized under 1(a), (b), or (c) which does not have this stamp attached, or licensed under this rule, shall be prima facie evidence of an unauthorized game being used and shall subject said game to immediate seizure and forfeiture under RCW 9.46.230;

(h) Such games shall not be subject to the prohibition on revenue sharing set forth in WAC 230-12-220; and

(i) All operators shall complete and submit a "special coin operated amusement game test" report, in a format provided by the Commission, on a monthly basis. This report shall be submitted no later than 15 days following the end of each month:

(3) This test shall (~~expire on May 30, 1989, or at a earlier date if the Commission determines that it is in the public interest.~~) be continued through December 31, 1989. Provided, That for the purposes of this (~~test, effective November 21, 1988~~) continuance, the Commission shall not accept any ((further)) new location applications but shall accept renewal applications. At the end of th((e test))is period the Commission shall evaluate the test results and determine whether the limited locations contained in WAC 230-20-380 should be expanded for self-dispensing amusement games.

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 89-11-048
ADOPTED RULES
GAMBLING COMMISSION
 [Order 192—Filed May 16, 1989]

Be it resolved by the Washington State Gambling Commission, acting at Bellingham, Washington, that it does adopt the annexed rules relating to the repealing of WAC 230-02-150; and amending of WAC 230-04-201, 230-20-350, 230-30-106 and 230-40-070.

This action is taken pursuant to Notice Nos. WSR 89-07-053 and 89-05-064 filed with the code reviser on February 15, 1989, and March 15, 1989. 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 9.46.070 (8), (11) and (14) 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 May 12, 1989.

By Frank L. Miller
 Deputy Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-02-150 IMMEDIATE FAMILY DEFINED.

AMENDATORY SECTION (Amending Order 179, filed 6/14/88)

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. AMUSEMENT GAMES	(Fee based on annual net receipts)	
Class A	\$500 or less	\$ 35
Class B	\$501 - 1,000	50
Class C	\$1,001 - 5,000	75
Class D	\$5,001 - 15,000	250
Class E	over \$15,000	350

LICENSE TYPE		DEFINITION	FEE	
2.	BINGO			
	<u>GROUP</u>			
	<u>I</u>	(Fee based on annual gross receipts)		
	Class A	Up to \$((10,000) <u>15,000</u>)	\$ 50	
	Class B	\$((10,001) <u>15,001</u>) to 50,000	150	
	Class C	\$ 50,001 to 100,000	((500) <u>300</u>)	
	Class D	\$ 100,001 to 300,000	800	
	Class E	\$ 300,001 to 500,000	((1,500) <u>1,350</u>)	
	Class F	\$ 500,001 to 1,000,000	((3,000) <u>2,700</u>)	
	<u>II</u>	Class G	\$ 1,000,001 to 1,500,000	((4,000) <u>3,900</u>)
		Class H	\$ 1,500,001 to 2,000,000	((5,000) <u>5,200</u>)
		Class I	\$ 2,000,001 to 2,500,000	((6,000) <u>6,500</u>)
		Class J	\$ 2,500,001 to 3,000,000	((7,000) <u>7,800</u>)
	<u>III</u>	Class K	\$ 3,000,001 to 3,500,000	((8,000) <u>8,750</u>)
		Class L	\$ 3,500,001 to 4,000,000	<u>10,000</u>
		Class M	Over \$4,000,000	<u>11,250</u>
3.	BINGO GAME MANAGER	Original	\$ 150	
		Renewal	75	
4.	CARD GAMES			
	Class A	General (fee to play charged)	\$ 500	
	Class B	Limited card games – to hearts, rummy, mah-jongg, pitch, pinochle, coon-can and/or cribbage – (fee to play charged)	150	
	Class C	Tournament only – no more than ten consec. days per tournament	50	
	Class D	General (no fee to play charged)	50	
	Class R	Primarily for recreation (WAC 230-04-199)	25	
5.	CHANGES			
	NAME	(See WAC 230-04-310)	\$ 25	
	LOCATION	(See WAC 230-04-320)	25	
	FRE	(Reno Nite date(s)/time(s))	25	
	LICENSE CLASS	(See WAC 230-04-325)	25	
	DUPLICATE LICENSE	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25	
	REPLACEMENT	(See WAC 230-04-290)	25	
	IDENTIFICATION STAMPS	(See WAC 230-30-016)	25	
6.	FUND RAISING EVENT			
	Class A	One event not more than 24 consec. hrs.	\$ 300	
	Class B	One event not more than 72 consec. hrs.	500	
	Class C	Additional participant in joint event (not lead organization)	150	
7.	PERMITS			
	Class A	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191)	\$ 25	
8.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)		
	Class A	Up to \$ 10,000	\$ 300	
	Class B	Up to \$ 50,000	475	
	Class C	Up to \$100,000	960	
	Class D	Up to \$200,000	1,560	

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
Class E	Up to \$300,000	2,360
Class F	Up to \$400,000	3,150
Class G	Up to \$500,000	3,775
Class H	Up to \$600,000	4,350
Class I	Up to \$700,000	4,825
Class J	Up to \$800,000	5,225
Class K	Over \$800,000	5,900
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9. RAFFLES	(Fee based on annual gross receipts)	
Class A	Up to \$ 5,000	\$ 50
Class B	Up to \$ 10,000	150
Class C	Up to \$ 25,000	300
Class D	Up to \$ 50,000	500
Class E	Up to \$ 75,000	800
Class F	Over \$ 75,000	1,200
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10. SEPARATE PREMISES BINGO	Occasion (see WAC 230-04-300)	\$ 25
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11. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As required
EXCEEDING LICENSE CLASS	(See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As required
<hr/>		
12. SIX-MONTH PAYMENT PLAN	The Commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the Commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.	\$ 25

Table 2. (For commercial stimulant/profit seeking organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. CARD GAMES		
Class B	(Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, coon-can and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (no fee to play charged)	50
Class E	General (fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
BUSINESS CLASSIFICATION	(Same owners – see WAC 230-04-340(3))	50
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
DUPLICATE LICENSE	(See WAC 230-04-290)	25
OWNERSHIP OF STOCK REPLACEMENT	(See WAC 230-04-340(1))	50
IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)	50
3. DISTRIBUTOR	(Fee based on annual gross receipts)	
		Original Renewal
Class A	up to \$600,000	\$2,750 \$1,250
Class B	over \$600,000	\$2,750 \$1,700
4. DISTRIBUTOR'S REPRESENTATIVE	Original	\$ 220
	Renewal	110
5. MANUFACTURER	Original	\$3,300
	Renewal	1,650
6. MANUFACTURER'S REPRESENTATIVE	Original	\$ 220
	Renewal	110
7. PERMITS	Agricultural fair/special property bingo	
Class A	One location and event only (see WAC 230-04-191)	\$ 25
Class B	Annual permit for specified different events and locations (see WAC 230-04-193)	150
8. PUBLIC CARD ROOM EMPLOYEE	Original	\$ 150
	Renewal	75

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
9.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)
	Class A	Up to \$ 10,000
	Class B	Up to \$ 50,000
	Class C	Up to \$100,000
	Class D	Up to \$200,000
	Class E	Up to \$300,000
	Class F	Up to \$400,000
	Class G	Up to \$500,000
	Class H	Up to \$600,000
	Class I	Up to \$700,000
	Class J	Up to \$800,000
	Class K	Over \$800,000
		\$ 300
		475
		960
		1,560
		2,360
		3,150
		3,775
		4,350
		4,825
		5,225
		5,900
10.	SPECIAL FEES	
	INVESTIGATION	(See WAC 230-04-240)
		As required
	IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)
		As required
	EXCEEDING LICENSE CLASS	(See WAC 230-04-260)
		As required
		In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.
11.	SPECIAL LOCATION	(Fee based on annual net receipts)
	AMUSEMENT GAMES	
	Class A	One event per year lasting no longer than 12 consecutive days
		\$ 500
	Class B	\$25,000 or less
		500
	Class C	\$25,001 - 100,000
		1,500
	Class D	\$100,001 - 500,000
		3,000
	Class E	Over \$500,000
		5,000
12.	SIX-MONTH PAYMENT PLAN	The Commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments.
		\$ 25
		SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the Commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.

AMENDATORY SECTION (Amending Order 18, filed 5/21/74)

WAC 230-20-350 LICENSEES MAY JOIN TOGETHER TO CONDUCT A RAFFLE. Persons holding a license to conduct a raffle or raffles, may join together with any other person or persons holding such a license to jointly conduct a raffle only if the following conditions are met:

(1) Approval to do so is received by each licensee from the commission for that particular raffle prior to the sale of any tickets in connection therewith;

(2) The method by which the income, expenditures for prizes, and all other expenses, received and expended in connection with the raffle will be apportioned among the licensees conducting the raffle is disclosed in writing to the commission, together with the application for the commission's approval of the joint raffle;

(3) A separate bank account is established by one of the participating licensees, all of the proceeds from the raffle are deposited therein, and all of the expenses in connection with the raffle, including but not limited to, all payments for prizes, is made therefrom;

(4) Records are kept by each of the participating licensees which clearly disclose the amount of money received and expended by that licensee and by each other participating licensee in connection with the raffle. Records of expenses shall disclose for what purpose the money was spent.

~~((The amount of net receipts from the raffle to each organization participating shall be used in making those computations required to determine the class of license required of the licensee under WAC 230-04-200. The amount of net receipts from the raffle to each organization shall be computed by subtracting only the amount spent or contributed by that organization for prizes in the raffle from the gross amount received only by that organization from the proceeds of the raffle.))~~

(5) All gross receipts received by each individual participating organization shall count toward their individual license gross receipts limit.

AMENDATORY SECTION (Amending Order 173, filed 11/23/87)

WAC 230-30-106 STANDARDS FOR FLARES, MADE BY MANUFACTURERS; DISTRIBUTORS; OPERATORS. (1) Except as set forth in paragraph (2) below, the flare advertising prizes available from the operation of any punchboard, or any series of pull tabs shall be made by the manufacturer only, winning numbers or symbols shall not be altered by any operator or distributor, and shall:

(a) Be placed only upon the upper face, or on the top, of any such punchboard or any device used to dispense the pull tabs; and

(b) Clearly set out each of the prizes available and the number or symbol which wins prizes; and

(c) Set out the winning numbers or symbols for prizes of five dollars or more in cash, or merchandise worth five dollars or more at retail, in such a manner that each may be easily and clearly deleted or marked off as each

prize is won and awarded. For the purposes of this subsection the retail value of a merchandise prize shall be the amount actually paid therefore by the licensed operator plus 50 percent of that actual cost.

~~(2) ((Distributors and operators that make merchandise packages and merchandise-cash combination packages may make and use substitute flares in accordance with WAC 230-30-015 as long as the following conditions are satisfied:~~

~~(a) The substitute flare complies with the requirements of 1(a), (b), and (c) of this section;~~

~~(b) The winning numbers or symbols on the substitute flare are selected from the winning numbers or symbols on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer; and~~

~~(c) The substitute flare is stapled to the manufacturer's flare.)) Substitute Flares~~

(a) Distributors may make and apply substitute flares to punchboards and pull tab series provided that the conditions set forth in (c) below are satisfied;

(b) Licensed operators may make and use substitute flares on punchboards and pull tab series which offer merchandise or combination merchandise-cash prizes provided that the conditions set forth in (c) below are satisfied;

(c) Use of substitute flares:

(i) The substitute flare must comply with the requirements of 1(a), (b) and (c) of this section;

(ii) Substitute flares must meet the requirements of WAC 230-30-015;

(iii) The winning numbers or symbols on the substitute flare are selected from the winning numbers or symbols on the flare made by the manufacturer, or from the optional numbers placed on the back of the board by the manufacturer; and

(iv) The substitute flare is stapled to the manufacturer's flare and the manufacturer's flare is defaced so that it is unusable, but the identification and inspection services stamp is readable and visible.

(3) Spindle-type pull tab series when played in the manner set out in WAC 230-30-070(8) are exempt from this section.

AMENDATORY SECTION (Amending Order 186, filed 2/13/89)

WAC 230-40-070 LICENSEE TO FURNISH ALL CARDS, CHIPS AND OTHER SERVICES. Each licensee shall furnish the following items and services in connection with all card games conducted on its premises at no additional charge to the players:

(1) Chips. Chips for use in wagering shall be of generally conventional size and design. Chips furnished by a licensee shall be so designed that they are readily identifiable as having been furnished by that particular licensee.

(2) Cards or mah-jongg tiles. The deck, or decks of cards being used at a given table where any poker game is being played shall be changed at a minimum every half hour by the licensee.

Playing cards or mah-jongg tiles furnished shall be of generally conventional size and design. Playing cards or

tiles that have been shaved, sanded, cut, carved, or otherwise marked in any manner which may make certain cards or tiles identifiable to players other than as allowed by the rules of the particular game are prohibited.

(3) Bank services. The licensee shall sell its chips to all players desiring to buy them not in excess of any limits set by the commission and redeem all chips at the value for which they were sold. The value at which the various types of chips are sold and redeemed shall be conspicuously posted and visible to each person prior to that person purchasing chips. Money taken in on chips sold and table fees collected shall be kept separate and apart from all other money received by the licensee.

(4) Chips may be sold for cash only and no credit of any nature shall be extended by an operator to a person purchasing chips: Provided, That an operator may accept a check in accordance with WAC 230-12-053. Counter checks are prohibited. Each receipt by a person of a quantity of chips from the operator shall be a separate transaction for the purpose of this rule. Checks received for chips retained by the operator after close of business shall be deposited by the operator not later than the second day following receipt upon which the operator's bank is open for business.

(5) No licensee shall allow any cards or chips not furnished by the licensee on that business day to be used in any card game conducted upon its premises. No licensee shall allow any other person to buy or sell chips for use in card games upon its premises nor provide any other item or service for use in connection with the game.

WSR 89-11-049
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 89-36—Filed May 16, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial and 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 test fishing indicates shrimp abundance down by about 20 percent. The department expects participation in the sport shrimp fishery to continue to expand. Biologists predict that about 130,000 pounds of shrimp are available to tribal, sport and commercial fishers. The season adopted will allow for harvest within these guidelines. 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 May 16, 1989.

By Judith Merchant
 Deputy
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-52-05100B **COMMERCIAL SHRIMP—PUGET SOUND.** *Notwithstanding the provisions of WAC 220-52-051, it is unlawful to fish for or possess shrimp taken for commercial purposes from Shrimp District 5 except:*

Open one hour before official sunrise to one hour after official sunset starting at 9 a.m. July 1 and ending at 6 p.m. July 5, 1989. Maximum of 35 pots per licensed fisher.

It is lawful to possess shrimp for commercial purposes that are taken under the regulations adopted by the Point No Point Treaty Council.

NEW SECTION

WAC 220-56-32500P **SHRIMP FISHERY—PUGET SOUND.** *Notwithstanding the provisions of WAC 220-56-325, it is unlawful to fish for, or possess shrimp taken for personal use from all waters of Hood Canal south of the Hood Canal Floating Bridge except:*

Open one hour before official sunrise to one hour after official sunset starting 9:00 a.m. May 20 until 6:00 p.m. May 29, and 9:00 a.m. July 1 until 6:00 p.m. July 5, 1989.

WSR 89-11-050
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 89-37—Filed May 16, 1989]

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 there has been a long-standing annual shad fishery in this area because its physical characteristics allow shad to be harvested without an incidental salmonid catch. Shad are available and a harvest opportunity should be provided. 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 May 15, 1989.

By Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-33-03000A COMMERCIAL SHAD—COLUMBIA RIVER. *Notwithstanding the provisions of WAC 220-33-030, it is unlawful to take, fish for, or possess shad for commercial purposes except as provided for in this section:*

(1) **Shad Area 2S**

Open daily 4 a.m.

to 10 p.m.: May 22-26, 1989

May 30-June 2, 1989

June 5-9, 1989

June 12-16, 1989

Gear: Gill Net, Single-wall, unslackened, floater net, 5-3/8 to 6-1/4 inches, 10-lb breaking strength.

(2) **Camas - Washougal Reef Area**

Open daily 4 a.m.

to 10 p.m.: May 22-26, 1989

May 30-June 2, 1989

June 5-9, 1989

June 12-16, 1989

June 19-23, 1989

Gear: Gill Net, single-wall, unslackened, floater net, 5-3/8 to 6-1/4 inches, 30-lb. breaking strength.

(3) **Shad only may be kept and sold. All salmonids, and sturgeon must be released and returned to the water immediately.**

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.

WSR 89-11-051

ADOPTED RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Order 390—Filed May 17, 1989]

Be it resolved by the Washington State Wildlife Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to Amendment to 1988-90 game fish regulations—Clay Pit Pond (Whatcom County), repealing WAC 232-28-61703.

This action is taken pursuant to Notice No. WSR 89-08-106 filed with the code reviser on April 5, 1989. These rules shall take effect thirty days after they are

filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED May 12, 1989.

By Curt Smitch
for Dr. James M. Walton
Chairman, Wildlife Commission

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-61703 AMENDMENT TO 1988-90 GAME FISHING REGULATIONS — CLAY PIT POND (WHATCOM COUNTY)

WSR 89-11-052

EMERGENCY RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Order 391—Filed May 17, 1989]

Be it resolved by the Washington State Wildlife Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to Amendment to the 1989-90 Washington game fish regulations—Skykomish River, adopting WAC 232-28-61727.

We, the Washington 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 numbers of returning adult summer-run steelhead are expected to be less than one-third of average past run sizes due to severe reductions in hatchery smolt releases in 1987 into the Snohomish system. In order to achieve hatchery broodstock goals it is necessary to close this section of the river to provide a sanctuary area for hatchery fish. The Reiter Ponds trapping facility is located in this section of the river and the Department of Fisheries Sunset Falls trap is located just upstream. Both sites will be used to trap fish as they move into the traps during the summer and fall.

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 May 12, 1989.

By Ray Ryan
for Dr. James M. Walton
Chair, Wildlife Commission

NEW SECTION

WAC 232-28-61727 AMENDMENT TO THE 1989-90 WASHINGTON GAME FISH REGULATIONS - SKYKOMISH RIVER. *Notwithstanding the provisions of WAC 232-28-617, effective at 12:01 a.m. on June 1, 1989 through 11:59 p.m. August 19, 1989 the Skykomish River is closed to the taking of game fish from the High Bridge on Highway 2 (two miles east of the town of Gold Bar) upstream to the confluence of the North and South Forks.*

WSR 89-11-053
ADOPTED RULES
DEPARTMENT OF LICENSING
(Dental Disciplinary Board)
[Order PM 837—Filed May 17, 1989]

Be it resolved by the Dental Disciplinary Board, acting at the Ramada Inn at Sea-Tac, Salon C, 18118 Pacific Highway South, Seattle, 98118, that it does adopt the annexed rules relating to AIDS prevention and information education requirements, new section WAC 308-40-140.

This action is taken pursuant to Notice No. WSR 89-06-068 filed with the code reviser on March 1, 1989. 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 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 May 12, 1989.

By Richard P. Ferguson, D.D.S.
Chairman

NEW SECTION

WAC 308-40-140 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) Implementation.

(a) Renewal of License. Effective with the renewal period beginning July 1, 1989 and ending 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 (3).

(b) Reinstatement of licenses. Effective July 1, 1989 and ending June 30, 1990, all persons making application for reinstatement of a license on lapsed or disciplinary status shall show evidence of compliance with the education requirements of subsection (3).

(c) Licenses on disciplinary status. Effective July 1, 1989 and ending June 30, 1990, all persons whose license is currently suspended or revoked shall submit evidence to show compliance with the education requirements of subsection (3).

(3) AIDS education and training.

(a) Acceptable education and training. The board will accept formal lecture-type education and training that is consistent with the topical outline available from the Office on AIDS. Such education and training shall be a minimum of seven clock hours. As an alternative to formal lectures, the Board will also accept education and training obtained through videos and/or self-study materials, PROVIDED THAT such videos and/or self-study materials must include a written examination that is graded by the provider of the materials.

All education and training shall include the subjects of prevention, transmission and treatment of AIDS, and information on the Washington State AIDS Omnibus Bill, 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) Documentation. The licensee shall:

(i) Certify, on forms provided, that the minimum education has been completed after January 1, 1986;

(ii) Keep records for two years documenting attendance or description of the learning and any examination scores and/or copy of the examination; PROVIDED THAT persons whose license is on lapsed or disciplinary status must keep such records for two years following reinstatement of the license;

(iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place or that an examination was taken.

WSR 89-11-054
ADOPTED RULES
DEPARTMENT OF LICENSING
(Examining Board of Psychology)
 [Order PM 845—Filed May 17, 1989]

Be it resolved by the Examining Board of Psychology, acting at Nendel's Southcenter, 15901 West Valley Highway, Tukwila, WA, that it does adopt the annexed rules relating to Psychologists—Education prerequisites to licensing for applicants enrolled in a doctoral program between December 28, 1978, to October 19, 1987, new WAC 308-122-211.

This action is taken pursuant to Notice No. WSR 89-08-092 filed with the code reviser on April 5, 1989. 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 18.83.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 12, 1989.

By Kathleen Worsley, Ph.D.
 Chair

NEW SECTION

WAC 308-122-211 PSYCHOLOGISTS—EDUCATION PREREQUISITES TO LICENSING FOR APPLICANTS ENROLLED IN A DOCTORAL PROGRAM BETWEEN DECEMBER 28, 1978 TO OCTOBER 19, 1987. (1) This rule applies in lieu of WAC 308-122-200 for applicants enrolled between December 28, 1978 and October 19, 1987 in a program leading to a doctoral degree. To meet the education requirement imposed by the statute, an applicant must possess a doctoral degree from a training institution approved by the board in which at least forty semester hours, or sixty quarter-hours, of graduate courses were passed successfully, and were clearly identified by title and course content as being primarily psychological in nature, as determined by the board. Part of the standards for issuance of said degree must require the submission of an original dissertation which must be psychological in nature, as determined by the board.

(2) The following guidelines define the "academic core" of study that should have been completed by each applicant:

(a) Programs accredited by the American Psychological Association are recognized as one way of meeting the definition of a professional psychology program. The criteria for accreditation serve as a model for professional training.

(b) Training in professional psychology is doctoral training offered in regionally accredited institution of higher education.

(c) The program must be clearly identified and labeled as a psychology program. Pertinent catalogues and brochures must show intent to educate and train professional psychologists.

(d) The psychology program must stand as a recognizable, coherent, organizational entity within the institution.

(e) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(f) There must be an organized sequence of study planned by those responsible for the training program to provide an appropriate, integrated, experience applicable to the professional practice of psychology.

(g) There must be an identifiable psychology faculty and a psychologist responsible for the program.

(h) There must be an identifiable body of students, selected on the basis of high ability and appropriate educational preparation.

(i) Programs must include practicum, internship, field or laboratory experience appropriate to the practice of psychology.

(j) The curriculum should encompass a minimum (or equivalent) of three academic years of full-time graduate study. The doctoral program should involve at least one continuous year of full-time residency at the university at which the degree is granted. Instruction should include scientific and professional ethics and standards, history and systems: Research design and methodology; statistics and psychometrics. The core program should also require each student to obtain an academic background of the following content areas (typically six or more semester hours):

(i) Biological bases of behavior: e.g., physiological psychology, comparative, neuropsychology, sensation and perception, psychopharmacology.

(ii) Cognitive-affective bases of behavior: e.g., learning, thinking, motivation, emotions.

(iii) Social bases of behavior: e.g., social, psychology, group processes, organizational and systems theory.

(iv) Individual differences: e.g., personality theory, human development, abnormal psychology.

(3) If the major emphasis is in an applied area such as clinical, counseling, school or other pertinent areas, the program must include a set of coordinated practicum and internship experiences which total at least two semesters in the practicum setting, and additionally a "one-year" internship. A minimum of 300 hours of practicum, including 100 hours of scheduled individual supervision, should precede the internship.

(4) The psychological services offered in the internship program in "Standards for providers of psychological services" published by the American Psychological Association may be used as a framework for the internship program. The board also recognizes other quality internship programs.

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.

WSR 89-11-055
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed May 17, 1989]

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 248-56-500 Water utility coordinating committee—Establishment.
 Amd WAC 248-56-510 Water utility coordinating committee—Purpose.
 Amd WAC 248-57-500 Minimum standards for fire flow;

that the agency will at 10:00 a.m., Wednesday, June 28, 1989, 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 June 29, 1989.

The authority under which these rules are proposed is chapter 70.116 RCW.

The specific statute these rules are intended to implement is chapter 70.116 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 28, 1989.

Correspondence concerning this notice and proposed rules shown below 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 June 14, 1989. The meeting site is in a location which is barrier free.

Dated: May 16, 1989

By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
 Re: Amending chapters 248-56 and 248-57 WAC.

Purpose of Rule Changes: To amend chapter 248-56 WAC to make it consistent with the law; make chapters 248-56 and 248-57 WAC more understandable; and delete a typo in chapter 248-57 WAC.

Reason These Rules are Necessary: To clearly delineate the responsibilities of entities involved in the development of a comprehensive water utility program (chapter 248-56 WAC); and to eliminate a typo that has caused confusion in developing fire protection standards (chapter 248-57 WAC).

Statutory Authority: Chapter 70.116 RCW.

Summary: Chapter 248-56 WAC is being amended to clarify the responsibilities of the water utility coordinating committee and the county legislative authority in the development of a coordinated water system plan. Chapter 248-57 WAC is being amended to delete a typo identifying fire flow requirements for land uses classified as residential.

Person Responsible for Drafting These Rules: Richard Siffert, Planning Program Manager, Office of Environmental Health Programs, Mailstop LD-11, Olympia, Washington 98504, phone (206) 753-4299.

These rules are proposed by the Department of Social and Health Services.

These rules are necessary as a result of the passage of the Public Water System Coordination Act, chapter 70.116 RCW.

AMENDATORY SECTION (Amending Order 1309, filed 6/28/78)

WAC 248-56-500 WATER UTILITY COORDINATING COMMITTEE—ESTABLISHMENT. (1) Within ~~((30))~~ thirty days following the declaration of a critical water supply service area, a water utility coordinating committee composed of not less than three voting members shall be appointed by the declaring ~~((agency(ies)))~~ authority.

(2) The water utility coordinating committee shall consist of one representative from each of the following:

- (a) ~~((Each))~~ County legislative authority within the declared area~~((:));~~
- (b) ~~((Each))~~ County planning agency having jurisdiction within the declared area~~((:));~~
- (c) ~~((Each))~~ Health agency having jurisdiction within the declared area ~~((f))~~ under chapters 70.08, 70.05, 43.20 RCW~~((:));~~ and
- (d) ~~((Each))~~ Water purveyor with over fifty services within the declared area.

~~((Other ((agencies or purveyors shall)) interested persons may be appointed as ((ex officio)) nonvoting members of the committee by the authority declaring the critical water supply service area if determined appropriate ((by the county legislative authority(ies) or the department)))).~~

(3) ~~((In order for the water utility coordinating committee to conduct business, at least half but not less than three representatives from the entities listed in subsection (2) shall be present.~~

~~((4))~~ At the first meeting of the water utility coordinating committee, the following shall be determined ~~((by consensus))~~:

- (a) Chairperson; and
- (b) Rules for conducting business, including voting procedure.

AMENDATORY SECTION (Amending Order 1309, filed 6/28/78)

WAC 248-56-510 WATER UTILITY COORDINATING COMMITTEE—PURPOSE. (1) The initial purpose of the water utility coordinating committee shall be to recommend external critical water supply service area boundaries to the county legislative ~~((authority(ies)))~~ authority within six months of appointment of the committee. (See WAC 248-56-600.)

(2) Following establishment of external critical water supply service area boundaries, the water utility coordinating committee, with the participation of the county legislative authority, shall be responsible for development of the coordinated water system plan. (See WAC 248-56-740.)

AMENDATORY SECTION (Amending Order 1378, filed 3/12/79)

WAC 248-57-500 MINIMUM STANDARDS FOR FIRE FLOW. (1) ~~((Minimum fire flows shall be those set forth by))~~ City, town, or county legislative authority shall set minimum fire flows where local standards ~~((have been promulgated in accordance with))~~ are adopted under WAC 248-57-900.

(2) Where local standards ~~((have))~~ are not ~~((been promulgated in accordance with))~~ adopted under WAC 248-57-900, ~~((minimum))~~ Table 1 shall identify minimum fire flows ~~((shall be those identified in Table 1)).~~ Contact with the county and local fire protection authority

shall be made before applying these standards in a water system plan or to design of individual development.

TABLE 1
MINIMUM FIRE FLOWS *

Development Classification <small>(as described ((m)) under WAC 248-57-400)</small>	Minimum Fire Flow Requirement
Rural	None
((20)) Residential	500 gallons per minute for 30 minutes
Commercial and multifamily structures greater than 4000 sq. ft.	750 gallons per minute for 60 minutes**
Industrial	1000 gallons per minute for 60 minutes**

- * Minimum flows are in addition to requirements for normal domestic maximum use.
- ** Commercial and industrial buildings may be subject to higher flow requirements when evaluated on an individual basis by the local fire protection authority.

Note: ((These)) Minimum standards in most cases require less flow than categories in the guidelines published by the Insurance Services Office (Municipal Survey Service, 160 Water Street, New York, New York 10038) and therefore may not result in lower insurance rates.

WSR 89-11-056
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed May 17, 1989]

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 student, amending WAC 388-49-330;

that the agency will at 10:00 a.m., Wednesday, June 28, 1989, 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 June 29, 1989.

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

The specific statute these rules are intended to implement is chapter 74.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 28, 1989.

Correspondence concerning this notice and proposed rules shown below 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 June 14, 1989. The meeting site is in a location which is barrier free.

Dated: May 16, 1989

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-49-330.

Purpose of the Rule Change: To amend the food stamp program requirements regarding student eligibility.

Reason this Rule is Necessary: To extend food stamp eligibility to students who receive state work study.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: Food stamp eligibility is extended to students who receive state work study as well as federal work study because state work study is partially funded by federal Title IV funds; and other changes are editorial.

Persons Responsible for Drafting and Implementation of the Rule: Randall Francom, Community Services Program Manager, Division of Income Assistance, phone 234-4918 scan, mailstop OB-31C.

These rules are necessary because the Washington State Higher Education Coordinating Board verified that state work study is partially funded with federal Title IV student aid funds. 7 CFR 273.5(b) states that students in work study programs financed by Title IV of the Higher Education Act meet student eligibility requirements.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-330 STUDENT. (1) A student, as defined ((m)) under WAC 388-49-020, shall meet one of the following criteria to receive food stamps:

(a) Work and ((be paid)) receive payment for a minimum of twenty hours per week. A self-employed student's minimum ((of twenty hours per week)) weekly earnings shall at least be equal to the federal minimum hourly wage multiplied by twenty hours;

(b) Receive money from a federal or state work study program during the regular school year;

(c) Be responsible for the care of a dependent household member under six years of age;

(d) Be responsible for the care of a dependent household member at least six years of age, but under twelve years of age, and the ((ES)) department has determined adequate child care is not available;

(e) Receive benefits from the aid to families with dependent children program; or

(f) Attend an institution of higher education through a program under Job Training Partnership Act (JTPA).

(2) Student status begins the first day of the school term.

(3) Student status continues through normal periods of class attendance, vacation, and recess.

(4) Student status is lost when a student:

(a) Graduates((;));

(b) Is suspended((;));

(c) Is expelled((;));

(d) Drops out((;)); or

(e) Does not intend to register for the next normal school term excluding summer school.

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 89-11-057
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2798—Filed May 17, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing.
Amd WAC 388-83-032 Needy infants, children and pregnant women.
Amd WAC 388-83-015 Citizenship and alienage.
Amd WAC 388-99-030 Allocation of excess income—Spendedown.

This action is taken pursuant to Notice Nos. WSR 89-08-044, 89-08-045 and 89-08-047 filed with the code reviser on March 31, 1989. 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 May 16, 1989.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2758, filed 2/13/89)

WAC 388-82-140 QUALIFIED MEDICARE BENEFICIARIES ELIGIBLE FOR MEDICARE COST SHARING. The department shall provide Medicare cost sharing under WAC 388-81-060(2) for an individual:

- (1) Meeting the general nonfinancial requirements under chapter 388-83 WAC; and
(2) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act; and
(3) Having resources not exceeding twice the maximum supplemental security income (SSI) resource limits under chapter 388-92 WAC; and
(4) Having a total countable family income, as determined under chapter 388-92 WAC, not exceeding 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)) 1989 poverty income guidelines is:

Table with 3 columns: Family Size, Monthly, and monetary values. (a) One \$ ((409)) 424; (b) Two ((548)) 568; (c) For family units with more than two members, add \$((139.00)) 145.00 to the monthly income for each additional member.

AMENDATORY SECTION (Amending Order 2472, filed 2/19/87)

WAC 388-83-015 CITIZENSHIP AND ALIEN-AGE. (1) ((An applicant must be a)) The department shall provide Medicaid to an otherwise eligible individual who is:

- (a) A citizen of the United States; or
(b) A North American Indian born in Canada:
(i) Claiming fifty percent Indian blood; or
(ii) Claiming fifty percent or less Indian blood and maintains United States residency since before December 25, 1952; or
(c) An alien lawfully admitted for permanent residence or otherwise permanently residing ((in the United States)) under color of law ((including)) (PRUCOL) in the United States or an alien who is lawfully present in the United States according to ((specified)) provisions of sections 203 (a)(7), 207(c), 208, and 212 (d)(5) of the Immigration and Nationality Act((-Sec WAC 388-26-120-)) (INA); or
(d) An alien granted lawful temporary residence, or permanent residence according to provisions of section 245A, 210, and 210A of INA and section 202 of the Immigration Reform and Control Act (IRCA) if the alien is:

- (i) Aged, blind, or disabled;
(ii) Seventeen years of age or under;
(iii) Pregnant; or
(iv) A Cuban/Haitian entrant as defined in sections 501 (e)(1) and (2)(A) of P.L. 96-422.

(2) For five years from the date Immigration and Naturalization Service (INS) grants lawful temporary or permanent resident status to an alien, under sections 245A, 210, and 210A of INA, the alien, other than those described under subsection (1)(d) of this section, shall be eligible for Medicaid services only as follows:

(a) Medical care and services necessary for treatment of the alien's emergency medical condition. For purposes of this subsection, the term "emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

- (i) Placing the alien's health in serious jeopardy;
(ii) Serious impairment to bodily functions; or
(iii) Serious dysfunction of any bodily organ or part.
(b) When such alien meets the eligibility requirements of any one of the medical assistance programs under chapters 388-82, 388-83, 388-92, 388-95, and 388-99 WAC.

(3) The department shall consider a seasonal agricultural worker (SAW), granted temporary or permanent

residence under sections 210(f) of INA and 302 of IRCA, eligible for Medicaid on the same basis as aliens under subsections (1)(d) or (2) of this section.

(4) An alien who is not lawfully admitted for permanent residence, or otherwise permanently residing in the United States under color of law, or described in subsection (2) or (3) of this section, shall be eligible for Medicaid only if:

(a) Medical care and services are necessary for treatment of an emergency medical condition of the alien; and

(b) Such alien meets the eligibility requirements of any one of the medical assistance programs under chapters 388-82, 388-83, 388-92, 388-95, and 388-99 WAC;

(c) For purposes of this subsection, the term emergency medical condition means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

- (i) Placing the ~~((patient's))~~ alien's health in serious jeopardy;
- (ii) Serious impairment to bodily functions; or
- (iii) Serious dysfunction of any bodily organ or part.

AMENDATORY SECTION (Amending Order 2730, filed 11/18/88)

WAC 388-83-032 NEEDED INFANTS, CHILDREN AND PREGNANT WOMEN. (1) The department shall find the following groups eligible for Medicaid as categorically needy, if they meet the income and resource requirements of this section:

(a) Effective July 1, 1987:

(i) Women during pregnancy and during the sixty-day period beginning on the last day of pregnancy~~((:));~~ and

(ii) Infants under one year of age.

(b) Effective October 1, 1988, children ~~((under three))~~ two years of age and under.

(2) Income eligibility:

(a) Total family income shall not exceed ninety percent of the poverty income guidelines as published and updated by the secretary of health and human services. Ninety percent of the ~~((1988))~~ 1989 poverty income guidelines is:

	Family Size	Monthly
(i)	One	\$ ((433.00)) 449.00
(ii)	Two	\$ ((580.00)) 602.00
(iii)	Three	\$ ((727.00)) 755.00
(iv)	Four	\$ ((874.00)) 908.00

	Family Size	Monthly
(v)	Five	\$ ((1,021.00)) 1,061.00
(vi)	Six	\$ ((1,168.00)) 1,214.00
(vii)	Seven	\$ ((1,315.00)) 1,367.00
(viii)	Eight	\$ ((1,462.00)) 1,520.00

(ix) For family units with ~~((more than eight))~~ nine members or more, add \$~~((147.00))~~ 153.00 to the monthly income for each additional member.

(b) The department shall ~~((determine family income))~~:

(i) Determine family income according to AFDC methodology except for the exclusions ~~((m))~~ under WAC 388-83-130 (5) and (6)~~((:));~~ and

(ii) ~~((Shall))~~ Not use the costs incurred for medical care or for any other type of remedial care to reduce the family income.

(3) Resource eligibility:

(a) The total value of the family's countable resources shall not exceed five thousand dollars~~((:));~~ and

(b) ~~((Countable resources are limited to))~~ The Department shall count as resources only cash, savings accounts, checking accounts, and certificates of deposit~~((:));~~

~~((c) The department shall not consider other resources in determining the eligibility of groups included in subsection (1) of this section)).~~

(4) During pregnancy and during the sixty-day period beginning on the last day of pregnancy, changes in a pregnant woman's income or living situations shall not affect eligibility for medical assistance~~((, during pregnancy or during the sixty-day period beginning on the last day of pregnancy))~~:

(a) Once a pregnant woman is determined eligible under this section~~((:));~~ or

(b) If at any time while eligible for and receiving medical assistance a pregnant woman meets the eligibility requirements of this section.

(5) An infant or child who attains the maximum age ~~((as))~~, described ~~((m))~~ under subsection (1)(a) or (b) of this section, shall continue to be eligible until the later of:

(a) The end of the month in which the infant or child attains the maximum age~~((:));~~ or

(b) The end of the month in which the infant or child receives inpatient services if:

(i) The infant or child is receiving inpatient services on the last day of the month in which the child attains the maximum age~~((:));~~ and

(ii) The stay for inpatient services continues into the following ~~((month(s)))~~ month or months; and

(iii) ~~((Who, but for attaining such age, would be))~~ The infant or child is eligible for medical assistance under this section except for age.

AMENDATORY SECTION (Amending Order 2735, filed 12/2/88)

WAC 388-99-030 ALLOCATION OF EXCESS INCOME—SPENDDOWN. (1) On initial or subsequent applications, the department shall deduct previously incurred medical expenses from the applicant's excess countable income subject to the following restrictions:

(a) The medical expense ~~((must))~~ shall be a current liability:

(i) Of the applicant or financially responsible relative in the same household; or ((paid))

(ii) Subject to payment during or after the base period, by a public program of the state, county, or city other than Medicaid(;;).

(b) The medical 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.

(i) The department shall disregard the possible payment as a resource and allow the entire expense for spenddown when a health insurer 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.

(ii) When Medicare is the only insurance available and the applicant is hospitalized for the first time in a calendar year and the client still owes the bill, 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, 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)).~~

(d) The department shall consider toward spenddown a medical expense incurred ~~((prior to))~~ and paid for:

(i) By the applicant during the base period ((and paid for)); or

(ii) Subject to payment 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.

(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 eligible.

(3) If the incurred medical bills are less than the excess countable income, the department shall not approve the application and shall require the applicant to spenddown the remaining excess countable income. The department shall certify the applicant eligible only when excess countable income has been completely spenddown. The department shall deduct medical expenses incurred during the spenddown period 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))~~ the applicant or a public program of the state, county, or city other than Medicaid has 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, but not yet paid for, by the limited casualty program ~~((which have not been paid))~~.

(4) The applicant shall provide the department with complete documentation of incurred medical expenses within thirty days of the end of the base period. Once the applicant's medical eligibility ((has been)) is approved, the department shall not consider expenses ~~((which were))~~ either not listed or ((which were)) omitted. The applicant may use such expenses to reduce excess countable income on a subsequent application provided:

(a) The expenses incurred ~~((prior to))~~ before the certification date ~~((meets))~~ meet the conditions in subsection (1) of this section; and

(b) Medical care or supplies received and paid for, on or after the certification date and ~~((prior to))~~ before receiving medical coupons, ~~((meets))~~ meet the conditions in subsections (1)(b) ~~((through))~~, (c), (d), and (e) of this section.

(5) The applicant is liable for any expenses incurred ~~((prior to))~~ before the ~~((spenddown satisfaction))~~ date the applicant is eligible.

WSR 89-11-058

ADOPTED RULES

BOARD OF HEALTH

[Order 328—Filed May 17, 1989]

Be it resolved by the Washington State Board of Health, acting at 104 North First Street, Yakima, WA, that it does adopt the annexed rules relating to transient accommodations, chapter 248-144 WAC.

This action is taken pursuant to Notice No. WSR 89-08-098 filed with the code reviser on April 5, 1989. 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 43.20.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 10, 1989.

By John A. Beare, M.D., M.P.H.
Secretary

AMENDATORY SECTION (Amending Order 71, filed 4/11/72)

WAC 248-144-010 PURPOSE. ~~((These regulations are adopted pursuant to chapter 239, Laws of 1971 1st ex. sess., now codified as RCW 70.62.200, et seq. They are intended to provide))~~ Chapter 248-144 WAC establishes the Washington state board of health minimum health and sanitation requirements for transient accommodations implementing chapter 70.62 RCW, to protect and promote the health and welfare of individuals using such accommodations. Chapter 248-144 WAC establishes uniform, statewide standards for ~~((assuring adequate))~~ maintenance and operation, including light, heat, ventilation, cleanliness, and sanitation ~~((and maintenance in transient accommodations so as to protect and promote the health and welfare of patrons of such facilities and the general public))~~. Any person operating a transient accommodation, as defined under RCW 70.62.210, shall have a current license for such accommodation from the department.

AMENDATORY SECTION (Amending Order 71, filed 4/11/72)

WAC 248-144-020 DEFINITIONS. (1) ~~((Actⁿ shall mean chapter 239, Laws of 1971 1st ex. sess))~~ Adequate means sufficient to meet the intended purpose and consistent with accepted public health standards, principles, or practices.

(2) ~~((Departmentⁿ shall mean the Washington state department of social and health services))~~ Bathing facility means a shower, bathtub, or combination bathtub shower.

(3) ~~((Dormitoryⁿ shall mean a room containing beds, cots or other sleeping places and occupied by unrelated or separate groups and/or individuals. Every 100 sq. ft. of usable floor space in a dormitory shall constitute a lodging unit))~~ Board means the Washington state board of health established under chapter 43.20 RCW.

(4) ~~((Guestⁿ shall mean any person occupying a room for sleeping or lodging purposes))~~ Compliance schedule means a department-prepared document which lists both the violations and the time schedule the licensee shall follow in correcting the violations.

(5) ~~((Health officerⁿ shall mean the legally qualified physician who has been appointed as the health officer for the city, town, county or district public health department as defined in RCW 70.05.010(2), or his authorized representative))~~ Department means the Washington state department of social and health services.

(6) ~~((Lodging unit kitchenⁿ shall mean any kitchen in a lodging unit which is made available for guests to use in preparing their own food))~~ Dormitory means any room, building, or part of a building containing beds, cots, pads, or other furnishings intended for sleeping and use by a number of individuals.

(7) ~~((Lodging unitⁿ shall mean one or more self-contained rooms for transient occupancy including those for sleeping, sitting or cooking purposes, and designated by a number, letter or other means of identification))~~ Exemption means a written authorization from the department releasing a licensee from complying with a specific rule in this chapter or allowing an optional method for meeting a specific rule when the department determines the intent of chapter 70.62 RCW and this chapter is met and the health or safety of the guests will not be jeopardized.

(8) ~~((New constructionⁿ shall mean any new transient accommodation, addition or major structural alteration of a transient accommodation constructed after the effective date of these rules and regulations))~~ Feasibility survey means an on-site visit conducted by the department and the state office of fire protection to determine if a structure proposed for use as a transient accommodation meets or could meet the board's rules concerning transient accommodations and the rules of the state office of fire protection.

(9) ~~((Personⁿ shall mean any individual, firm, partnership, corporation, company, association or joint stock association, and the legal successor thereof owning and/or managing or operating a transient accommodation))~~ Gross floor area means the total floor area within a lodging unit.

(10) ~~((Secretaryⁿ shall mean the secretary of the state department of social and health services or his designee))~~ Guest means any individual registering to occupy a lodging unit, excluding an individual provided the use of a lodging unit under chapter 70.54 RCW, Housing for Agricultural Workers.

(11) ~~((Transient accommodationⁿ shall mean any facility such as a hotel, motel, condominium, resort, rooming house or other place offering three or more lodging units to travelers and transient guests for periods of less than one month))~~ Homeless shelter means any facility offering sleeping and/or eating areas for individuals on a short-term, as-needed basis not to exceed one month; except, a medical, psychological, drug/alcohol facility, or a related service is not included.

(12) ~~((Travel trailerⁿ or mobile homeⁿ shall mean a vehicular portable unit located at a transient accommodation and offered by a person for occupancy as a lodging unit))~~ Hostel means a transient accommodation offering dormitory or lodging units and limited services for guests on a daily or weekly basis.

(13) ~~((Uniform plumbing codeⁿ shall mean the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, 1970 edition))~~ Imminent health hazard means a condition or situation presenting a serious or life-threatening danger to a guest's health and safety.

(14) ~~((Usable floor spaceⁿ shall mean all floor space in a dormitory not occupied by closets, built-ins, toilet rooms, bath rooms, or shower rooms))~~ Kitchen means an area designed and equipped for guests to prepare and cook food.

(15) Laundry means an area or room equipped for the cleaning and drying of bedding, linen, towels, and other items provided to the guests.

(16) "Licensee" means any person required under chapter 70.62 RCW to have a transient accommodation license.

(17) "Local health officer" means the legally qualified physician appointed to that position by a city, town, county, or district public health department as authorized under chapters 70.05 and 70.08 RCW or the authorized representative.

(18) "Lodging unit" means one self-contained unit designated by number, letter, or other means of identification.

(19) "New construction" means:

(a) The building of any new transient accommodation;
or

(b) Any construction of, or in, a building never licensed as a transient accommodation, if seeking licensure; or

(c) An addition or major structural alteration to an existing transient accommodation built or remodeled after the effective date of this chapter. Major structural alterations include construction intended to change the functional use of a unit, room, or area.

(20) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(21) "Retreat" means a transient accommodation intended to provide seclusion, meditation, contemplation, religious activities, training, or similar activities.

(22) "Rustic resort" means a rural transient accommodation lacking many modern conveniences.

(23) "Sanitary" or "sanitize" means efforts to control or limit the presence of germs, bacteria, and dirt.

(24) "Secretary" means the secretary of the state department of social and health services or authorized designee.

(25) "Self-contained unit" means an individual room or group of interconnected rooms intended for sleeping and/or cooking and/or eating purposes for rent or use by a guest.

(26) "Transient accommodation" means any facility, such as a hotel, motel, condominium, resort, or any other facility or place offering three or more lodging units to guests for periods of less than one month.

NEW SECTION

WAC 248-144-031 LICENSING, ADMINISTRATION, ENFORCEMENT, EXEMPTION. (1) Licensees or prospective licensees shall:

(a) Complete and submit an application along with the appropriate fee at least thirty days before:

- (i) Opening a new transient accommodation;
- (ii) Adding new units to an existing transient accommodation; or
- (iii) Changing the license of a transient accommodation.

(b) Request the department to complete a feasibility survey before applying for a license whenever an existing structure or property was not previously used or licensed as a transient accommodation;

(c) Secure a valid license issued by the department before initially opening and by January 1 each year thereafter;

(d) Submit a license renewal with the annual fee by December 10 of each year;

(e) Conspicuously display the license in the lobby or office;

(f) Comply with a plan of corrective action if issued by the department; and

(g) Allow the department to inspect the transient accommodation at any reasonable time.

(2) Licensees may:

(a) Request, in writing, an exemption from the department if:

(i) The health and safety of the occupant is not jeopardized;

(ii) Strict enforcement of this chapter will create undue hardship for the licensee.

(b) Appeal decisions of the department related to exemptions to the board under chapter 34.04 RCW, Administrative Procedure Act.

(3) Under chapter 70.62 RCW, the department shall have the authority to:

(a) Inspect transient accommodations including unoccupied lodging units:

- (i) Annually;
- (ii) As needed; and
- (iii) Upon request.

(b) Issue licenses annually upon receipt of the appropriate fee;

(c) Issue a license for the person and premises named in the application when the applicant or licensee is in compliance with:

- (i) Chapter 70.62 RCW and this chapter;
- (ii) The rules and regulations of the state director of fire protection; and
- (iii) All applicable local codes and ordinances.

(d) Respond within thirty days to application requests;

(e) Respond to complaints;

(f) Charge fees, authorized under chapters 43.20B and 70.62 RCW, to recover all or a portion of the costs of administering this chapter.

(4) The department shall have the authority to:

(a) Deny, revoke, or suspend the license of a transient accommodation which fails to comply with chapter 70.62 RCW and this chapter;

(b) Take one or more of the following enforcement actions:

- (i) Notify the licensee of violations;
- (ii) Establish a corrective action plan and compliance schedule;
- (iii) Issue a department order;
- (iv) Revoke or suspend the license; and/or
- (v) Initiate legal action.

(c) Issue a provisional license when a transient accommodation does not meet the standards in this chapter under the following conditions:

(i) The department has approved a written correction action plan, including a compliance schedule; or

(ii) An application for change of licensure of an existing, currently licensed transient accommodation is pending; or

(iii) The licensee is awaiting the board's decision regarding an exemption request; or

(iv) The licensee is awaiting the department's decision regarding an administrative decision under chapter 34.04 RCW.

(d) Grant an exemption under subsection (2)(a)(i) and (ii) of this section.

NEW SECTION

WAC 248-144-041 SUPERVISION AND RESPONSIBILITY. Licensees shall:

(1) Comply with the requirements under chapter 70.62 RCW, Transient Accommodations—Licensing—Inspections, chapter 212-52 WAC, Transient Accommodations, Standards for Fire Protection, and this chapter;

(2) Provide supervision of the employees so the transient accommodation facility is maintained:

(a) Clean, safe, and sanitary;

(b) In good repair; and

(c) Free from insects, rodents, and other pests.

(3) Consult with the department or local health officer regarding any suspected imminent health hazard.

NEW SECTION

WAC 248-144-051 WATER SUPPLY AND TEMPERATURE CONTROL. Licensees shall:

(1) Provide a water supply system conforming to state board of health standards for public water systems, chapter 248-54 WAC;

(2) Regulate hot water to a temperature of at least 110 degrees Fahrenheit, but not more than 130 degrees Fahrenheit;

(3) When laundry facilities are present, maintain wash water temperature of at least 130 degrees Fahrenheit unless at least 110 degrees Fahrenheit water is used in combination with:

(a) An appropriate low temperature detergent and effective use of a chemical disinfectant; or

(b) An industrial-type washing machine with multiple rinse cycles.

(4) Label nonpotable water supplies used for irrigation, fire protection, and/or other purposes at all accessible connections and valves.

NEW SECTION

WAC 248-144-061 SEWAGE. Licensees shall:

(1) Ensure all liquid waste is discharged to a public sewage system or a disposal system approved under chapter 248-96 WAC;

(2) Maintain the sewage disposal system to prevent creation of a nuisance or public health hazard; and

(3) Ensure alterations, repairs, or replacement of a sewage disposal system are in compliance with requirements of the board and the local health officer.

NEW SECTION

WAC 248-144-071 SWIMMING POOLS, SPAS, HOT TUBS, WADING POOLS, BATHING BEACHES. Licensees shall comply with chapter 70.90 RCW governing the safety and sanitation of swimming pools, spas, hot tubs, wading pools, and bathing beaches.

NEW SECTION

WAC 248-144-081 REFUSE AND SOLID WASTE. Licensees shall:

(1) Provide at least one washable, leakproof refuse container in each lodging unit;

(2) Ensure all refuse is:

(a) Handled in a manner preventing unsanitary or unsafe conditions and nuisances;

(b) Collected at least twice a week or more often as necessary to maintain a clean and sanitary environment in lodging units and areas used by guests;

(c) Stored following collection in washable, leakproof, and covered containers outside the lodging units until removed for disposal; and

(d) Removed and disposed under applicable state and local ordinances.

NEW SECTION

WAC 248-144-091 CONSTRUCTION AND MAINTENANCE. Licensees and prospective licensees shall ensure:

(1) All new construction meets the requirements of:

(a) Chapter 70.62 RCW and this chapter as determined by the department;

(b) Chapter 19.27 RCW state building code; and

(c) All other applicable city and county codes and ordinances.

(2) All buildings, facilities, fixtures, and furnishings are structurally sound, safe, clean, and sanitary.

NEW SECTION

WAC 248-144-101 LODGING UNITS. Licensees shall provide lodging units with:

(1) At least fifty square feet of gross floor area for each guest. The licensee shall exclude space with less than a five-foot ceiling when calculating this area requirement.

(2) Beds or sleeping areas spaced according to the following requirements:

(a) An area adequate to move easily between beds, cots, mats, or mattresses; and

(b) A minimum of three feet of clear vertical space between each bed and the ceiling.

(3) Floors and walls which are:

(a) Cleanable;

(b) Kept in good repair, and

(c) Cleaned as necessary.

NEW SECTION

WAC 248-144-111 TOILET, HANDWASHING, AND BATHING FACILITIES. (1) Licensees shall provide adequate toilet, handwashing, and bathing facilities for guests.

(2) Licensees shall:

(a) Maintain clean and sanitary toilets, handwashing sinks, and bathing facilities including the floors, walls, ceilings, and fixtures;

(b) Maintain an uncarpeted area around the toilet and adjacent to a bathtub and/or shower;

(c) Ensure all fixtures, drains, and bathing facilities are safe and work properly;

(d) Provide one toilet, handwashing sink, and bathing facility for every fifteen or fewer guests who do not have such facilities in their lodging unit;

(e) Provide for privacy in toilet and bathing facilities;

(f) Provide water flush toilets unless the department or a local health officer approved an alternative device;

(g) Provide handwashing sinks or equivalent facilities with acceptable single-use drying devices within, or adjacent to, each common toilet room;

(h) Provide and conveniently locate toilet tissue for each toilet;

(i) Provide soap for each handwashing and bathing facility;

(j) Provide clean towels, washcloths, and floor mats for guests between occupancies and at least twice a week for guests who stay longer than three days; and

(k) Assure clean towels, washcloths, and floor mats stored in lodging units are kept off the floor and in a clean area.

NEW SECTION

WAC 248-144-121 LODGING UNIT KITCHENS. (1) Licensees offering kitchens in lodging units shall provide each kitchen with:

(a) Clean and durable floors and walls;

(b) Adequate ventilation required under WAC 248-144-151;

(c) A sink, other than the handwashing sink, suitable for washing dishes;

(d) Hot running water under WAC 248-144-051;

(e) A refrigeration device capable of maintaining a temperature of 45 degrees Fahrenheit or lower;

(f) Cooking equipment acceptable to the state director of fire protection;

(g) A clean food storage area;

(h) Tables, counters, chairs, or equivalent; and

(i) A washable, leakproof waste food container.

(2) Licensees providing eating and/or cooking utensils shall provide guests with single-use disposable or multi-use clean and sanitized utensils in good condition and free from cracks.

NEW SECTION

WAC 248-144-131 HEATING AND COOLING.

(1) Licensees shall provide a safe, adequate source of heat capable of maintaining an ambient air temperature of at least 65 degrees Fahrenheit in each lodging unit.

(2) Licensees providing a cooling system shall maintain a safe, clean, adequate system in good working condition.

NEW SECTION

WAC 248-144-141 LIGHTING. (1) Licensees shall provide a lighting system to maintain a minimum light intensity adequate for the guest's safety and cleaning by staff and measured in foot candles at a height of three feet above the floor as follows:

Lodging Unit	10 Foot Candles
Toilet and Bathing Facilities	20 Foot Candles
Lodging Unit Kitchen	20 Foot Candles
Laundry Room Work Areas	30 Foot Candles
Corridors, Stairways, and Entryways	5 Foot Candles
Elevators, Walkways	5 Foot Candles
Swimming Pools	As required under chapter 248-98 WAC

(2) Licensees shall provide all parking lots and exterior passages with a minimum light intensity of two foot candles measured three feet above the ground.

NEW SECTION

WAC 248-144-151 VENTILATION. (1) Licensees shall provide ventilation in all lodging units, kitchen areas, bathrooms, toilet rooms, and laundry rooms.

(2) Licensees providing only natural ventilation in lodging units shall have windows, vents, and/or ducts opening directly to the out-of-doors.

(3) Licensees providing only mechanical ventilation systems in lodging units shall:

(a) Install a system capable of supplying at least two air exchanges per hour to each lodging unit and all corridors; and

(b) Maintain a system circulating air to and from out-of-doors.

(4) Licensees providing only natural ventilation in kitchen areas, bathrooms, toilet rooms, and laundry rooms shall have windows, skylights, or ceiling vents opening directly to the out-of-doors sufficient to allow five air exchanges per hour.

(5) Licensees providing only mechanical ventilation in kitchen areas, bathrooms, toilet rooms, and laundry rooms shall:

(a) Install a system capable of at least five air exchanges per hour; and

(b) Maintain a system circulating air to and from the out-of-doors.

NEW SECTION

WAC 248-144-161 BEDS AND BEDDING. Licensees providing beds and/or bedding shall:

(1) Provide clean, sanitary bedding in good repair;

(2) Maintain clean and safe beds, cots, bunks, or other furniture for sleeping;

(3) Supply each bed, cot, or bunk with a mattress or pad, top and bottom sheets, mattress pads, pillows and pillowcases, and blankets unless the facility is:

(a) A rustic resort;

(b) A homeless shelter; or

(c) A hostel.

(4) Provide clean spreads, blankets, and mattress pads as needed;

(5) Provide clean pillowcases and sheets for guests:

(a) Between occupancies; and

(b) At least twice a week for guests staying longer than three days.

(6) Ensure clean bedding kept in the lodging units is stored off the floor and in a clean area.

NEW SECTION

WAC 248-144-171 FOOD AND BEVERAGE SERVICES. (1) Licensees shall ensure food provided to guests is prepared and served under:

(a) Chapter 248-84 WAC, State Board of Health Standards for Food Service Sanitation and local ordinances;

(b) Chapter 248-86 WAC, State Board of Health Standards for Food and Beverage Service Workers Permits; and

(c) Chapter 248-87 WAC, State Board of Health Standards for Food Workers.

(2) Between guest occupancies, licensees providing multiple-use or reusable drinking glasses, cups, ice buckets, and other food utensils shall ensure the utilities are:

(a) Washed and sanitized outside the lodging unit, toilet, or bathing facilities; or

(b) Washed and sanitized in an approved lodging unit kitchen defined under WAC 248-144-121;

(c) Handled and stored in a safe and sanitary manner;

(d) Protected from contamination; and

(e) Maintained in good repair.

(3) Licensees shall:

(a) Ensure single-use drinking glasses, cups, ice buckets, and other food utensils are discarded after each guest occupancy;

(b) Clean and sanitize ice machines at least twice a year and as needed;

(c) Store and dispense ice provided for guests in a sanitary manner including sanitization of the ice scoop when used;

(d) Control or eliminate the dispensing of unprotected bulk ice by January 1, 1995; and

(e) Clean, maintain, and properly adjust drinking fountains.

NEW SECTION

WAC 248-144-181 TRAVEL TRAILERS AND MOBILE HOMES. Licensees providing travel trailers and/or mobile homes as lodging units shall:

(1) Comply with chapters 296-150A and 296-150B WAC rules and regulations of the department of labor and industries for factory-built housing, mobile homes, commercial coaches, and recreational vehicles; and

(2) Ensure all travel trailers and mobile homes used as lodging units are connected to approved water, sewer, and electrical utilities.

NEW SECTION

WAC 248-144-191 LAUNDRY. Licensees shall:

(1) Provide a means for cleaning and sanitizing bedding, linens, towels, washcloths, and other items intended for guest use by:

(a) Maintaining a laundry under WAC 248-144-051 and 248-144-191; or

(b) Sending items to a commercial laundry or other laundry meeting requirements under WAC 248-144-051 and this section.

(2) Store the clean and sanitized bedding, linens, towels, washcloths, and other items:

(a) In an area designated for clean items only;

(b) Off the floor;

(c) Protected from contamination; and

(d) Without access to guests, pets, or other animals.

(3) Provide a means for handling, transporting, and separating soiled bedding, linens, towels, washcloths, and other items to prevent contamination of clean items.

NEW SECTION

WAC 248-144-201 HOUSEKEEPING EQUIPMENT AND PROCEDURES. Licensees shall:

(1) Establish policies and procedures requiring all employees cleaning and servicing lodging units and other units used by guests to:

(a) Exercise good personal hygiene; and

(b) Properly store and label all cleaning products.

(2) Maintain all facilities in a sanitary and safe condition.

NEW SECTION

WAC 248-144-211 SAFETY, CHEMICAL, AND PHYSICAL HAZARDS. Licensees shall:

(1) Ensure all chemical agents, such as cleaners, solvents, disinfectants, and insecticides, except for small amounts of household cleaners stored in kitchen units, are:

(a) Kept isolated from guests;

(b) Stored to prevent contamination of clothing, towel, and bedding materials; and

(c) Used under the manufacturer's recommendations.

(2) Provide adequate and safe handrailing for all stairways, porches, and balconies.

(3) Ensure every gas-fired and oil-fired space heater and/or water heater is vented to the exterior of the building.

(4) Eliminate known physical hazards.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 248-144-030 LICENSING AND INSPECTION OF TRANSIENT ACCOMMODATIONS.

WAC 248-144-035 COMPLIANCE WITH FIRE PROTECTION REQUIREMENTS.

WAC 248-144-040 RESPONSIBILITY OF MANAGEMENT.

WAC 248-144-050 BUILDING CONSTRUCTION AND MAINTENANCE.

WAC 248-144-060 DORMITORY SPACE.

WAC 248-144-070 WATER SUPPLY.

WAC 248-144-080 TOILET AND BATH FACILITIES.

WAC 248-144-090 VENTILATION.

WAC 248-144-100 HEATING.

WAC 248-144-110 LIGHTING.

WAC 248-144-120	FOOD AND BEVERAGE SERVICE.
WAC 248-144-130	LODGING UNIT KITCHENS.
WAC 248-144-140	INSECT AND RODENT CONTROL.
WAC 248-144-150	PLUMBING.
WAC 248-144-160	SOLID WASTE.
WAC 248-144-170	SEWAGE DISPOSAL.
WAC 248-144-180	TRAVEL TRAILERS AND MOBILE HOMES.
WAC 248-144-190	SWIMMING POOLS.
WAC 248-144-200	PETS.
WAC 248-144-210	BEDDING AND LINEN.
WAC 248-144-220	LAUNDRY.
WAC 248-144-230	HOUSEKEEPING EQUIPMENT AND PROCEDURES.
WAC 248-144-240	CHEMICAL AND PHYSICAL HAZARDS.

WSR 89-11-059**ADOPTED RULES****BASIC HEALTH PLAN**

[Order 89-002—Filed May 17, 1989]

I, Thomas L. Kobler, director of the Washington Basic Health Plan, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the definition of "income" found in WAC 55-01-010(11).

This action is taken pursuant to Notice No. WSR 89-08-097 filed with the code reviser on April 5, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.47.050 which directs that the Washington Basic Health Plan has authority to implement the provisions of chapter 70.47 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 May 17, 1989.

By Thomas L. Kobler
Administrator

AMENDATORY SECTION (Amending Order 89-001, filed 2/16/89)

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 or health care provider, 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 an individual'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) "Effective date of enrollment" means the first date, as established by the plan, on which an enrollee is entitled to receive covered services from the enrollee's respective participating managed health care system.

(7) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in the plan, and for whom applicable premium payments have been made.

(8) "Family" means an individual or an individual and the individual's spouse, if not legally separated, and the individual's dependent children. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(9) "Family dependent" means a subscriber's legal spouse, if not legally separated, or the subscriber's dependent child, who meets all eligibility requirements, is enrolled in the plan, and for whom the applicable premium has been paid.

(10) "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.

(11) "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. (a) For purposes of this definition, for applications for enrollment which are received by the plan on or before March 31, 1989, "income" includes but is not limited to wages and salaries, net income from rentals or self-employment, tips, interest income, dividends, royalties, public or private pensions, and Social Security benefits. (b) For purposes of this definition, for applications for enrollment which are received by the plan on or after April 1, 1989 and for premium payments which are made for coverage on or after June 1, 1989, "income" means total cash receipts before taxes from all sources, with the exceptions noted below. (i) Income includes money wages and salaries before any deductions; net receipts from nonfarm self-employment (receipts from a person's own

unincorporated business, professional enterprise, or partnership, after deductions for business expenses); net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); regular payments from social security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance (including Aid to Families with Dependent Children, Supplemental Security Income, Emergency Assistance money payments, and non-Federally-funded General Assistance or General Relief money payments), and training stipends; alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions, government employee pensions (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, fellowships and assistantships, if received as or convertible by the recipient into cash; and dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings. (ii) Income does not include the following types of money received: capital gains; any assets drawn down as withdrawals from a bank, the sale of property, a house or a car; tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury (except workers' compensation). Also excluded are noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such Federal noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance. (c) ~~((For purposes of this definition.))~~ ~~"((i))~~ "Income" shall not include income ~~((of))~~ earned by 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. (d) In the event that an item of income is received periodically, but less frequently than once per month, the latest amount received will be divided by the number of months in the period (i.e., between payments) in order to calculate an average amount per month. That monthly average will be combined with other monthly items of income to derive a monthly total, which will be used in the calculation of income as a percentage of federal poverty level. (For example, if an applicant receives quarterly interest payments in January, April, July, and October, and applies for coverage by the plan in September, the July payment will be divided by three to obtain a monthly income amount.)

(12) "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.

(13) "Medicare" means programs established by Title XVIII of public law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(14) "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.

(15) "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 is employed by or has entered into a contract with a participating managed health care system to provide covered services to enrollees.

(16) "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.

(17) "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.

(18) "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.

(19) "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.

(20) "Service area" means the geographic area served by a participating managed health care system as defined in its contract with the plan.

(21) "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.

(22) "Subscriber" means an enrollee, or the parent or legal guardian of an enrolled dependent child, who has been designated by the plan as the individual to whom the plan and the managed health care system will issue all notices, information requests and premium bills on behalf of all enrolled family members. For purposes of Chapter 55-01 WAC, notice to a subscriber shall be considered notice to all enrolled members of the subscriber's family as well.

(23) "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.

(24) "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 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: 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.

WSR 89-11-060

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 89-5, Resolution No. 89-5—Filed May 18, 1989]

Be it resolved by the Board of Pilotage Commissioners, acting at the Colman Dock, Pier 52, Seattle, Washington, that it does adopt the annexed rules relating to limitation of new pilots, WAC 296-116-082.

This action is taken pursuant to Notice No. WSR 89-05-034 filed with the code reviser on February 14, 1989. 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 88.16.105 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 May 11, 1989.

By Marjorie Smitch
Assistant Attorney General

AMENDATORY SECTION (Amending Order 79-6, Resolution No. 79-6, filed 3/4/80)

WAC 296-116-082 LIMITATIONS ON NEW PILOTS. The initial license issued by the board to a new pilot ((applicant)) shall not authorize such pilot to perform pilotage services on any vessel of a size of 25,000 gross tons (International) or more, or of over 660 feet in length for the first year that such licensee becomes an active pilot. During this first year the licensee will not be authorized to pilot loaded petroleum tankers. During the second year of piloting under an initial license the pilot may perform pilotage on vessels in excess of 25,000 gross tons (International) and up to 35,000 gross tons (International) if such pilotage does not include the docking or undocking of the vessel. During the third year of piloting under an initial license the pilot may perform pilotage on vessels not over 35,000 gross tons (International), however, the pilot may perform pilotage on vessels in excess of 35,000 gross tons (International) if such pilotage does not include the docking or undocking of the vessel. The initial license shall contain the above limitations and the date of the commencement and expiration of such periods of limitation. The board may also prescribe required familiarization trips before a newly licensed pilot may pilot a larger or different type of vessel. Prior to the pilot's third anniversary, the licensee shall provide the board with a certificate or other

written proof that the pilot has completed a course of continuing education at an accepted simulator school or other recognized ship handling institution. This shall be done before all restrictions are lifted from the pilot's license.

WSR 89-11-061

ADOPTED RULES

DEPARTMENT OF WILDLIFE

(Wildlife Commission)

[Order 392—Filed May 18, 1989]

Be it resolved by the Washington State Wildlife Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to wildlife classified as protected wildlife, amending WAC 232-12-011.

This action is taken pursuant to Notice No. WSR 89-08-102 filed with the code reviser on April 5, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED May 12, 1989.

By Curt Smitch
for Dr. James M. Walton
Chairman, Wildlife Commission

AMENDATORY SECTION (Amending Order 192, filed 9/9/82)

WAC 232-12-011 WILDLIFE CLASSIFIED AS PROTECTED WILDLIFE. Protected wildlife includes all birds not classified as game birds, predatory birds, or endangered species; and ((:)) fur seal, *Callorhinus ursinus*; fisher, *Martes pennanti*; wolverine, *Gulo luscus*; western gray squirrel, *Sciurus griseus* ((and *carolinensis*)); Douglas squirrel, *Tamiasciurus douglasii*; red squirrel, *Tamiasciurus hudsonicus*; flying squirrel, *Glaucomys sabrinus*; golden-mantled ground squirrel, *Callospermophilus saturatus*; chipmunks, *Eutamias* (~~(-all species found wild in Washington)~~); cony or pika, *Ochotona princeps*; hoary marmot, *Marmota caligata* and *olympus*; ((pigmy)) pygmy rabbit, ((*Sylvilagus*)) *Brachylagus idahoensis*; ((fox squirrel, *Sciurus niger*;) all wild turtles not otherwise classed as endangered species; mammals of the order Cetacea, including whales, porpoises, and mammals of the suborder Pinnipedia not otherwise designated as endangered species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

WSR 89-11-062
ADOPTED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Order 393—Filed May 18, 1989]

Be it resolved by the Washington State Wildlife Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to muzzleloading firearms, amending WAC 232-12-051.

This action is taken pursuant to Notice No. WSR 89-08-103 filed with the code reviser on April 5, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.04.055 and 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 May 13, 1989.

By Curt Smitch
 for Dr. James M. Walton
 Chairman, Wildlife Commission

AMENDATORY SECTION (Amending Order 234, filed 8/28/84)

WAC 232-12-051 (~~(MUZZLE-LOADING FIREARMS)~~) MUZZLELOADING FIREARMS. (1) It is unlawful to carry or possess any firearm during (~~(special primitive muzzle-loading)~~) muzzleloading seasons which does not meet the following definition of (~~(muzzle-loader)~~) muzzleloader. (~~(Muzzle-loader)~~) Muzzleloader means a single or double barrel wheel lock, matchlock, flintlock, or percussion rifle or musket with exposed ignition in which the black powder and ball or bullet must be loaded from the muzzle. If the rifle has a removable breech plug, such removal must require the use of tools. Minimum barrel length is 20 inches and minimum caliber is .40. Projectile means a one-piece lead ball or bullet except buckshot size #1 or larger may be used in a smooth bore of .60 caliber or larger for deer. Minimum projectile weight for elk is 170 grains. Ignition is to be (~~(wheellock)~~) wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements. Sights must be metal. Telescopic sights or sights containing glass are prohibited.

(2) This section shall not apply to the carrying of a handgun designed (~~(for)~~) to be charged with black powder (~~(use)~~) only.

(3) This section shall not apply to persons lawfully hunting game birds with a shotgun.

(4) Only one barrel of a double barrel (~~(muzzle-loader)~~) muzzleloader may be (~~(loaded)~~) charged with a load at any one time while hunting in a (~~(special primitive muzzle-loading)~~) muzzleloading season except in specified firearm restricted areas.

(5) It is unlawful to use a black powder substitute in a (~~(muzzle-loading)~~) muzzleloading firearm during any (~~(special primitive muzzle-loading)~~) muzzleloading season.

WSR 89-11-063
ADOPTED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Order 394—Filed May 18, 1989]

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

- Rep WAC 232-28-110 1987 Upland migratory game bird seasons and rules.
 Rep WAC 232-28-217 1988 Hunting seasons and game bag limits and 1988 game management units and area legal descriptions.

This action is taken pursuant to Notice No. WSR 89-08-108 filed with the code reviser on April 5, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED May 13, 1989.

By Curt Smitch
 for Dr. James M. Walton
 Chairman, Wildlife Commission

REPEALER

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

- WAC 232-28-110 1987 Upland Migratory Game Bird Seasons and Rules
 WAC 232-28-217 1988 Hunting Seasons and Game Bag Limits and 1988 Game Management Units and Area Legal Descriptions

WSR 89-11-064
ADOPTED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Order 395—Filed May 18, 1989]

Be it resolved by the Washington State Wildlife Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to 1988 Mountain goat, sheep, moose, cougar and lynx hunting seasons, repealing WAC 232-28-810.

This action is taken pursuant to Notice No. WSR 89-06-083 filed with the code reviser on March 1, 1989. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED May 13, 1989.

By Curt Smitch
for Dr. James M. Walton
Chairman, Wildlife Commission

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-810 1988 Mountain Goat, Sheep, Moose, Cougar, and Lynx Hunting Seasons

WSR 89-11-065

ADOPTED RULES

WASHINGTON STATE UNIVERSITY

[Order 89-1, Resolution No. 3-31-89-16—Filed May 18, 1989—Eff. July 1, 1989]

Be it resolved by the board of regents of Washington State University, acting at Pullman, Washington, that it does adopt the annexed rules relating to standards of conduct for students, chapter 504-25 WAC.

This action is taken pursuant to Notice No. WSR 89-05-036 filed with the code reviser on February 14, 1989. These rules shall take effect at a later date, such date being July 1, 1989.

This rule is promulgated under the general rule-making authority of the Washington State University as authorized in RCW 28B.30.095, 28B.30.125, 28B.30.150 and chapter 28B.19 RCW.

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

APPROVED AND ADOPTED March 31, 1989.

By Samuel H. Smith
Secretary

Chapter 504-25 WAC

STANDARDS OF CONDUCT FOR STUDENTS

WAC

504-25-005 Prologue.

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- 504-25-205 Types of hearings.
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- 504-25-220 Students charged with violations of the standards of conduct.
- 504-25-225 The hearing.
- 504-25-230 Sanctions.
- 504-25-235 Appeals.
- 504-25-240 Other interventions.
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NEW SECTION

WAC 504-25-005 PROLOGUE. Washington State University, as a community dedicated to the advancement of knowledge, expects all students to behave in a manner consistent with its high standards of scholarship and conduct. Students are expected to uphold these standards both on and off campus. Acceptance of admission to the university carries with it the obligation of responsibility for the welfare of the community. Freedom to learn can be preserved only through respect for the rights of others, for the free expression of ideas and for the law.

Under the terms of admission to Washington State University, students accept its regulations and acknowledge the right of the university to take disciplinary action, including expulsion, for conduct judged unsatisfactory or disruptive to the educational process. When students violate the standards of conduct established by the university, they are subject to the university disciplinary process. The purpose of this process is to educate and to protect the welfare of the community.

PART I CONDUCT REGULATIONS

NEW SECTION

WAC 504-25-010 INTRODUCTION. When students enroll at Washington State University they assume an obligation to conduct themselves in a manner which is compatible with the university's function as an educational institution. It is clear that in a community of learning, willful disruption of the educational process, dishonesty, violation of the laws of the state and interference with the rights of others cannot be tolerated. Washington State University retains the right and the power to maintain order within the university and to exclude those who are disruptive to the educational process. To that end, the university community has established the following rules, regulations, and policies which apply to all students and student organizations.

NEW SECTION

WAC 504-25-015 ACADEMIC DISHONESTY. Academic dishonesty, including all forms of cheating, plagiarism and fabrication, is prohibited. Knowingly facilitating academic dishonesty is also prohibited. The expectation of the university is that students will accept these standards and conduct themselves as responsible members of the academic community. These standards should be interpreted by students as general notice of prohibited conduct. They should be read broadly, and are not designed to define misconduct in exhaustive forms. Faculty and their departments also have jurisdiction over academic matters and may also take academic action against students for any form of academic dishonesty discovered in their courses.

NEW SECTION

WAC 504-25-020 DISCRIMINATION. Discrimination on the basis of race, national origin, creed, age, sex, marital status, or handicap is prohibited. This rule will be interpreted in conformity with current federal and state laws on discrimination.

This antidiscrimination regulation explicitly incorporates and prohibits sexual or racial harassment by students. Sexual and racial harassment are defined as conduct which is sexually or racially motivated and has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive environment.

NEW SECTION

WAC 504-25-025 SEXUAL ASSAULT. Sexual assault in any form, including acquaintance rape, is prohibited. University policy is consistent with state law in defining and prohibiting rape, sexual assault, and other forced and/or nonconsensual sexual activity.

NEW SECTION

WAC 504-25-030 PHYSICAL ABUSE OR THREATENED PHYSICAL ABUSE. Actual or attempted abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally causes a reasonable apprehension of harm to any person is prohibited.

NEW SECTION

WAC 504-25-035 HAZING. Hazing is prohibited. Hazing is defined as any action required of or imposed on current or potential members of a group which, regardless of location of the incident or consent of the participant(s):

- (1) Produces, or is reasonably likely to produce bodily harm or danger, mental or physical discomfort, embarrassment, harassment, fright, humiliation, or ridicule;
- (2) Compels an individual to participate in any activity which is illegal, perverse or publicly indecent or contrary to university rules, regulations, or policies or which is known by the compelling person(s) to be contrary to the individual's moral or religious beliefs; or
- (3) Impairs an individual's academic efforts.

NEW SECTION

WAC 504-25-040 HARASSMENT. Harassment of any sort is prohibited. Any malicious act which causes harm to any person's physical or mental well-being is prohibited.

NEW SECTION

WAC 504-25-045 RECKLESS ENDANGERMENT. Recklessly engaging in conduct which creates a substantial risk of physical harm to another person is prohibited.

NEW SECTION

WAC 504-25-050 ALCOHOL. (1) Illegal use, possession, or sale of intoxicating beverages is prohibited. University policy is consistent with state laws on the sale, possession, and consumption of alcoholic beverages.

(2) Consumption or possession of alcohol by students in public areas of any university-owned or controlled property is prohibited except as stipulated in subsection (4) of this section.

(3) Consumption or possession of alcohol at or in line for university-sponsored or supervised events is prohibited.

(4) Students who are twenty-one years old or older may consume or possess alcoholic beverages at a sponsored event for which there is an alcohol license or banquet permit.

NEW SECTION

WAC 504-25-055 DRUGS. Illegal use, possession, sale, or distribution of any narcotic or dangerous drug is prohibited. University policy is consistent with state and federal laws which regulate controlled substances.

NEW SECTION

WAC 504-25-060 FIREARMS AND DANGEROUS WEAPONS. (1) Illegal possession, carrying or discharge of any explosive, firearm, or other weapon (including shot guns, rifles, pistols, air guns, and pellet guns) is prohibited. No student may possess any firearm, explosive, dangerous chemical, or dangerous weapon while on the campus or on other university-controlled or approved property, including university residence halls, apartments, and approved housing except in transit to approved storage.

(2) Any student who wants access to any firearm or weapon while on campus must immediately place the firearm(s) or weapon(s) in the university-provided storage facility while the firearm(s) or weapon(s) is on campus. The storage facility is located at the Washington State University police department.

NEW SECTION

WAC 504-25-065 UNLAWFUL ENTRY AND TRESPASSING. Illegal or attempted illegal entry of university-owned or controlled property or university-approved housing is prohibited. Violation of the university's rules for the use of its facilities in chapters 504-32 and 504-34 WAC, is also prohibited.

NEW SECTION

WAC 504-25-070 THEFT OR DAMAGE OF PROPERTY OR SERVICES. Actual or attempted theft of, or damage to, property or services belonging to the university, any member of its community, or a campus visitor is prohibited. Knowing possession of stolen property is also prohibited.

NEW SECTION

WAC 504-25-075 SAFETY EQUIPMENT. Improper use or disablement of safety or fire fighting equipment, such as fire extinguishers, fire alarms, or exit signs, is prohibited.

NEW SECTION

WAC 504-25-080 FORGERY AND MISREPRESENTATION. Falsifying information to university officials including falsifying information submitted or failing to reveal relevant information on any university form or federal financial aid form, offering any false information in any university disciplinary proceeding, or maliciously altering or misusing university documents, records, permits, or identification is prohibited.

NEW SECTION

WAC 504-25-085 COMPUTER ABUSES. Conduct which violates the university's property rights with

respect to computing resources is subject to university disciplinary action. The following conduct is prohibited:

- (1) Unauthorized copying, including:
 - (a) Copying university-owned or licensed software or data for personal or external use without prior approval;
 - (b) Copying another computer user's software or data without permission of its owner, even if it is readily accessible by electronic means;
 - (c) Knowingly accepting or using software or data which has been obtained by unauthorized means.
- (2) Modifying or damaging, attempting to modify or damage, computer equipment, software, databases, or communications lines without permission;
- (3) Disrupting or attempting to disrupt computer operations;
- (4) Invading the privacy of an individual by using electronic means to ascertain confidential information, even if an individual or department inadvertently allows access to such information;
- (5) Abusing or harassing another computer user through electronic means;
- (6) Using the university's computing facilities in the commission of a crime;
- (7) Using computer services without authorization;
- (8) Allowing another individual to use one's computer identity/account or using another individual's computer identity/account. This includes, but is not limited to, logging on to the account, accessing programs, and reading or altering computer records. Computer time belongs to the university; the university is the only entity, through computing services, authorized to allocate time on the mainframe computers.

NEW SECTION

WAC 504-25-090 DISRUPTION. While students have the right to freedom of expression, including the right to dissent or protest, this expression cannot interfere with the rights of others or disrupt the processes of the university. The following conduct will not be permitted:

- (1) Disruption of classes, laboratories, offices, services, meetings, or ceremonies;
- (2) Obstruction of free movement of people or vehicles; provided, peaceful picketing is permitted only as long as it takes place outside buildings and does not interfere with the flow of traffic to and from buildings;
- (3) Conduct which threatens harm, incites violence, or endangers the health and safety of any person;
- (4) Threats of disruption, including bomb threats;
- (5) Damaging, defacing or abusing university facilities, equipment, or property; or
- (6) Inciting others to engage in prohibited conduct.

NEW SECTION

WAC 504-25-095 DISTURBING THE PEACE. Creating noise in such a way as to interfere with university functions or using sound amplification equipment in a loud and raucous manner is prohibited.

NEW SECTION

WAC 504-25-100 PUBLIC INDECENCY. Indecent or obscene conduct is prohibited. Indecent or obscene conduct is conduct which is public and offensive to university community standards.

NEW SECTION

WAC 504-25-105 INTERFERENCE WITH UNIVERSITY OR STUDENT PROGRAMS OR ACTIVITIES. Intentionally or recklessly interfering with any university or student program or activity, including teaching, research, administration, meetings or fire, security, or emergency services, is prohibited.

NEW SECTION

WAC 504-25-110 VIOLATION OF UNIVERSITY POLICIES. Violation of any university policy or rule is prohibited.

NEW SECTION

WAC 504-25-115 VIOLATION OF LOCAL ORDINANCES, STATE LAW, OR FEDERAL LAW. Students are expected to comply with local, state, and federal laws. The university may take action, whether the violation occurs on or off campus, when a definite university interest is involved and where the conduct distinctly and adversely affects the university's pursuit of its educational mission or the health or safety of members of the university community.

NEW SECTION

WAC 504-25-120 FAILURE TO COMPLY WITH A PROPER ORDER. Willful refusal or failure, while on university-owned or controlled property or on the premises of university-approved housing, to comply with a proper order or request of a university official, campus security officer or law enforcement officer, acting in performance of their duties is prohibited.

NEW SECTION

WAC 504-25-125 ASSISTING ILLEGAL OR PROHIBITED CONDUCT. Aiding, assisting in, or serving as an accomplice in the commission of any illegal act or any act prohibited by these university conduct regulations is prohibited.

NEW SECTION

WAC 504-25-130 VIOLATION OF A DISCIPLINARY SANCTION. Violation of any term of any disciplinary sanction is prohibited.

NEW SECTION

WAC 504-25-135 FAILURE TO COOPERATE WITH AN INVESTIGATION OF ANY CONDUCT VIOLATION. Failure to cooperate with the investigation of any conduct violation, or interference with a proper investigation of any violation by withholding evidence, encouraging or threatening another to withhold evidence is prohibited.

NEW SECTION

WAC 504-25-140 OTHER CONDUCT. Any other conduct or action in which the university can demonstrate a clear and distinct interest and which substantially threatens the educational process or other legitimate function of the university or the health or safety of any member of the university community is prohibited.

PART II

DISCIPLINARY PROCESS AND PROCEDURES

NEW SECTION

WAC 504-25-200 INTRODUCTION. (1) The university has established the standards of conduct for students and the disciplinary process to protect its educational purpose, provide for the orderly conduct of its activities, and safeguard the interests of the university community. The disciplinary procedures used by the university are considered part of its educational process. Hearings or appeals conducted as a part of the disciplinary process are not courts of law and they are not subject to many of the constraints of civil or criminal hearings. Because some of the standards of conduct are also violations of law, students may be accountable to both civil authorities and to the university for their actions. Disciplinary action at the university will normally proceed without regard for any civil or criminal proceeding and will not be subject to challenge on the basis of the outcome of any civil or criminal proceeding.

(2) This process is intended to be educative for the students involved, although sanctions can include temporary or permanent removal from the university. Students involved in these procedures should expect to be treated fairly and go through the process in a timely manner. The purposes of the disciplinary process are:

- (a) To determine the facts about the allegation(s);
- (b) To determine the responsibility of the accused student or student organization;
- (c) To determine an appropriate sanction if the accused student or student organization is found responsible for a violation; and

(d) To help any student or student organization found responsible for any violation of the standards of conduct to understand the negative impact of their actions.

(3) Any behavior which may have been influenced by a student's mental state, or use of drugs or alcohol will generally not limit the responsibility of the student for his or her action.

NEW SECTION

WAC 504-25-205 TYPES OF HEARINGS. (1) The procedures for student conduct hearings, whether before the university conduct board, or before an administrative hearing officer, are brief hearing procedures in accordance with RCW 34.05.482. The minimum procedures of RCW 34.05.482 through 34.05.494, as may be amended in the future, are adopted for student conduct hearings. To assure proper due process is provided to students, the following additional protections apply to conduct hearings.

(2) The university has established several types of hearings. The nature of the alleged violation will determine which type of hearing a student will receive.

(a) The university administrative hearing officer hears cases which involve violations of the standards of conduct. The hearing officer will not hear cases which could result in suspension or dismissal from the university.

(b) The university conduct board hears cases which involve violations of the standards of conduct and can impose all levels of sanctions.

NEW SECTION

WAC 504-25-210 DISCIPLINARY PROCEDURES. (1) Any student, faculty member, staff member, or the university may file a complaint against a student or student organization for any violation of the standards of conduct.

(2) Once a complaint has been initiated, the following procedures are followed:

(a) The accused student or the president of the student organization is contacted and interviewed by the university judicial officer. During that interview the student is informed of the charge(s) and asked to make a written statement about the incident. The student is also informed of the individual's or organization's rights and responsibilities in the disciplinary process. The investigation may include interviews of other people involved. The judicial officer may discontinue any investigation when the allegation(s) is/are deemed to be without basis or there is insufficient basis for the allegation(s).

(b) In the event that the judicial officer finds that there is any basis to the allegation(s), the student or student organization may be officially charged with violation(s) of the standards of conduct. The student or student organization will be assigned to either an administrative hearing or a university conduct board hearing. Any student accused of an offense which could result in suspension or expulsion will be sent to a full university conduct board hearing, unless the student requests and is granted an administrative hearing.

(c) When any student or student organization is charged with violation(s) of the standards of conduct, they must be notified at least seven calendar days in advance of the hearing. The notice must be in writing and include:

(i) The specific charges, citing the appropriate university policy or regulation allegedly violated;

(ii) The time and place of the alleged act(s) insofar as may be reasonably known; and

(iii) The time and place of the hearing.

(3) If a student has withdrawn or withdraws after the filing of any charge of a violation of the standards of conduct, either:

(a) A "registration hold" will be placed on the student's academic record and the student will be notified that disciplinary action may be initiated upon the student's reentry or application for readmission; or

(b) The university may proceed with the disciplinary action.

NEW SECTION

WAC 504-25-215 JUDICIAL OFFICER AND HEARING BOARDS. Generally, the first contact with any student or student organization involved in the discipline process is made by the university judicial officer. The judicial officer is an assistant in the office of student affairs and serves as the chief investigator and prosecutor. The judicial officer prepares the case and the materials. The judicial officer serves as the secretary of the university conduct board and may be the administrative hearing officer.

The administrative hearing officers are appointed by the vice provost for student affairs and are generally members of the faculty in student affairs. The administrative hearing officer is responsible for hearing cases where the student or student organization has been offered a less formal hearing. The administrative hearing officer determines both the responsibility of the accused student or student organization and the sanction(s).

The university conduct board is a presidential standing committee, recommended by the vice provost for student affairs and appointed by the president. The university conduct board is made up of faculty members and graduate and undergraduate members. Members of each conduct board are drawn from this pool of trained members. On each conduct board there are five members: Two faculty members, two students, and the chairperson. The chairperson is the assistant to the vice provost for student affairs.

The university appeals board is composed of three university administrators, appointed by the president, one of whom is the vice provost for student affairs.

NEW SECTION

WAC 504-25-220 STUDENTS CHARGED WITH VIOLATIONS OF THE STANDARDS OF CONDUCT. (1) Any student or student organization charged with any violation(s) of the university standards of conduct have the following rights in disciplinary procedures:

(a) The right to notice of the charge(s) against them and the basis for the charge(s).

(b) The right to remain silent when charged with any act which may be a violation of criminal law to avoid self incrimination.

(c) The right to seven calendar days' notice before the disciplinary hearing.

(d) The right to present written information to the hearing officer or member(s) of the hearing board prior to the hearing, including signed statements from witnesses and arguments.

(e) The right to a hearing.

(f) The right to consult an adviser.

(g) The right of one appeal.

(2) Any student or student organization brought before the university conduct board, has these additional rights:

(a) The right to view the material to be presented against them in advance of the hearing.

(b) The right to have an adviser present at the hearing; however, the student or student organization may

have only one adviser present. The adviser may be allowed to give the student or student organization advice during the hearing, but is not permitted to speak to the hearing board or conduct examinations of witnesses and the adviser is not permitted to disrupt the proceeding.

(c) The right to hear the testimony of all witnesses.

(d) The right to present questions to be asked of all witnesses.

(e) The right to have a record made of the hearing.

NEW SECTION

WAC 504-25-225 THE HEARING. (1) The following guidelines apply to both administrative hearings and hearings before the university conduct board:

(a) All hearing officers and board members must be impartial (i.e., not personally involved in the alleged act(s) with which the student is charged).

(b) The hearings are closed to the public.

(c) The university bears the burden of proving the charge(s) by a preponderance of evidence.

(d) The hearing officer or presiding officer of each board will exercise control over the hearing. A hearing officer or board is not bound by the rules of evidence observed by courts and may exclude unduly repetitious or irrelevant evidence.

(e) Any person, including the charged student or any member of the charged student organization, who disrupts a hearing may be excluded from the proceedings.

(f) The decision of responsibility on the charge(s) will be based on evidence and testimony presented at the hearing. However, the complete record of the student's or student organization's prior conduct and academic performance may be taken into account by the hearing officer or board in imposing any sanction(s).

(g) Deliberations on the hearing are closed to everyone but the hearing officer or member(s) of the board.

(h) The accused student or student organization president will be sent notification of the decision, the reasons for the decision and the sanction(s), if any, in writing within ten calendar days of the hearing.

(i) Only the hearing officer or board member(s), the accused student or student organization, and the person(s) bringing the allegation(s) will be notified of the results of the hearing.

(j) If a student or student organization fails to appear at a hearing after proper notice, the hearing may proceed on the charge(s) and in such a case the hearing officer or member(s) of the hearing board will decide on responsibility and, if appropriate, the sanction(s).

(2) The following guideline applies only to hearings before the university conduct board: The university and the charged student or student organization will have the opportunity to call witnesses, present evidence, and question witnesses.

NEW SECTION

WAC 504-25-230 SANCTIONS. (1) Any of the following sanctions or any combination of the sanctions may be imposed for violation(s) of the standards of conduct:

(a) Disciplinary probation: This may include the imposition of a set of conditions for any student or student organization defined for a specific period of time. If any condition of the probation is violated, this will constitute a new violation.

(b) Community service: Assignment of labor or responsibilities to any student or student organization within the university or local community may be imposed up to a maximum of eighty hours per student or per member of an organization.

(c) Restitution: This will include reimbursement for damaged or stolen property and medical expenses resulting from the violation(s).

(d) Fines: Monetary fines up to five thousand dollars for any student organization or two hundred fifty dollars for any student may be imposed.

(e) No contact order: Prohibition of direct or indirect physical and/or verbal contact with another individual or group may be imposed.

(f) Assessment: Referral for drug/alcohol or psychological assessment may be required. Results of the assessment may be shared with the conduct administrator and conduct committee. If the assessment by any university counselor or physician recommends any condition(s), those recommendations may become conditions of the sanction. If the assessment indicates that the student is not capable of functioning within the university community, the student will be suspended until further assessment recommends that the student is capable of reentering the university.

(g) Loss of privileges or exclusion from activities: Loss of the right to reside in a specific housing unit or in university-owned or approved housing may be imposed. Exclusion from participation in designated privileges and extracurricular activities for specific periods of time may also be imposed.

(h) Loss of recognition or charter: A student organization may have its recognition or charter withdrawn, either permanently or for a specific period of time.

(i) Censure: This is a written reprimand for any violation of university policy or campus regulation, including explicit notice to the student or student organization that continued or repeated violation of any policy or regulation may be cause for further disciplinary proceedings.

(j) Hold on transcript and/or registration: This is a temporary measure restricting release of a student's transcript or access to registration. Upon satisfactory completion of conditions of the sanction, the hold shall be released.

(k) Negative notation on transcript: Entry of violation on the student's academic record may be made for suspension or expulsion.

(l) Suspension: This is termination of student status for a given period of time. Upon satisfactory completion of stated conditions, reinstatement shall be granted.

(m) Expulsion: This is termination of student status for an indefinite period.

(2) Any student who has been suspended or expelled may be excluded from specific areas of campus when there is a reasonable cause to believe that their presence there will lead to physical abuse, threats of violence, or

conduct which threatens the health and safety of any person on university-owned or controlled property, in university-approved housing, or at an official event, or other conduct which interferes with the orderly functioning of the university.

NEW SECTION

WAC 504-25-235 APPEALS. (1) Any student or student organization charged with any violation(s) of the standards of conduct and found responsible for any violation(s) by a hearing board or administrative hearing officer is entitled to one administrative appeal. The routes for those appeals are as follows:

(a) University administrative hearing appeals go to the vice provost for student affairs.

(b) University conduct board appeals go to the university appeals board.

(2) An appeal must be filed within twenty-one calendar days of the student receiving or the president of the student organization receiving the decision. All requests to review a decision must be to the vice provost for student affairs for appeals of decisions of the university administrative hearing officer or the university conduct board and should be in writing. The letter must state the grounds for the appeal. The following are the grounds for appeal:

(a) A procedural error which materially affected the decision;

(b) New evidence not previously available which would have materially affected the decision;

(c) The decision was not supported by substantial evidence; or

(d) The severity or appropriateness of the sanction(s).

(3) During the appeal process, the burden of proof shifts from the university to the student or student organization. The appeal process is a review of the record of the hearing plus the letter of appeal, including any written argument(s) submitted by the student or student organization, and new evidence if that is the ground for the appeal. It is not a new hearing.

NEW SECTION

WAC 504-25-240 OTHER INTERVENTIONS. (1) In most instances a student who or student organization which is involved in alleged misconduct goes through the full disciplinary process before any action is taken by the university. However, in situations where there is cause to believe that the student or student organization poses an imminent threat to himself or herself, to others, or to property, or is incapable of continuing as a student for medical/psychological reasons, interim actions may be taken immediately without prior notice or hearing. These actions, taken by the vice provost for student affairs or one of the associate vice provosts, may include:

(a) Interim restrictions, including but not limited to assignment to alternate university housing or removal from university housing, limitation of access to university facilities, or restriction of communication with specific individuals or groups;

(b) Interim suspension, including temporary total removal from the university or restriction of access to campus;

(c) Mandatory medical/psychological assessment, including referral to a panel of university physicians/psychologists for assessment of the student's capability of remaining in the university.

(2) If interim action is required and taken, the student or student organization is entitled to an administrative hearing as soon as is reasonably possible, but no later than ten days after the action is taken.

NEW SECTION

WAC 504-25-245 RECORDS. These disciplinary proceedings and records are confidential. The office of the vice provost for student affairs will maintain disciplinary records for a minimum of seven years. Disciplinary records will be made available to hearing boards and university personnel, as needed.

Any student may review his/her own disciplinary records by contacting the office of the vice provost for student affairs. Except as outlined in these procedures, the university will not communicate a student's disciplinary record to any person or agency outside the university without the prior written consent of the student, except as required by law. If the student is a minor, the student's parents or legal guardians may review these records.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 504-20-005 DISCRIMINATION PROHIBITED.

WAC 504-20-010 FREEDOM OF EXPRESSION.

WAC 504-20-020 CONDUCT REGULATIONS FOR FACULTY, STAFF, OTHER EMPLOYEES, AND STUDENTS.

WAC 504-20-025 ALCOHOLIC BEVERAGES.

WAC 504-20-030 CONDUCT REGULATIONS FOR CAMPUS GUESTS AND VISITORS.

WAC 504-20-040 ACADEMIC INTEGRITY GUIDELINES.

AMENDATORY SECTION (Amending Order 77-1, filed 5/2/77)

WAC 504-21-060 UNIVERSITY RECORDS. All university employees or offices who have custody of education records will develop procedures in accord with WAC 504-21-010 through 504-21-060. Any supplementary regulations found necessary by departments will be filed with the student records committee, which will be responsible for periodic review of policy and procedures.

~~((1) Disciplinary records shall be kept separate and apart from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or~~

~~counseling files is not revealed to unauthorized persons. Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.~~

(2)) No records shall be kept that reflect a student's political or ideological beliefs or associations.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 504-24-010 DISCIPLINARY STRUCTURE AND PROCEDURES.

WAC 504-24-011 FORMAL HEARING OPTION—DESIGNATION OF HEARING OFFICER OR PANEL.

WSR 89-11-066
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 89-38—Filed May 19, 1989]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial and 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 test fishing indicates shrimp abundance down by about 20 percent. The department expects participation in the sport shrimp fishery to continue to expand. Biologists predict that about 130,000 pounds of shrimp are available to tribal, sport and commercial fishers. The season adopted will allow for harvest within these guidelines. 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 May 19, 1989.

By Robert Turner
for Joseph R. Blum
Director

NEW SECTION

WAC 220-52-05100C **COMMERCIAL SHRIMP—PUGET SOUND.** Notwithstanding the provisions of WAC 220-52-051, it is unlawful to fish for or possess shrimp taken for commercial purposes from Shrimp District 5 except as provided for in this section:

(1) Open 9 a.m. July 1 through 6 p.m. July 5, 1989.

(2) Maximum of 35 pots per licensed fisher.

(3) Gear may not be pulled or set from one hour after official sunset to one hour before official sunrise.

(4) It is lawful to possess shrimp for commercial purposes that are taken under the regulations adopted by the Point No Point Treaty Council.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-05100B **COMMERCIAL SHRIMP—PUGET SOUND.** (89-36)

NEW SECTION

WAC 220-56-32500Q **SHRIMP FISHERY—PUGET SOUND.** Notwithstanding the provisions of WAC 220-56-325, it is unlawful to fish for, or possess shrimp taken for personal use from all waters of Hood Canal south of the Hood Canal Floating Bridge except as provided for in this section:

(1) Open 9:00 a.m. May 20 until 6:00 p.m. May 29, and 9:00 a.m. July 1 until 6:00 p.m. July 5, 1989.

(2) Gear may not be pulled or set from one hour after official sunset to one hour before official sunrise.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-32500P **SHRIMP FISHERY—PUGET SOUND.** (89-36)

WSR 89-11-067
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—May 18, 1989]

There has been a revision in the plans for the May 24 and 25, 1989, regular commission meeting. The Washington State Human Rights Commission will hold its next regular commission meeting in Tacoma. The regular business meeting will be held on May 24 at the Best Western Executive Inn, 5700 Pacific Highway East, Tacoma, beginning at 7:00 p.m. in the Marine Room. The full day meeting on May 25 will be held at the same motel in the Commodore Room beginning at 9:00 a.m. and will be a work session.

WSR 89-11-068
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
(Marketing Committee)
 [Memorandum—May 17, 1989]

There will be a meeting of the Marketing Committee of the Washington State Convention and Trade Center on Tuesday, May 30, 1989, at 3:00 p.m. The location will be the 5th Floor Administrative Offices of the Convention Center, 800 Convention Place, in downtown Seattle.

WSR 89-11-069
ATTORNEY GENERAL OPINION
Cite as: AGO 1989 No. 10
 [May 17, 1989]

COURTS—COUNTIES—CITIES AND TOWNS—INTERPRETERS FOR COURT PROCEEDINGS

1. The 1985 amendments to chapter 2.42 RCW, codified as RCW 2.42.110 through .180, relate only to interpreter services for the hearing impaired.
2. The pre-1985 portions of chapter 2.42 RCW, codified as RCW 2.42.010 through 2.42.050, apply only to interpreter services for persons with speech defects or non-English speaking cultural backgrounds, except that RCW 2.42.050 applies also to interpreter services for the hearing impaired.
3. With respect to criminal proceedings, the government whose officer is responsible for initiating the proceeding, usually the county, is responsible for the cost of providing the interpreter as defined in RCW 2.42.040.

Requested by:

Honorable James R. Miller
 Lewis County Prosecuting Attorney
 P. O. Box 918
 Courthouse Annex
 Chehalis, WA 98532

WSR 89-11-070
EMERGENCY RULES
INSURANCE COMMISSIONER
 [Order R 89-6—Filed May 19, 1989]

I, Dick Marquart, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the effective date of prelicense education requirements as set forth in WAC 284-17-520 and 284-17-570.

I, Dick Marquart, Insurance Commissioner, 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 changes in enabling legislation, effective July 1, 1989, require deferral of prelicense education regulations' effective date from July 1 to November 1, 1989, in order to implement legislative intent.

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

This rule is promulgated pursuant to RCW 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.17.150.

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 May 19, 1989.

Dick Marquart
 Insurance Commissioner
 By Roger Polzin
 Deputy Commissioner

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-520 WHEN PRELICENSE EDUCATION REQUIREMENT MUST BE MET. The requirements of WAC 284-17-505 through 284-17-520 apply to all persons taking an agent's license examination, conducted on or after ~~((July))~~ November 1, 1989.

(1) Any applicant seeking a resident's license as a life, disability, property, or casualty insurance agent or solicitor in the state of Washington who appears at an examination site must present certificates of completion of the requisite number of hours of approved prelicense education, or a written waiver of the applicable line curriculum and a certificate of completion of the statutes and regulations curriculum, to be allowed access to the examination.

(2) Any applicant who receives a passing score on the licensing examination must include validated certificates of completion of the approved prelicense education, or a written waiver of the applicable line curriculum requirement, along with other license application documents, to be issued the license.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-570 IMPLEMENTATION DATES. WAC 284-17-530 through 284-17-565 concerning prelicense education providers shall be effective thirty calendar days from the date filed with the code reviser.

(1) Each person seeking initial provider approval, and intending to offer approved courses before ~~((July))~~ November 1, 1989, must submit a request for provider approval to the commissioner before ~~((March))~~ August 1, 1989.

(2) A request for provider approval that is received after ~~((March))~~ August 1, 1989, may not be granted before ~~((July))~~ November 1, 1989.

WSR 89-11-071
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
(Noxious Weed Control Board)
 [Filed May 19, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Noxious Weed Board intends to adopt, amend, or repeal rules concerning State Noxious Weed Control Board position numbers for elected members and those eligible to vote for each position.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 19, 1989.

The authority under which these rules are proposed is RCW 17.10.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 10, 1989, to Catherine Hovanic, Executive Secretary, Washington State Noxious Weed Control Board, 1313 West Meeker Street, Suite 111, Kent, WA 98032.

Dated: May 19, 1989
 By: Arlie Chinkenbeard
 Chairman

STATEMENT OF PURPOSE

Title: Chapter 16-750 RCW.

Description of Purpose: To establish position numbers for the elected members of the Washington State Noxious Weed Control Board and identify those eligible to vote for each position.

Statutory Authority: RCW 17.10.030.

Summary of Rules: The State Noxious Weed Control Board has established position numbers for the five elected members on the board and has identified voting members of activated county noxious weed boards and directors of weed districts eligible to vote for candidates to each position.

Reasons for Supporting Proposed Rules: The State Noxious Weed Control Board is required by RCW 17.10.030 to establish position numbers for elected members to the board and identify those eligible to vote for each position.

Personnel Responsible for Drafting and Implementing Rules: Washington State Noxious Weed Control Board, Arlie Clinkenbeard, Chairman, 149 Third North, Okanogan, WA 98840, phone (509) 422-3521.

Persons Proposing Rules: Washington State Noxious Weed Control Board.

Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

NEW SECTION

WAC 16-750-950 STATE NOXIOUS WEED CONTROL BOARD POSITION NUMBERS — ELIGIBILITY FOR VOTING. Position numbers for elected members of the Washington State Noxious Weed Control Board and those eligible to vote for each position are as follows:

POSITION	VOTING ELIGIBILITY
(1) westside, southern tier	(a) voting members of activated county noxious weed control boards in Grays Harbor, Mason, Thurston, Pierce, Lewis, Pacific, Wahkiakum, Cowlitz, Skamania, and Clark counties.
(2) eastside, southern tier	(a) voting members of activated county noxious weed control boards in Adams, Whitman, Asotin, Garfield, Columbia, Walla Walla, Franklin, Benton, Klickitat, and Yakima counties.
(3) westside, northern tier	(a) voting members of activated county noxious weed control boards in Whatcom, Skagit, San Juan, Island, Snohomish, King, Kitsap, Clallam, and Jefferson counties.
(4) eastside, northern tier	(a) voting members of activated county noxious weed control boards in Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Grant, Kittitas, Chelan, and Douglas counties.
(5) weed districts	(a) directors of activated weed districts in Washington.

WSR 89-11-072
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
(Noxious Weed Control Board)

[Order 27, Resolution No. 27—Filed May 19, 1989]

Be it resolved by the State Noxious Weed Board, acting at Ellensburg, Washington, that it does adopt the annexed rules relating to State Noxious Weed Control Board position numbers for elected members and establishes those eligible to vote for each position.

We, the State Noxious Weed Control Board, 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 order to proceed with elections in accordance with chapter 17.10 RCW and adopted policy, it is necessary to file this emergency rule which will be filed for public comment and permanent adoption.

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

This rule is promulgated pursuant to RCW 17.10.030 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 May 19, 1989.
By Arlie Clinkenbeard
Chairman

WSR 89-11-073
ADOPTED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 396—Filed May 19, 1989—Eff. July 23, 1989]

NEW SECTION

WAC 16-750-950 STATE NOXIOUS WEED CONTROL BOARD POSITION NUMBERS — ELIGIBILITY FOR VOTING. *Position numbers for elected members of the Washington State Noxious Weed Control Board and those eligible to vote for each position are as follows:*

POSITION	VOTING ELIGIBILITY
(1) westside, southern tier	(a) voting members of activated county noxious weed control boards in Grays Harbor, Mason, Thurston, Pierce, Lewis, Pacific, Wahkiakum, Cowlitz, Skamania, and Clark counties.
(2) eastside, southern tier	(a) voting members of activated county noxious weed control boards in Adams, Whitman, Asotin, Garfield, Columbia, Walla Walla, Franklin, Benton, Klickitat, and Yakima counties.
(3) westside, northern tier	(a) voting members of activated county noxious weed control boards in Whatcom, Skagit, San Juan, Island, Snohomish, King, Kitsap, Clallam, and Jefferson counties.
(4) eastside, northern tier	(a) voting members of activated county noxious weed control boards in Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Grant, Kittitas, Chelan, and Douglas counties.
(5) weed districts	(a) directors of activated weed districts in Washington.

Be it resolved by the Washington State Wildlife Commission, acting at Spokane, Washington, that it does adopt the annexed rules relating to hunting of game animals by persons of disability, adopting WAC 232-12-829.

This action is taken pursuant to Notice No. WSR 89-08-107 filed with the code reviser on April 5, 1989. These rules shall take effect at a later date, such date being July 23, 1989.

This rule is promulgated pursuant to RCW 77.12.010 and 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 May 12, 1989.

By Ray Ryan
for Dr. James M. Walton
Chairman, Wildlife Commission

NEW SECTION

WAC 232-12-829 HUNTING OF GAME ANIMALS BY PERSONS OF DISABILITY. (1) Preamble. This regulation is intended to carry out the legislative policy of maximizing handicapped persons' access to recreational opportunity as codified in RCW 77.12.010. This regulation is intended to enhance the health, safety, and welfare of the general public and not that of any particular person or group of persons.

(2) Definitions. Terms used in this regulation are defined as follows:

(a) A "person of disability" is a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices. This definition is intended to include but not be limited to those disabled persons with lower extremity impairment such as paraplegics and amputees.

(b) A "disabled hunter" is a person who possesses a disabled hunter permit issued by the director as well as all other required licenses, tags, and permits.

(c) A "nondisabled hunter" is a licensed hunter accompanying a disabled hunter for the purpose of assisting in retrieval, killing of game wounded by a disabled hunter, and tagging of game killed by a disabled hunter.

(3) Disabled hunter permit. The director may issue a disabled hunter permit to any person of disability who applies to the department and presents such evidence as the director may accept showing that the applicant is a person of disability.

(4) Permitted and prohibited activities.

(a) Shooting from an off-road vehicle. A nondisabled hunter may not possess a loaded firearm or discharge a firearm from within or upon a motor vehicle. A disabled

or nondisabled hunter may not discharge a firearm upon, across, or along a public highway.

(b) Killing of game wounded by persons of disability. A nondisabled hunter may accompany a disabled hunter and kill any game animal wounded by the disabled hunter. The nondisabled hunter must immediately notch and attach the disabled hunter's tag to the carcass of the animal. A nondisabled hunter shall not possess a loaded gun in, or shoot from, a motor vehicle or off-road vehicle.

(c) Tagging game killed by a disabled hunter. A nondisabled hunter may cut, notch, and affix tags to game animals killed by a disabled hunter.

(d) Retrieving game. A nondisabled hunter may retrieve or assist in retrieving a game animal which has been either killed by a disabled hunter or wounded by a disabled hunter and killed by a nondisabled companion.

(e) Game killed, tagged, or retrieved by a nondisabled hunter who is accompanying a disabled hunter shall count against the disabled hunter's bag limit and shall not count against the nondisabled companion's bag limit.

(f) Each disabled hunter shall be provided, in addition to the disabled hunter permit, identifying signs which shall be displayed upon any motor vehicle from which they may be hunting.

(g) A disabled hunter may carry or convey a loaded weapon in or upon, and hunt from a motor vehicle, a non-highway vehicle or snowmobile, provided such vehicle is stopped, the motor is turned off and it is not on or beside the maintained portion of a public road.

WSR 89-11-074

EMERGENCY RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 89-07—Filed May 22, 1989]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at the Director's Office of Labor and Industries, Olympia, Washington, the annexed rules relating to the amendment of rules, definitions, and risk classification language contained in chapter 296-17 WAC applicable to workers' compensation insurance underwritten by the Washington state fund, Department of Labor and Industries, and specifically rules, definitions, and risk classifications applicable to the horse racing industry of Washington, including corresponding base rates and expected losses for the new risk classifications.

I, Joseph A. Dear, Director of Labor and Industries, 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 recent legislation signed by Governor Gardner relative to horse racing requires the Department of Labor and Industries to adopt the necessary rules and classifications to implement a premium collection system for horse

racing on a per-license basis. In addition to the requirement to adopt rules and classifications, the legislation declares an emergency and contains a retroactive clause making the premium collection system effective January 1, 1989.

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

This rule is promulgated pursuant to RCW 51.04.020 which directs that the director, Department of Labor and Industries has authority to implement the provisions of Title 51 RCW, Industrial Insurance Laws.

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 May 22, 1989.

By Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 89-02, filed 3/21/89, effective 4/21/89)

WAC 296-17-350 MINIMUM PREMIUMS—ASSUMED WORKER HOURS. A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workers for whom an assumed number of worker hours must be, and hereby, is established:

(1) *Minimum premium.* Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of worker hours reported.

(2) *Excluded employments.* Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis, or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) *Resident managers, caretakers, or similar employments that are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of premium calculation as provided in subsection (6) of this section.*

(4) *Commission personnel.* Commission personnel are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered. Commission personnel are to be reported for premium purposes at a minimum of assumed worker

hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment: **PROVIDED**, That the assumed eight worker hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment.

(5) Salaried personnel. Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for their employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed worker hours based upon one hundred sixty worker hours for each month in which the employee is on salary: **PROVIDED**, That if the employer maintains complete and accurate records, supported by original time cards or timebook entries, the employer may report and pay premium on the actual hours worked by salaried personnel: **PROVIDED FURTHER**, That the department may, at its discretion, authorize some other method in assuming workers hours for premium calculating purposes in the case of contract personnel employed by schools and/or school districts.

(6) Piece workers. For employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise who are not subject to any federal or state law or rule which requires the reporting of actual hours worked, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one worker hour: **PROVIDED**, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per worker hour the assumed amount shall be \$3.00 of earnings as representing one worker hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one worker hour, and so forth. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: **PROVIDED FURTHER**, That an employer who maintains records but is not required to do so shall report the actual hours worked for the purpose of premium calculation. In the event an employer who is otherwise required by federal or state laws or rules to maintain records of actual hours worked by each employee fails to do so, the worker hours of such employees will be determined by dividing the gross wages of each employee by the state minimum hourly wage to determine the hours reported for the purpose of premium calculation. Notwithstanding any other provisions of this section, workers employed in a work activity center pursuant to WAC 296-17-779 shall be reported on the basis of the piece worker rule.

(7) Noncontact sports teams. All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed worker hours based upon 40 worker hours for each week in which any duties are performed.

(8) All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed worker hours based upon ten hours for each mount in each horse race; professional drivers shall report worker hours based upon ten hours for each heat or race of any racing event: **PROVIDED**, That any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ten worker hours for any day in which duties are performed.

(9) Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: **PROVIDED**, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: **PROVIDED FURTHER**, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.

~~((10) Licensed trainers—parimutuel racing. All trainers which come under the jurisdiction of the Washington horse racing commission and who become licensed subject to the Washington horse racing commission's rules and regulations who employ workers shall pay a minimum premium of one hundred dollars annually to the department which shall be in addition to a per start rate established for the various parimutuel tracks state-wide. The minimum premium shall be calculated using twenty assumed worker hours and be reported in classification 6613. For the purpose of premium calculation report assumed worker hours based upon ten hours for each start.))~~

NEW SECTION

WAC 296-17-45001 SPECIAL HORSE RACING CLASSIFICATION INTERPRETATION. For the purposes of administering the parimutuel horse racing Classifications 6614 through 6617 the terms used such as parimutuel horse racing, trainers, grooms, etc., shall be given the same meanings as those contained in chapter 67.16 RCW "Horse Racing" or Title 260 WAC "Horse Racing Commission."

The term "major tracks" shall mean Yakima Meadows, Spokane Playfair, and Longacres in Renton.

The term "fair meets or bush tracks" shall mean all other parimutuel horse racing tracks licensed by the Washington state horse racing commission.

For premium purposes, owners shall contribute one hundred fifty dollars annually at the time of license issuance or renewal. The payment of premium by an owner does imply an employer employee relationship but serves to help fund the premium obligation of the horse racing industry. Individuals involved in a syndication or percentage ownership of a parimutuel race horse and who become licensed by the horse racing commission shall pay premium according to their percentage ownership in the horse or horses.

NEW SECTION

WAC 296-17-73105 CLASSIFICATION 6614.

Parimutuel horse racing: All other employees, N.O.C. – Major tracks

This classification is limited in scope to employees of trainers and/or owners who come under the jurisdiction of the Washington horse racing commission, and who become licensed subject to the Washington horse racing commission's rules or regulations. This classification covers all on or off track employments of employers subject to this classification, such as: Assistant trainers, pony riders, and exercise riders; but excludes grooms which are to be reported separately in classification 6615. For purposes of this rule, jockeys will be considered exercise riders when employed by a trainer and/or owner at a time other than during the dates of a scheduled race meet. A meet, as used in this section, shall be for the duration of the racing season as set for each track by the Washington state horse racing commission.

NEW SECTION

WAC 296-17-73106 CLASSIFICATION 6615.

Parimutuel horse racing: Grooms – Major tracks

This classification is limited in scope to individuals licensed as grooms by the Washington horse racing commission who are employed by a trainer and/or owner who come under the jurisdiction of and are licensed by the Washington horse racing commission. This classification covers all on or off track activities of grooms employed at major tracks. Employment activities performed by grooms at a fair or bush track are to be reported separately in classification 6617.

NEW SECTION

WAC 296-17-73107 CLASSIFICATION 6616.

Parimutuel horse racing: All other employees, N.O.C. – Fair meets or bush tracks

This classification is limited in scope to employees of trainers and/or owners who come under the jurisdiction of the Washington horse racing commission, and who become licensed subject to the Washington horse racing commission's rules or regulations. This classification covers all on or off track employments of employers subject to this classification, such as: Assistant trainers, pony riders, and exercise riders; but excludes grooms which are to be reported separately in classification 6617. For purposes of this rule, jockeys will be considered exercise riders when employed by a trainer and/or owner at a time other than during the dates of a scheduled race meet. A meet, as used in this section, shall be for the duration of the racing season as set for each track by the Washington state horse racing commission.

NEW SECTION

WAC 296-17-73108 CLASSIFICATION 6617.

Parimutuel horse racing: Grooms – Fair meets or bush tracks

This classification is limited in scope to individuals licensed as grooms by the Washington horse racing commission who are employed by a trainer and/or owner who come under the jurisdiction of and are licensed by the Washington horse racing commission. This classification covers all on or off track activities of grooms employed at a bush track or fair meet. Employment activities performed by grooms at a major track are to be reported separately in classification 6615.

AMENDATORY SECTION (Amending Order 88-05, filed 5/31/88)

WAC 296-17-773 CLASSIFICATION 7302.

Livestock farms

Parimutuel horse racing: Proprietors, partners, and corporate officers

This subclassification is limited in scope to excluded employment contained in RCW 51.12.020 (5) and (8) "Sole proprietors, partners, and corporate officers" who elect workers compensation insurance on a voluntary basis. See WAC 296-17-350(2) "Excluded employments" for premium reporting and calculations.

Riding academies

This classification includes all farm operations related and incidental to the enterprises described above and applies to all acreage devoted to the raising of these animals.

AMENDATORY SECTION (Amending Order 88-30, filed 12/1/88, effective 1/1/89)

WAC 296-17-885 TABLE III.

**Expected Loss Rates and D-Ratios
Expected Loss Rates in Dollars Per Worker Hour
for Indicated Fiscal Year**

CLASS	1985	1986	1987	D-RATIO
0101	1.0201	.9484	.8175	.411
0102	1.0280	.9583	.8280	.449
0103	1.3328	1.2376	1.0652	.381
0104	1.0174	.9385	.8035	.314
0105	1.1115	1.0351	.8929	.416
0106	1.8162	1.6879	1.4540	.399
0107	.8341	.7771	.6712	.440
0108	.8902	.8272	.7127	.406
0109	2.1966	2.0325	1.7444	.342
0201	1.6840	1.5595	1.3398	.361
0202	2.6587	2.4653	2.1182	.338
0206	1.5649	1.4480	1.2427	.339
0301	.5478	.5131	.4450	.511
0302	1.6473	1.5286	1.3160	.396
0306	.7815	.7282	.6288	.436
0307	.6873	.6406	.5533	.440
0401	2.8637	2.6679	2.3040	.439
0402	1.4820	1.3806	1.1916	.426
0403	1.1425	1.0583	.9092	.355
0502	1.0510	.9776	.8429	.412
0503	1.4127	1.3161	1.1359	.426
0504	1.0523	.9828	.8506	.473

CLASS	1985	1986	1987	D-RATIO	CLASS	1985	1986	1987	D-RATIO
0505	1.3240	1.2327	1.0638	.431	2106	.3693	.3447	.2979	.452
0506	2.6557	2.4777	2.1415	.451	2201	.2466	.2303	.1994	.476
0507	2.8637	2.6679	2.3040	.439	2202	.4462	.4167	.3604	.462
0508	2.6750	2.4774	2.1272	.342	2203	.2780	.2603	.2258	.509
0509	2.0372	1.8832	1.6146	.320	2401	.4715	.4402	.3809	.468
0510	1.1615	1.0835	.9367	.456	2903	.5904	.5534	.4804	.524
0511	1.0696	.9933	.8554	.394	2904	.6626	.6201	.5370	.493
0512	1.3484	1.2570	1.0859	.446	2905	.4448	.4163	.3608	.501
0513	.6796	.6337	.5478	.454	2906	.5002	.4676	.4052	.490
0514	1.1615	1.0835	.9367	.456	2907	.4396	.4115	.3570	.508
0515	1.7602	1.6363	1.4106	.413	2908	.8817	.8232	.7122	.468
0516	1.3240	1.2327	1.0638	.431	2909	.5694	.5321	.4606	.479
0601	.4882	.4552	.3933	.445	3101	.5530	.5138	.4427	.399
0602	.3655	.3405	.2941	.441	3102	.3754	.3502	.3028	.456
0603	.6843	.6352	.5470	.396	3103	.3754	.3502	.3028	.456
0604	1.7363	1.6147	1.3907	.376	3104	.4944	.4611	.3982	.435
0606	.2255	.2105	.1820	.458	3105	.7084	.6611	.5715	.455
0607	.2602	.2431	.2103	.468	3301	.7336	.6867	.5958	.507
0608	.2609	.2438	.2111	.479	3302	.6764	.6314	.5463	.468
0701	1.2606	1.1674	1.0031	.367	3303	.2520	.2348	.2027	.426
0803	.3608	.3360	.2898	.417	3309	.4233	.3942	.3398	.403
0804	.5685	.5282	.4551	.400	3401	.3536	.3306	.2863	.482
0901	1.8533	1.7128	1.4693	.346	3402	.3254	.3048	.2643	.509
1002	1.0182	.9514	.8238	.480	3403	.1294	.1210	.1047	.476
1003	.5495	.5118	.4420	.435	3404	.3454	.3236	.2807	.516
1004	.5495	.5118	.4420	.435	3405	.2391	.2230	.1927	.445
1005	3.4288	3.2005	2.7695	.469	3406	.1842	.1723	.1491	.487
1007	.1801	.1685	.1459	.488	3407	.2677	.2495	.2156	.442
1101	.5366	.5012	.4334	.463	3408	.1014	.0946	.0817	.441
1102	1.1561	1.0749	.9267	.413	3409	.1568	.1464	.1265	.450
1103	.4109	.3847	.3336	.505	3501	.6539	.6094	.5261	.432
1104	.5049	.4726	.4097	.503	3503	.2670	.2503	.2172	.524
1106	.1905	.1787	.1551	.541	3506	.6009	.5591	.4823	.421
1108	.4240	.3961	.3428	.472	3508	.4341	.4067	.3529	.517
1109	.8021	.7479	.6462	.449	3602	.0747	.0699	.0607	.513
1301	.2238	.2087	.1804	.448	3603	.5649	.5286	.4582	.499
1303	.1797	.1676	.1448	.452	3604	1.0841	1.0072	.8674	.390
1304	.0162	.0152	.0131	.501	3605	.3747	.3501	.3029	.472
1305	.3221	.3017	.2616	.511	3606	.7142	.6679	.5782	.482
1401	1.3165	1.2297	1.0625	.443	3701	.2602	.2425	.2095	.441
1404	.5772	.5375	.4638	.422	3702	.3853	.3586	.3095	.424
1405	.4955	.4625	.4000	.464	3707	.3359	.3145	.2728	.506
1501	.3235	.3019	.2611	.462	3708	.2532	.2368	.2050	.483
1507	.2350	.2193	.1896	.458	3801	.2029	.1894	.1638	.461
1701	1.5921	1.4727	1.2643	.357	3802	.1323	.1243	.1081	.556
1702	1.5921	1.4727	1.2643	.357	3808	.2217	.2078	.1803	.519
1703	.4277	.3982	.3439	.436	3901	.1549	.1447	.1252	.473
1704	.7917	.7362	.6347	.410	3902	.5165	.4819	.4167	.460
1801	.9102	.8467	.7299	.408	3903	1.0118	.9442	.8159	.448
1802	.3920	.3654	.3154	.437	3905	.1305	.1226	.1066	.560
2002	.5345	.4989	.4313	.458	3906	.3725	.3474	.3004	.456
2003	.3658	.3423	.2965	.493	3909	.2443	.2289	.1984	.514
2004	.6522	.6083	.5259	.456	4002	.5876	.5481	.4738	.451
2005	.3011	.2817	.2439	.489	4101	.1645	.1540	.1333	.488
2007	.3286	.3063	.2645	.434	4103	.2712	.2539	.2202	.504
2008	.2502	.2330	.2013	.435	4107	.0880	.0823	.0712	.483
2101	.5840	.5450	.4709	.446	4108	.1645	.1540	.1333	.488
2102	.3658	.3423	.2965	.493	4109	.1645	.1540	.1333	.488
2104	.3026	.2835	.2461	.524	4201	.3008	.2804	.2423	.446
2105	.4697	.4371	.3770	.422	4301	.7740	.7238	.6270	.490

CLASS	1985	1986	1987	D-RATIO	CLASS	1985	1986	1987	D-RATIO
4302	.6395	.5969	.5161	.460	6205	.1500	.1404	.1217	.505
4303	.5919	.5601	.4899	.701	6206	.1500	.1404	.1217	.505
4304	.5371	.5021	.4345	.478	6207	.8973	.8405	.7287	.512
4305	1.1811	1.0996	.9487	.422	6208	.2051	.1915	.1655	.457
4401	.3915	.3666	.3180	.508	6209	.2371	.2217	.1919	.478
4402	.6269	.5855	.5067	.472	6301	.1072	.1000	.0863	.436
4404	.5034	.4713	.4086	.504	6302	.1462	.1362	.1175	.423
4501	.1303	.1211	.1043	.396	6303	.0478	.0448	.0387	.474
4502	.0328	.0305	.0263	.412	6304	.1164	.1088	.0940	.468
4504	.0741	.0695	.0602	.512	6305	.0485	.0454	.0394	.487
4601	.5742	.5340	.4597	.371	6306	.2315	.2163	.1872	.471
4802	.2901	.2715	.2355	.502	6308	.0349	.0324	.0279	.407
4803	.3280	.3068	.2660	.499	6309	.0990	.0928	.0805	.516
4804	.5422	.5076	.4399	.502	6402	.2196	.2052	.1776	.475
4805	.3315	.3097	.2679	.469	6403	.1414	.1327	.1154	.551
4806	.0820	.0768	.0665	.495	6404	.1109	.1040	.0903	.540
4808	.4261	.3970	.3427	.430	6405	.5529	.5153	.4450	.440
4809	.2191	.2052	.1779	.513	6406	.0690	.0646	.0560	.498
4810	.1418	.1325	.1147	.479	6407	.1543	.1447	.1256	.529
4811	.2840	.2651	.2291	.459	6408	.3134	.2913	.2509	.382
4812	.3347	.3129	.2710	.487	6409	.3695	.3453	.2989	.477
4901	.0456	.0426	.0368	.470	6501	.0529	.0497	.0431	.537
4902	.0329	.0307	.0265	.474	6502	.0181	.0169	.0147	.493
4903	.0456	.0426	.0368	.470	6503	.0938	.0868	.0743	.311
4904	.0162	.0152	.0131	.501	6504	.2989	.2809	.2440	.568
4905	.2826	.2652	.2302	.534	6505	.1728	.1618	.1402	.505
4906	.0474	.0444	.0385	.502	6506	.0575	.0538	.0465	.478
4907	.0869	.0811	.0702	.458	6508	.3696	.3462	.3001	.510
4908	.1146	.1071	.0926	.460	6509	.2410	.2255	.1952	.485
4909	.1146	.1071	.0926	.460	6601	.1728	.1617	.1400	.489
5001	3.6616	3.3998	2.9266	.386	6602	.4206	.3945	.3427	.538
5002	.4536	.4249	.3685	.512	6603	.2398	.2241	.1941	.481
5003	1.3866	1.2862	1.1061	.366	6604	.0627	.0585	.0506	.457
5004	1.7928	1.6757	1.4512	.484	6605	.1858	.1740	.1508	.506
5101	.6228	.5807	.5017	.447	6607	.1626	.1524	.1322	.533
5102	1.1768	1.0935	.9422	.403	6608	.2229	.2079	.1796	.448
5103	.7893	.7370	.6374	.464	6609	3.1883	2.9856	2.5873	.505
5106	.6091	.5676	.4900	.429	6610	3.1883	2.9856	2.5873	.505
5108	.6317	.5899	.5103	.467	6611	3.1883	2.9856	2.5873	.505
5109	.5085	.4718	.4058	.372	6612	3.1883	2.9856	2.5873	.505
5201	.2982	.2779	.2401	.438	6613	3.1883	2.9856	2.5873	.505
5204	1.3266	1.2415	1.0771	.505	6614	3.1883	2.9856	2.5873	.505
5206	.3391	.3150	.2714	.401	6615	3.1883	2.9856	2.5873	.505
5207	.1626	.1524	.1322	.533	6616	3.1883	2.9856	2.5873	.505
5208	.8947	.8356	.7231	.473	6617	3.1883	2.9856	2.5873	.505
5209	.5480	.5113	.4418	.450	6704	.1754	.1639	.1418	.469
5301	.0222	.0207	.0179	.451	6705	.6633	.6218	.5396	.527
5305	.0261	.0243	.0210	.438	6706	.3241	.3028	.2619	.467
5306	.0285	.0266	.0230	.453	6707	12.6231*	11.8673*	10.3188*	.578
5307	.2928	.2736	.2368	.476	6708	3.6961	3.4590	2.9950	.491
6103	.0406	.0381	.0329	.503	6709	.1419	.1332	.1156	.547
6104	.2734	.2553	.2207	.460	6801	.4628	.4304	.3711	.415
6105	.2429	.2280	.1980	.542	6802	.3266	.3048	.2634	.450
6107	.1056	.0987	.0852	.455	6803	1.6612	1.5225	1.2963	.256
6108	.4884	.4587	.3988	.554	6804	.2136	.1982	.1706	.372
6109	.0337	.0316	.0274	.508	6809	2.3196	2.1749	1.8859	.529
6201	.1359	.1269	.1098	.463	6901	.0392	.0366	.0317	.701
6202	.5600	.5217	.4504	.428	6902	.4879	.4531	.3903	.401
6203	.0886	.0827	.0715	.451	6903	4.9785	4.5990	3.9400	.302
6204	.1500	.1404	.1217	.505	6904	.1582	.1475	.1274	.443

CLASS	1985	1986	1987	D-RATIO	Base Rates Effective January 1, 1989	
					Accident Fund	Medical Aid Fund
6905	.2438	.2266	.1951	.386		
6906	.1024	.0960	.0830	.701		
6907	1.1711	1.0924	.9446	.459		
6908	.2658	.2483	.2148	.469		
6909	.0581	.0542	.0469	.462		
7101	.0268	.0250	.0216	.434	0109	1.9588
7102	24.2906*	22.7579*	19.7084*	.509	0201	1.5564
7103	.1809	.1684	.1453	.418	0202	1.9333
7104	.0406	.0378	.0327	.440	0206	1.3705
7105	.2862	.2682	.2328	.524	0301	0.4588
7106	.5751	.5366	.4641	.462	0302	1.5943
7107	1.3032	1.2182	1.0543	.476	0306	0.6617
7108	2.2113	2.0656	1.7883	.477	0307	0.5636
7109	5.5532	5.1815	4.4795	.456	0401	2.5428
7110	.2862	.2682	.2328	.524	0402	1.1525
7111	.2862	.2682	.2328	.524	0403	0.9859
7112	.5751	.5366	.4641	.462	0502	0.8922
7113	.5751	.5366	.4641	.462	0503	1.0919
7114	.5751	.5366	.4641	.462	0504	0.9216
7715	.5751	.5366	.4641	.462	0505	1.1976
7116	.5751	.5366	.4641	.462	0506	2.0977
7117	1.3032	1.2182	1.0543	.476	0507	2.5428
7118	2.2113	2.0656	1.7883	.477	0508	2.2195
7119	2.2113	2.0656	1.7883	.477	0509	1.7384
7120	5.5532	5.1815	4.4795	.456	0510	1.0175
7121	5.5532	5.1815	4.4795	.456	0511	0.9321
7201	.5216	.4877	.4223	.485	0512	1.1642
7202	.0341	.0317	.0273	.401	0513	0.6071
7203	.1031	.0962	.0831	.449	0514	1.0175
7301	.5622	.5255	.4551	.483	0515	1.6333
7302	.6392	.5979	.5173	.480	0516	1.1976
7307	.8776	.8242	.7160	.557	0601	0.3932
7308	.2218	.2072	.1793	.466	0602	0.3301
7309	.1419	.1332	.1156	.547	0603	0.6349
					0604	1.1492
					0606	0.1721
					0607	0.2040
					0608	0.2157
					0701	1.2004
					0803	0.2796
					0804	0.4958
					0901	1.8286
					1002	0.8661
					1003	0.4663
					1004	0.4663
					1005	3.2320
					1007	0.1380
					1101	0.3831
					1102	1.0390
					1103	0.3392
					1104	0.4054
					1106	0.1181
					1108	0.3310
					1109	0.6901
					1301	0.1793
					1303	0.1538
					1304	0.0112
					1305	0.2470
					1401	0.7148
					1404	0.4578

*Daily expected loss rate

AMENDATORY SECTION (Amending Order 88-30, filed 12/1/88, effective 1/1/89)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID BASE RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

Class	Base Rates Effective January 1, 1989	
	Accident Fund	Medical Aid Fund
0101	0.9125	0.5277
0102	0.9270	0.5371
0103	1.0931	0.7846
0104	0.9706	0.4254
0105	0.8293	0.7555
0106	1.5560	1.0073
0107	0.7448	0.4414
0108	0.8162	0.4374

Base Rates Effective
January 1, 1989Base Rates Effective
January 1, 1989

Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
1405	0.4228	0.2871	3604	0.8901	0.6403
1501	0.2667	0.1971	3605	0.2981	0.2411
1507	0.1832	0.1542	3701	0.2144	0.1569
1701	1.5644	0.6396	3702	0.3294	0.2176
1702	1.5644	0.6396	3707	0.2853	0.2008
1703	0.3941	0.2126	3708	0.1907	0.1751
1704	0.6857	0.4339	3801	0.1634	0.1278
1801	0.7316	0.5595	3802	0.1028	0.0912
1802	0.3182	0.2411	3808	0.1796	0.1426
2002	0.4216	0.3455	3901	0.1198	0.1033
2003	0.2831	0.2462	3902	0.4303	0.3096
2004	0.5703	0.3615	3903	0.7406	0.7127
2005	0.2256	0.2101	3905	0.0987	0.1058
2007	0.2534	0.2161	3906	0.3223	0.2101
2008	0.2096	0.1468	3909	0.1816	0.1737
2101	0.4157	0.4235	4002	0.4831	0.3576
2102	0.2831	0.2462	4101	0.1186	0.1198
2104	0.2480	0.1919	4103	0.2195	0.1733
2105	0.4212	0.2437	4107	0.0628	0.0645
2106	0.2827	0.2473	4108	0.1186	0.1198
2201	0.2080	0.1464	4109	0.1186	0.1198
2202	0.3174	0.3258	4201	0.2566	0.1726
2203	0.2281	0.1748	4301	0.6692	0.4460
2401	0.4024	0.2737	4302	0.5392	0.3767
2903	0.4811	0.3776	4304	0.4046	0.3707
2904	0.4593	0.5023	4305	0.9809	0.6973
2905	0.3515	0.2927	4401	0.3220	0.2454
2906	0.4266	0.2943	4402	0.5148	0.3862
2907	0.3744	0.2619	4404	0.4141	0.3147
2908	0.7655	0.4982	4501	0.1074	0.0767
2909	0.4629	0.3570	4502	0.0263	0.0202
3101	0.4731	0.3073	4504	0.0467	0.0615
3102	0.3257	0.2108	4601	0.3763	0.4404
3103	0.3257	0.2108	4802	0.2360	0.1840
3104	0.3306	0.3800	4803	0.2719	0.2022
3105	0.5698	0.4456	4804	0.4120	0.3743
3301	0.6669	0.3928	4805	0.2564	0.2208
3302	0.6012	0.3672	4806	0.0674	0.0512
3303	0.1854	0.1749	4808	0.3304	0.2778
3309	0.2933	0.3108	4809	0.1583	0.1604
3401	0.2848	0.2250	4810	0.1118	0.0925
3402	0.2564	0.2159	4811	0.2369	0.1698
3403	0.0986	0.0880	4812	0.2834	0.1988
3404	0.2687	0.2334	4901	0.0355	0.0301
3405	0.1815	0.1612	4902	0.0264	0.0209
3406	0.1201	0.1473	4903	0.0355	0.0301
3407	0.2231	0.1589	4904	0.0112	0.0123
3408	0.0791	0.0660	4905	0.2094	0.2035
3409	0.1119	0.1136	4906	0.0358	0.0331
3501	0.5187	0.4145	4907	0.0675	0.0572
3503	0.2171	0.1713	4908	0.0648	0.1015
3506	0.5355	0.3152	4909	0.0648	0.1015
3508	0.3525	0.2781	5001	3.1244	2.0286
3602	0.0556	0.0531	5002	0.3796	0.2779
3603	0.4550	0.3623	5003	1.1477	0.7985

Base Rates Effective January 1, 1989			Base Rates Effective January 1, 1989		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
5004	1.5543	1.0248	6509	0.1476	0.2027
5101	0.5391	0.3493	6601	0.1264	0.1238
5102	1.0408	0.6186	6602	0.3366	0.2772
5103	0.6461	0.4868	6603	0.1830	0.1632
5106	0.4609	0.4094	6604	0.0528	0.0370
5108	0.5043	0.4035	6605	0.1509	0.1183
5109	0.4325	0.2811	6607	0.1080	0.1298
5201	0.2280	0.1986	6608	0.1988	0.1189
5204	1.3424	0.5661	6609	2.7739	3.2429
5206	0.3007	0.1772	6610	1.1999	1.4027
5207	0.1080	0.1298	6611	0.7428	0.8685
5208	0.7660	0.5182	6612	0.3874	0.4529
5209	0.4395	0.3452	6613	2.4884	2.4746
5301	0.0151	0.0168	6614	91.7390**	107.2610**
5305	0.0194	0.0179	6615	68.6890**	80.3110**
5306	0.0232	0.0177	6616	8.7590**	10.2410**
5307	0.2430	0.1782	6617	6.4540**	7.5460**
6103	0.0235	0.0357	6704	0.1232	0.1301
6104	0.2041	0.1892	6705	0.4570	0.5119
6105	0.1827	0.1726	6706	0.2261	0.2417
6107	0.0788	0.0730	6707	8.22*	10.40*
6108	0.3862	0.3294	6708	2.2429	3.1360
6109	0.0267	0.0222	6709	0.0891	0.1193
6201	0.0990	0.0968	6801	0.4124	0.2417
6202	0.4495	0.3487	6802	0.2517	0.2166
6203	0.0683	0.0589	6803	1.7596	0.4612
6204	0.1076	0.1103	6804	0.1767	0.1235
6205	0.1076	0.1103	6809	1.3296	2.0704
6206	0.1076	0.1103	6901	—	0.0582
6207	0.6421	0.6636	6902	0.4535	0.2321
6208	0.1554	0.1394	6903	4.1064	2.7848
6209	0.1590	0.1844	6904	0.1288	0.0972
6301	0.0856	0.0676	6905	0.1922	0.1524
6302	0.1178	0.0903	6906	—	0.1524
6303	0.0334	0.0357	6907	1.0590	0.6129
6304	0.0873	0.0804	6908	0.2185	0.1633
6305	0.0350	0.0353	6909	0.0429	0.0407
6306	0.1649	0.1693	7101	0.0226	0.0156
6308	0.0300	0.0193	7102	10.86*	24.77*
6309	0.0700	0.0743	7103	0.1527	0.1039
6402	0.1844	0.1313	7104	0.0151	0.0168
6403	0.1030	0.1044	7105	0.0338	0.0241
6404	0.0783	0.0840	7106	0.1844	0.1313
6405	0.4661	0.3221	7107	0.1844	0.1313
6406	0.0461	0.0542	7108	0.1844	0.1313
6407	0.1077	0.1178	7109	0.2359	0.1802
6408	0.2359	0.2078	7110	0.2359	0.1802
6409	0.2759	0.2574	7111	0.2359	0.1802
6501	0.0395	0.0379	7112	0.5186	0.3033
6502	0.0128	0.0135	7113	0.5186	0.3033
6503	0.0791	0.0508	7114	0.5186	0.3033
6504	0.1871	0.2534	7115	0.5186	0.3033
6505	0.1207	0.1305	7116	0.5186	0.3033
6506	0.0413	0.0418	7117	0.8915	0.9943
6508	0.2864	0.2502	7118	1.9733	1.1996

Base Rates Effective
January 1, 1989

Class	Accident Fund	Medical Aid Fund
7119	1.9733	1.1996
7120	4.6053	3.3871
7121	4.6053	3.3871
7201	0.4559	0.2946
7202	0.0286	0.0195
7203	0.0773	0.0706
7204		
7301	0.4838	0.3252
7302	0.3936	0.5346
7307	0.5793	0.7106
7308	0.1697	0.1496
7309	0.0891	0.1193

**Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.*

***These rates are calculated on a per license basis for parimutuel race tracks and are base rated.*

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-17-731 CLASSIFICATION 6609.
- WAC 296-17-73101 CLASSIFICATION 6610.
- WAC 296-17-73102 CLASSIFICATION 6611.
- WAC 296-17-73103 CLASSIFICATION 6612.
- WAC 296-17-73104 CLASSIFICATION 6613.

WSR 89-11-075

NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES
(Board of Natural Resources)

[Memorandum—May 19, 1989]

The Board of Natural Resources meeting regularly scheduled for Tuesday, June 6, 1989, has been rescheduled to be held Tuesday, June 13, 1989, at 10:00 a.m. at the Shilo Inn in Moses Lake, Washington.

WSR 89-11-076

NOTICE OF PUBLIC MEETINGS
COUNCIL ON VOCATIONAL EDUCATION

[Memorandum—May 22, 1989]

Board Room
South Seattle Community College
Seattle, Washington
June 2, 1989

The meeting site is barrier free. People needing special accommodations should contact the council office at (206) 753-3715.

WSR 89-11-077

PROPOSED RULES
INSURANCE COMMISSIONER

[Filed May 22, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Insurance Commissioner intends to adopt, amend, or repeal rules concerning sections of chapter 284-17 WAC pertaining to insurance education, in accord with the enabling legislation effective July 1, 1989. The amendments modify criteria for approval and conduct of prelicense education courses, and postpone the dates on which license applicants and insurance education providers must comply;

that the agency will at 10:00 a.m., Tuesday, June 27, 1989, in the John A. Cherberg (Public Lands) Building, Senate Hearing Room 2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 29, 1989.

The authority under which these rules are proposed is RCW 48.02.060.

The specific statute these rules are intended to implement is RCW 48.17.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 27, 1989.

Dated: May 22, 1989

By: Roger Polzin
Deputy Commissioner
Management Services

STATEMENT OF PURPOSE

Title: Amending sections of chapter 284-17 WAC, Licensing requirements and procedures, pertaining to qualifying education of persons applying for resident insurance agent's or solicitor's licenses. Amending WAC 284-17-505, 284-17-530 [284-17-520], 284-17-535, 284-17-537, 284-17-540 and 284-17-550 pertaining to standards for the presentation of such education; and amending WAC 284-17-520 and 284-17-570, deferring the original implementation dates.

Statutory Authority: RCW 48.02.060, expressly confers rule-making authority upon the insurance commissioner; and RCW 48.17.150 (1)(d) requires that license applicants complete education prescribed by the commissioner.

WAC 284-17-505, defines specific terms; WAC 284-17-520, defers the date when license applicants must comply with educational requirements; WAC 284-17-535 and 284-17-537, describe the types of experiences that qualify a provider's program director and instructor(s) for approval, and describe some activities that disqualify a provider from approval; WAC 284-17-540, specifies types of experiences that qualify a provider for approval if the provider is not an insurer; WAC 284-

17-550, refines established course standards; and WAC 284-17-520, applies to any applicant for a license, who is required to pass the qualifying license examination(s) as a demonstration of competency. These proposed amendments apply primarily to the methods of presenting required prelicense education courses. Authority to establish course standards is contained in the commissioner's statutory duty to prescribe educational requirements for license applicants.

Roger Polzin, Deputy Commissioner, (206) 753-2403, was directly responsible for the drafting of the proposed amendments, with the help of JoAnn Clarke, Insurance Education Manager, (206) 586-9152; and Delores Mitchell, Contracts Specialist, (206) 586-1001. The proposed amendments will be implemented and enforced by the administrative division of the Office of Insurance Commissioner, under the direct supervision of Roger Polzin, to whom all written inquires and comments may be directed until June 27, 1989, at the Insurance Building, Mailstop AQ-21, Olympia, Washington 98504.

The amended rules are proposed by Dick Marquardt, the Insurance Commissioner, a state public official. The proposed amendments modify the acceptable methods of conducting prelicense education.

These amendments are not necessary as the result of federal law or of state or federal court action.

Small Business Economic Impact Statement: These amendments may reduce the economic impact on insurer providers and independent providers who develop and offer prelicense education. The delayed effective date allows time for providers to bring their proposals into compliance with revised requirements, and may also allow other potential providers to apply for approval.

Potential costs associated with these amendments are the same or lower than those estimated at its initial adoption. There is no basis for treating small businesses differently from large businesses; the fixed costs of describing a proposed provider's prelicense education program are relatively modest, and are necessary to assure a credible program of insurance education. The impact of other costs will vary from one provider to another in proportion to the level of compensation and type of instruction provided by each prelicense education provider.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-505 DEFINITIONS. As used in WAC 284-17-505 through 284-17-565, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Approved prelicense education provider" or "provider" means any insurer, professional association, ~~((community college))~~ educational institution created by Washington statutes or vocational school licensed under Title 28C RCW, or independent contractor, to which the commissioner has granted authority to conduct and certify completion of an approved course satisfying the insurance education requirements of RCW 48.17.150.

(2) "Approved course" means a series of seminars, classes, or lectures meeting the requirements of WAC 284-17-550; covering the prescribed curricula of WAC 284-17-551 and ~~((any))~~ the applicable section(s) of WAC 284-17-552 through 284-17-555. A course is approved only for offering by an approved provider, while supervised by an approved program director, and ~~((taught by))~~ presented under the supervision of an approved instructor, according to the applicable section of either WAC 284-17-540 or 284-17-545.

(3)(a) "Instructor" means a person meeting the requirements of WAC 284-17-537.

(b) "Student" means an individual taking the prelicense education course that is required as a prerequisite to admission to the life, disability, property, or casualty resident insurance agent's license examination.

(4) "Curriculum" or "curricula" means the topics of study prescribed for prelicense education by the commissioner at WAC 284-17-551 through 284-17-555, concerning the life, disability, property, and casualty lines of insurance, and including the Washington insurance statutes and regulations curriculum.

(5) "Independent testing service" means the entity with which the commissioner has contracted to develop, administer, and score license examinations.

(6) "Insurer" means an insurance company, health care service contractor, or health maintenance organization authorized to conduct business in Washington under RCW 48.05.030, 48.44.015, or 48.46.027, respectively.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-520 WHEN PRELICENSE EDUCATION REQUIREMENT MUST BE MET. The requirements of WAC 284-17-505 through 284-17-520 apply to all persons taking an agent's license examination, conducted on or after ~~((July))~~ November 1, 1989.

(1) Any applicant seeking a resident's license as a life, disability, property, or casualty insurance agent or solicitor in the state of Washington who appears at an examination site must present certificates of completion of the requisite number of hours of approved prelicense education, or a written waiver of the applicable line curriculum and a certificate of completion of the statutes and regulations curriculum, to be allowed access to the examination.

(2) Any applicant who receives a passing score on the licensing examination must include validated certificates of completion of the approved prelicense education, or a written waiver of the applicable line curriculum requirement, along with other license application documents, to be issued the license.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-535 PROGRAM DIRECTOR QUALIFICATIONS AND RESPONSIBILITIES. (1) A program director's necessary qualifications are:

(a) At least five years of teaching experience and knowledge of insurance products, principles, and laws.

(i) Each independent provider's program director must possess and hold in good standing a Washington agent's or broker's license.

(ii) Each insurer provider's program director must possess such a license or comparable scholastic or professional credentials that the commissioner deems equivalent to such a license.

(iii) The requirements of (a)~~((i))~~ of this subsection shall not apply to program directors employed by approved providers governed by chapters 28B.19 and 28B.50 RCW, community colleges within Washington state.

(b) An employment history involving administrative educational experience.

(c) Trustworthiness. A program director is untrustworthy if he or she has violated any statute or regulation pertaining to insurance, or to any other regulated occupation; or has had an occupational license revoked in any state; or has been convicted of a crime evidencing lack of fitness to assume fiduciary duties.

(2) Information on the program director which must be submitted to the commissioner includes the full disclosure of any regulatory or legal action involving the program director's professional or occupational activities.

(3) A program director's responsibilities include:

(a) Conducting a competent background investigation to ascertain that each instructor is trustworthy and qualified under WAC 284-17-537 and under WAC 284-17-540 or 284-17-545 for the line of insurance he or she has been designated to instruct; except that:

(i) In the event of an emergency created by the unavoidable absence of an approved instructor, the program director may appoint an interim instructor who was not previously certified and approved, to complete the current course offering, however:

(ii) The program director must immediately notify the commissioner of the nature of the emergency, the name of the ~~((temporary))~~ interim instructor, and the date upon which the current course offering will conclude.

(iii) At the conclusion of the current course offering the program director and provider shall suspend operation of the affected course until an approved instructor is available to conduct the classes.

(b) Supervising each approved course and reviewing all completed student evaluations of the course; and

(c) Insuring that instructors properly issue certificates of completion according to WAC 284-17-539 to the students at the completion of each course.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-537 INSTRUCTOR QUALIFICATIONS AND RESPONSIBILITIES. The provider must submit the name(s) of each proposed instructor to the commissioner.

(1) To qualify as an instructor for an approved provider, each proposed instructor must:

(a) Demonstrate any combination of at least three years of (~~in-~~structural experience and) experience instructing insurance education courses, supervising students completing self-paced insurance instructional materials, or experience as a licensed insurance agent or broker.

(b) Be trustworthy. An instructor is untrustworthy if he or she has violated any statute or regulation pertaining to insurance, or to any other regulated occupation; or has had an occupational license revoked in any state; or has been convicted of a crime evidencing lack of fitness to assume fiduciary duties.

(c) Demonstrate competence in the line of insurance he or she proposes to teach:

(i) Each independent provider's instructor must possess and hold in good standing a Washington agent's or broker's license for the applicable line(s) of insurance.

(ii) Each insurer provider's instructor must possess such a license or scholastic or professional credentials that the commissioner deems equivalent to such a license.

(2) The instructor of each approved course shall perform the following instructional and administrative duties:

(a) At the beginning session of each approved course, assure that each student has been properly registered.

(b) Remain (~~in~~) on the (classroom for the duration of each scheduled class session) premises whenever instruction is being offered.

(c) (~~Teach~~) Ensure that the study materials utilized, ((which)) incorporate the prescribed curriculum, ((according to)) and comply with the lesson plans filed with the commissioner.

(d) The instructor may teach approved courses on a live-instruction basis, or combine live instruction with the use of other instructional aids, or proctor student use of self-paced insurance instructional materials.

(e) At the conclusion of the course, distribute the standard course evaluation form prescribed by the commissioner, to each student who has completed the course; and collect the completed forms.

~~((f))~~ (f) To each student who has completed the course, issue a certificate of completion by signing each certificate, and thereby certify that the student actually completed the course.

~~((g))~~ (g) Review course evaluations with the program director.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-540 REQUIREMENTS APPLICABLE TO INDEPENDENT PRELICENSURE EDUCATION PROVIDERS. This section applies to all persons, other than insurers, offering life, disability, property, or casualty insurance courses to license applicants for purposes of satisfying the educational requirement prescribed by WAC 284-17-505 through 284-17-520.

(1) In addition to the general conditions for approval set out at WAC 284-17-530 through 284-17-539, and in addition to complying with the requirements of WAC 284-17-550, each noninsurer prelicense education provider shall:

(a) Describe any existing insurance education program:

(i) Class titles and curricula covered;

(ii) Number of students per course during previous year;

(iii) Name(s) and qualifications of instructor(s);

(iv) Name and qualifications of person responsible for the previous program.

(b) Describe the changes necessary to bring any existing program into compliance with WAC 284-17-530 through 284-17-539, 284-

17-550 and 284-17-551, and each applicable section of WAC 284-17-552 through 284-17-555.

(c) Reveal the provider's department of revenue registration number.

(2) To qualify a provider for the commissioner's approval, the provider's proposed program director must hold in good standing a valid Washington agent's or broker's license and present evidence of teaching experience, the combination to total a minimum of five consecutive years' qualifications. After (~~January~~) November 1, 1994, the license(s) must have been held in good standing for at least five years.

(3) To qualify a provider for the commissioner's approval, each of the provider's proposed instructors must hold in good standing a valid Washington agent's or broker's license, for the line(s) of insurance he or she will be instructing, and present evidence of teaching experience or experience supervising student completion of self-paced instructional materials, the combination to total a minimum of three consecutive years' qualifications. After (~~January~~) November 1, 1992, the license(s) must have been held in good standing for at least three years.

(4) An independent provider shall establish and maintain records and an appropriate accounting system for all tuition payments received by the provider.

(a) All tuition funds received must be deposited promptly into a bank account or depository separate from any other account or depository.

(b) The accounting system used must effectively isolate the separate account from any other operating or personal accounts, and must provide an audit trail so that details underlying the summary data may be identified.

(c) The provider shall make such records available for inspection by the commissioner during regular business hours upon demand during the three years immediately after the date of the transaction.

(5) Noninsurer course providers shall have an exact physical location or locations (~~, and all classes shall be scheduled on a regular and predictable basis~~).

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-550 COURSE STANDARDS. (1) No course will be approved unless the Washington insurance statutes and regulations applicable to the specific line are incorporated into each specific line(s) curriculum offered by the provider. These line specific statutes and regulations are not to be contained in the statutes and regulations curriculum of general application found at WAC 284-17-551.

(2) To qualify for approval, each course shall be (~~conducted by~~) presented under the supervision of an approved instructor, utilizing study materials that include all the prescribed curriculum, and shall be presented under the general supervision of an approved prelicense education provider.

(a) Each instructor's qualifications shall be identified, according to the requirements of WAC 284-17-530 (2)(d) and 284-17-537, and 284-17-540 or 284-17-545, for approval by the commissioner.

(b) The course instructor shall be (~~present in the classroom at all times during the hours an approved course is presented~~) on the premises whenever instruction is being offered.

(3) Each course shall be broken into individual lesson components covering the prescribed curriculum.

(a) Instruction may include coverage of related subject matter; however, such peripheral instruction must be presented in the individual lesson components as supplementary to the prescribed curriculum hours.

(b) The provider may choose the prelicense education study materials, and shall certify that the study materials include all of the prescribed curriculum.

(4) "Hours" are approved by the commissioner for an approved course. Each "hour" shall represent at least fifty minutes of actual instruction on a topic within the prescribed prelicense education curriculum.

(5) No course may be represented as approved until the approved prelicense education provider has received the commissioner's written approval of the instructor and of the course.

(a) Approved prelicense education providers must apply to the commissioner for amended course approval if any of the following changes or revisions are instituted before the original course approval expiration date:

(i) Change of study materials;

(ii) Change of (~~program schedule or~~) location; or

- (iii) Change of course tuition or rebate policy.
- (b) Amended approval, if granted, is valid only until the original course approval expiration date.

AMENDATORY SECTION (Amending Order R 88-14, filed 12/16/88)

WAC 284-17-570 IMPLEMENTATION DATES. WAC 284-17-530 through 284-17-565 concerning prelicense education providers shall be effective thirty calendar days from the date filed with the code reviser.

(1) Each person seeking initial provider approval, and intending to offer approved courses before ((~~July~~) November 1, 1989, must submit a request for provider approval to the commissioner before ((~~March~~) August 1, 1989.

(2) A request for provider approval that is received after ((~~March~~) August 1, 1989, may not be granted before ((~~July~~) November 1, 1989.

WSR 89-11-078

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 2005—Filed May 22, 1989]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to prohibited noxious weed list in chapter 16-300 WAC; seed testing charges in chapter 16-304 WAC; and rules relating to seed certification and inspection in chapter 16-316 WAC.

This action is taken pursuant to Notice No. WSR 89-07-074 filed with the code reviser on March 21, 1989. 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 15.49 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 May 19, 1989.

By Michael V. Schwisow
[Deputy] Director

AMENDATORY SECTION (Amending Order 1796, filed 5/16/83)

WAC 16-300-010 PROHIBITED NOXIOUS WEED SEEDS. (1) Prohibited (primary) noxious weed seeds are the seeds of weeds which when established are highly destructive, competitive and/or difficult to control by cultural or chemical practices.

(2) It shall be unlawful for any person to distribute mislabeled seed. Seed shall be deemed to be mislabeled if it consists of or contains any of the prohibited noxious weed seeds listed below. For the purpose of seed certification, see WAC 16-316-160 for the list of prohibited noxious weeds.

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Austrian fieldcress	Rorippa austriaca (Crantz) Bess.
Field bindweed	Convolvulus arvensis L.
Hedge bindweed	Convolvulus sepium L.
Camelthorn	Alhagi camelorum Fisch.
Canada thistle	Cirsium arvense (L.) Scop.
Hairy whitetop	Cardaria pubescens (C.A. Mey.)
Hoary cress	Cardaria draba (L.) Desv.
Jointed goatgrass (only in small grain)	Aegilops cylindrica
Leafy spurge	Euphorbia esula L.
Perennial pepperweed	Lepidium latifolium L.
Perennial sowthistle	Sonchus arvensis L.
Quackgrass	Agropyron repens (L.) Beauv.
Russian knapweed	Centaurea repens L.
Serrated tussock	Nassella trichotoma
Silverleaf nightshade	Solanum elaeagnifolium Cav.
Sorghum perennial such as, but not limited to, johnsongrass, sorghum almum, and perenni- al sweet sudangrass	Sorghum spp.
Tansy ragwort	Senecio jacobaea L.
Yellow-flowering skeleton weed	Chondrilla juncea L.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-304-040 SCHEDULE OF CHARGES. (1) Testing fees shall be as follows:

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds (d)
Bentgrass	2 oz.	\$30.00	\$15.00	\$16.00	\$46.00	\$21.00
Bluegrass	4 oz.	21.00	13.00	14.00	35.00	21.00
Bromegrass	6 oz.	22.00	13.00	11.50	33.50	21.00
Fescue	4 oz.	21.00	13.00	11.50	32.50	21.00
Orchardgrass	4 oz.	24.00	15.00	13.00	37.00	21.00
Ryegrass	4 oz.	21.00	13.00	10.50	31.50	21.00

	SAMPLE MIN. SIZE	PURITY (a)	NOXIOUS ONLY	GERM (b)	PURITY AND GERM (c)	TETRA- ZOLIUM 200 Seeds (d)
Crested Wheatgrass	4 oz.	((24.50)) <u>25.00</u>	15.00	14.00	((37.50)) <u>39.00</u>	21.00
Other Wheatgrasses	6 oz.	36.00	22.00	14.00	((49.00)) <u>50.00</u>	21.00
Other grasses	4 oz.	17.00	10.50	10.50	27.50	21.00
Beans and peas	1 1/4 lb.	13.00	7.50	11.50	24.50	21.00
Cereals	1 1/4 lb.	13.50	9.00	11.50	25.00	21.00
Other crops	4 oz.	13.50	9.00	11.50	25.00	21.00
Mixture (for each additional kind)		10.50		13.00		21.00
Beets		18.00	8.50	17.00	35.00	
Rapeseed		32.00	9.00	16.00	48.00	21.00
Carrot		13.50	9.00	11.50	25.00	36.00

(a) Purity - analysis to determine percent pure, other crop, inert, and weeds based on working sample as prescribed by Federal Seed Act (example: One gram - bluegrass; five grams - alfalfa; and one hundred grams - wheat) and examined for Washington state noxious weeds based on minimum sample size as prescribed by Federal Seed Act (example: Ten grams - bluegrass; fifty grams - alfalfa; five hundred grams - wheat).

(b) Germination - test prescribed by Federal Seed Act to determine percent germination of seed sample based on four hundred seeds.

(c) Purity and germination - includes both (a) and (b). This combination of tests provides information needed to label seed under state and federal acts.

(d) Tetrazolium test - a chemical test that measures viability and germination potential. (A germination test should also be obtained.)

(2) Special tests: (Standard noxious exam size unless otherwise specified).

(a) Crop and/or weed exam Noxious only fee plus \$ 3.50
(or hourly rate when applicable)

All crop seeds and/or all weed seeds are listed as number per pound.

(b) Poa annua check for bentgrass and bluegrass - each five grams \$16.00
Poa annua check for other grasses - each 10 grams \$16.00

(c) Sod seed analysis -
Bluegrass \$56.00
Fescue \$40.00
Ryegrass \$32.00

(A special test of turf grasses - for those who need a detailed examination of seed before purchase and/or use.)

Bluegrass test includes purity, twenty-five gram all weed/all crop, except ten gram Poa annua exam. Ryegrass and Fescue test includes purity, one hundred gram all weed/all crop. (Fluorescent required on ryegrass; germ and fluorescent test additional fee.)

(d) Fluorescent test - (four hundred seed test) \$13.00

(e) Pest and disease, soil exam or similar . . . \$16.00
(Reported on seed analysis certificate.) A visual examination of a representative sample.

(f) Sod analysis check - twenty-five gram exam to evaluate if a lot appears to be sod quality (phone report only) \$18.00

(g) Variety separation of Kentucky bluegrass . \$18.00
If separated at time of purity analysis \$ 9.00

(h) Sodium hydroxide test for presence of red and/or white wheat \$10.00

(i) Brassica seed chemical identification test . \$10.00

(j) Analysis of partially cleaned, uncleaned or field run seed with excessive inert, other crop or weed seeds (per hour) \$16.00

(k) Fescue seed fluorescence test - a test required to determine presence of other fine fescue species in hard fescue and sheep fescue which is required on certified samples \$14.00

(3) Inventory testing for germination: A service to provide opportunity to have carry-over seed stocks except mixtures tested at lowest possible charge. Not an official germination test.

(a) Reports may not be mailed until all tests are completed.

(b) Samples shall be plainly labeled "inventory samples."

(c) Samples shall be reported according to the sender's designation. The laboratory shall

assume no responsibility for correct identification. These samples and tests shall not become a part of our permanent record.

(d) The fee for this service shall be one-half the regular germination fee.

(e) Inventory testing for germination will be run as germination space is available, with the understanding that regular service samples have priority.

(4) Miscellaneous laboratory fees:

(a) Rush samples (including phone report if requested at time sample is submitted) \$10.00

(b) Phone reports on test result, per call \$ 3.50

(c) Preliminary report on germination (phone report only) \$ 8.00

(d) Morphological test \$ 8.00 (alfalfa or clover examined under magnification for combine damage.)

(e) Additional mailing of report (each destination) \$ 1.50

(f) Recopies of reports (minimum fee) \$ 2.50

Revised reports (minimum fee) \$ 5.00 (or hourly fee when applicable)

(g) I.S.T.A. rules test	PURITY	GERMINATION
Alfalfa, clover	\$20.00	\$14.00
Kentucky bluegrass	\$30.00	\$14.00
Peas, lentils	\$20.00	\$14.00

(h) Canadian rules test	PURITY	GERMINATION
Alfalfa, clover	\$20.00	(\$14.00) \$11.50
Kentucky bluegrass	\$30.00	\$14.00
Peas, lentils	\$20.00	(\$14.00) \$11.50

(i) Seed count \$16.00

(j) Extra charge for samples requiring special preparation for germination, i.e., New Zealand spinach, pelleted seeds, spinach, chard, etc. \$16.00

(k) Hourly fee for miscellaneous services \$16.00

(l) Service charge for submitted federal phytosanitary certificates, per certificate \$ 5.00

(m) All states noxious weed examination \$ 7.00

(n) Fee for special handling service (i.e., Federal Express, Air Parcel Post, or air freight) for documents or seed samples \$ 3.50

(o) Fee for facsimile transmission of documents, per document \$ 3.50

AMENDATORY SECTION (Amending Order 1757, filed 3/31/82, effective 5/1/82)

WAC 16-316-160 PROHIBITED NOXIOUS WEEDS. The following weeds shall be considered prohibited noxious weeds for the purpose of seed certification:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Austrian fieldcress	Rorippa austriaca (Crantz) Bess.
Field bindweed	Convolvulus arvensis L.
Hedge bindweed	Convolvulus sepium L.
Camelthorn	Alhagi camelorum Fisch.
Canada thistle	Cirsium arvense (L.) Scop.
Dodder	Cuscuta spp.
Hairy whitetop	Cardaria pubescens (C.A. Mey.)

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Hoary cress	Cardaria draba (L.) Desv.
Jointed goatgrass	Aegilops cylindrica
Leafy spurge	Euphorbia esula L.
Perennial pepperweed	Lepidium latifolium L.
Perennial sowthistle	Sonchus arvensis L.
Quackgrass	Agropyron repens (L.) Beauv.
Russian knapweed	Centaurea repens L.
Serrated tussock	Nassella trichotoma
Silverleaf nightshade	Solanum elaeagnifolium Cav.
Sorghum perennial such as, but not limited to, johnsongrass, sorghum alnum, and perennial sweet sudangrass	Sorghum spp.
Tansy ragwort	Senecio jacobaea L.
Yellow-flowering skeleton weed	Chondrilla juncea L.

AMENDATORY SECTION (Amending Order 1452, filed 5/13/76)

WAC 16-316-185 THE SEED ((PROCESSOR)) CONDITIONER. The seed ((processor)) conditioner shall: (1) Notify the seed branch, state department of agriculture, of their intent to ((process)) condition seed for certification.

(2) Request the seed branch to inspect its plant to determine if they can be approved to ((process)) condition seed for certification. Upon approval its name shall be added to the list of approved ((processing)) conditioning plants.

(3) Handle all seed for certification in a manner so as to prevent mixture of lots, clearly identifying each lot with a lot number.

(4) Show evidence of clean maintenance. Installations shall be easily accessible for cleaning and inspection and all equipment ((must)) shall be thoroughly cleaned between lots.

(5) Obtain approval from the certifying agency for handling seed for certification in bulk.

(6) Dispose of screenings in compliance with the Washington State Seed Act.

(7) Obtain approval from the certifying agency to ship seed for certification out-of-state for ((processing)) conditioning.

(8) Have his/her permit to ((process)) condition seed for certification rescinded should a subsequent inspection reveal that the ((processing)) conditioning of seed for certification is not being handled in the manner prescribed when the approval was granted and the operator fails to take corrective measures. The name of the establishment ((will)) shall then be removed from the list of approved ((processors)) conditioners, and the growers of seed for certification notified of the same.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-230 ALFALFA SEED CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:
Per variety, per grower \$15.00

(b) Late seedling penalty fee: (~~(\$15.00)~~)
\$30.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling (~~(acreage)~~) producing fee: (per acre) \$ 1.75
(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with (~~ten~~) thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:
Per variety, per grower \$15.00

(b) Renewal acreage fee: (per acre) \$ 1.75
(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee: (~~(\$15.00)~~)
\$30.00

This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation (each field) (~~(\$20.00)~~)
\$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee includes sampling and tagging per cwt.: \$ 0.50
The sampling and production fees are billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents cwt. production fee charged is refundable.

(5) Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 1851, filed 5/2/85)

WAC 16-316-270 BEAN SEED CERTIFICATION FEES.

(1) Applications: Due July 1, however, may be accepted after due date at the discretion of the certifying agency.

(a) Application fee:
Per variety, per grower \$15.00

(b) Acreage fee:

(i) One inspection: (per acre) \$ 1.75
One inspection is required for certification of Great Northern, Red Mexican, pinto, pink, and small white beans.

(ii) Two inspections: (per acre) \$ 3.50
Includes windrow inspection which is required for: Certification of snap beans, kidney beans, and eligibility for shipment into Idaho. For phytosanitary certification see WAC 16-316-327.

(iii) Acreage fee is refundable if acreage is withdrawn before inspection.

(c) Late application penalty fee: (~~(\$15.00)~~)
\$30.00

This additional fee shall be charged per grower for applications received after July 1.

(2) Reinspection: (each field) (~~(\$20.00)~~)
\$40.00

If a field is rejected for reasons other than bacterial diseases at the first inspection, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(3) Production fee includes sampling and tagging per cwt.: \$ 0.40
The production fees shall be billed at (~~final certification and tagging~~) the completion of tests.

(4) Purity and germination tests: Fees as established by the director of agriculture.

(5) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(6) Bean seed entered into the certification program shall comply with bean seed quarantine rules. See WAC 16-494-001 through 16-494-062.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-315 PHYTO-SANITARY CERTIFICATION—FEE AND CHARGES. (1) Fee for area and field inspection:

(a) Field inspection (payable with application):

(i) All seed except wheat seed. For each required inspection (per acre or fraction thereof) . . \$ 4.00
(with minimum fee of \$20.00 per field per inspection)

(ii) Wheat seed only. For each required inspection (per acre or fraction thereof) (~~(\$—75)~~)
\$ 1.75

An additional charge of fifty cents per acre shall be charged for each disease requested in excess of two.

(b) Area inspection
(per one hundred pounds) \$ 0.05
Billed at time certificate is issued with a minimum of twenty dollars and a maximum of one hundred fifty dollars per certificate.

(2) Late application penalty fee (~~(\$10.00)~~)

\$30.00

This additional fee shall be charged for each application received after due date.

- (3) Sampling fee when sampling is required:
 - (a) Beans, peas, lentils, cereal grains (per one hundred pounds) \$ 0.05
 - (b) Other crops (per one hundred pounds) \$ 0.15
- (4) Serology test: Fee to be established by the state of Idaho.

An official five pound sample is required from each ten thousand pounds or portion thereof. Officially drawn samples will be submitted to: State Plant Pathologist, Idaho Department of Agriculture, P.O. Box 410, Twin Falls, Idaho 83301.

(5) Fees for services not listed in this rule shall be set on the basis of the actual cost to the department of agriculture or the most appropriate fee established shall be used.

(6) Laboratory analysis of plant material: An additional fee of eighteen dollars per field shall be charged when necessary to examine plant material in the laboratory to verify disease.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-350 GRASS SEED CERTIFICATION FEES—SEEDLING APPLICATIONS. (1) All applications and fees for seedlings (~~planted from January 1 through June 30~~) shall be due (~~September 1, and all fees for seedlings planted July 1 through December 31 shall be due April 1 of the following year~~) within sixty days of planting; PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late seedling penalty fee.

- (a) Seedling application fee: Per variety, per (~~grower~~) field \$15.00
- (b) Late seedling penalty fee: (per kind) (~~(\$15.00)~~) \$30.00

This additional fee shall be charged for seedling applications received after due date.

(c) Seedling producing application fee: Per (~~variety~~) field, per grower \$15.00
Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees shall be due July 31: PROVIDED, That such application may be accepted after due date with (~~ten~~) thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due May 1: PROVIDED, That such applications may be accepted after due date at the discretion of the certifying agency upon payment of the late renewal penalty fee.

- (a) Renewal application fee: Per variety, per grower \$15.00
- (b) Late renewal penalty fee: (per (~~kind~~) variety) (~~(\$15.00)~~)

\$30.00

This additional fee shall be charged for renewal applications received after May 1.

- (c) Inspection fee per field \$30.00
 - (3) Annual grasses inspection fee: (per acre) . \$ 1.75
- Applications are due within sixty days after planting.
- (4) Reinspection: Other than isolation (each field) (~~(\$20.00)~~) \$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection is corrected. Only two reinspections are permitted for each field each year.

(5) Inspection and final certification fees: Inspection and final certification fees shall be based on pounds sampled and billed upon completion of required tests (Option A). Those dealers requesting sampling and tagging privileges and/or participation in Option B shall sign a memorandum of agreement that shall expire on June 30 of each year. Memorandum may be terminated by the director if conditioner violates certification standard or requirements of memorandum.

(a) Option A: When based on pounds sampled, and billed at completion of required laboratory tests, the fees shall be:

- (i) (~~(Inspection and)~~) Final certification fee . . \$ 0.80 per one hundred pounds. (If no seed is tagged, twenty cents of the final certification fee is refundable upon request.)
- (ii) Service fee for out-of-state origin \$ 0.30 per one hundred pounds.
- (iii) Blend fee shall be as established by blend rule, and in addition to above fees. However, blend fee not applicable to salvage blends.

(iv) Payment of fees shall be the responsibility of the person signing the application. However, conditioner may assume this responsibility.

(b) Option B: When based on pounds tagged after required laboratory tests are completed, the fees shall be:

- (i) (~~(Inspection and)~~) Final certification fee . . \$ 1.10 per one hundred pounds. (Minimum fee per tagging) \$10.00
- (ii) Service fee for out-of-state origin \$ 0.65 per one hundred pounds.
- (iii) Blend fee (in addition to fee established by blend rule) shall be payable upon completion of blend on total weight of blend, and shall be as follows:

(A) Washington origin certified seed used in blend \$ 1.00 per one hundred pounds.

(B) Out-of-state origin certified seed used in blend \$ 0.60 per one hundred pounds: PROVIDED, That those fees listed in (a) and (b) above are not applicable to certified seed that is tagged and sealed, and on which final fees have been paid.

(C) A refund or credit shall be issued for the percent of the blend lot not tagged. (For example, if forty percent of the blend is not tagged, forty percent of the fees charged under Option B above is refundable.) Requests for refunds shall be made by June 30 following final disposition of the blend.

(6) Payment of fees shall be the responsibility of the conditioner. A conditioner choosing this program shall handle all certified grasses in his warehouse under this program for the entire crop year. Upon termination or nonrenewal of Option B memorandum of agreement, conditioner shall be responsible for Option A fees on all certified seed not tagged at termination date.

(7) Fees for services such as O.E.C.D. and sod quality, etc., shall be in addition to the fees listed in these standards.

(8) Purity and germination test fees shall be as established by the director of agriculture.

(9) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(10) Fees for reissue of tags shall be ten cents per tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 1504, filed 3/31/77)

WAC 16-316-360 GRASS SEED—ISOLATION REQUIREMENTS. (1) A seed field to be eligible for the production of foundation, registered or certified seed **((must)) shall** be isolated from any other variety or strain of the same species in accordance with the requirements in the following table:

Symbol for Type of Reproduction	Minimum Isolation Distance Required for Fields Producing:		
	Foundation	Registered	Certified
Strains at least 80% Apomictic A	60 feet	30 feet	15 feet clean fallow
Highly Self-Fertile Species —S	60 feet	30 feet	15 feet clean fallow
All Cross-Pollinated Species - C	900 feet	300 feet	165 feet

(2) Isolation required between different classes of the same variety of cross-pollinated (C) species:

Class Seed Planted	Class Seed ((Planted)) Produced	Distance Required From Nearest Field Producing:
Breeder	Foundation	Registered ————— 150 feet
		Certified ————— 225 feet
Foundation	Registered	Certified ————— 75 feet

(3) Isolation requirements between classes of the same variety of apomictic (A) and self-fertile (S) species is as follows:

(a) Field producing foundation or registered shall be a minimum of ~~((+5)) fifteen~~ feet from field planted with different class of same variety.

(b) Field producing certified seed shall be a minimum of five feet from field planted with different class of the same variety.

(4) Border removal for grass isolation: If it is not possible to provide minimum isolation distances for fields exceeding ~~((5)) five~~ acres in area, border removal is permitted. Border removal requires removal of the portion of the field being certified that is adjacent to the contamination source. Minimum distances required for border removal are as follows:

Border to be removed from the field being certified	Minimum Isolation Distance Required for Fields Producing:		
	Foundation	Registered	Certified
0 feet	900 ft.	300 ft.	165 ft.
15 feet	450 ft.	150 ft.	75 ft.

(a) The grower **((must)) shall** apply for certification of the entire field and before inspection clearly stake off the border removal portion.

(b) A reinspection **((with)) shall** be required after harvest of the certified portion of the field.

(c) The border removal portion of the field may be harvested for uncertified seed under the following conditions:

(i) The entire field **((must)) shall** pass all certification requirements except for isolation at time of inspection. The field report will show rejection due to lack of isolation.

(ii) The grower **((with)) shall** harvest the certified portion of the field first and deliver this seed to the processing plant. After seed is weighed and lotted in, the grower **((with)) shall** request a reinspection; if everything is in order, the field **((with)) shall** be passed and the border strip can be harvested as uncertified seed.

AMENDATORY SECTION (Amending Order 1851, filed 5/2/85)

WAC 16-316-440 RED CLOVER SEED CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Seedling application fee:
Per variety, per grower \$15.00
- (b) Late seedling penalty fee: (~~(\$15.00)~~)
\$30.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

- (c) Seedling (~~(acreage)~~) producing fee: (per acre) \$ 1.75
(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with (~~(fifteen)~~) thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

- (a) Renewal application fee:
Per variety, per grower \$15.00
- (b) Renewal acreage fee: (per acre)..... \$ 1.75
(Refundable if acreage is withdrawn before inspection.)
- (c) Late renewal penalty fee: (~~(\$15.00)~~)
\$30.00

This additional fee shall be charged for each renewal application received after June 15.

- (3) Reinspection: Other than isolation (each field) (~~(\$20.00)~~)
\$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

- (4) Production fee: Includes sampling and tagging per cwt.: \$ 0.50
The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents cwt. production fee charged is refundable.

- (5) Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging, or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 1851, filed 5/2/85)

WAC 16-316-474 FIELD PEA—LENTIL—SOYBEAN—SORGHUM—SMALL GRAIN—APPLICATION AND FEES. (1) An application for seed certification with application fee, field inspection fee, and late application fee (if due) for each field shall be filed by or for each grower with Washington State Crop Improvement Association, Inc., the certifying agency for seeds of field pea, lentil, soybean, sorghum and small grains.

- (2) Due dates:

- (a) Field pea – June 1
- (b) Lentil – June 1
- (c) Soybean – July 1
- (d) Sorghum – July 15
- (e) Small grains – June 1 for both winter varieties and spring varieties.

(f) After due date, an application with late application fee may be accepted for service.

- (3) Fees:
 - (a) Application fee per variety per grower (~~(\$10.00)~~)
\$15.00
 - (b) Field inspection fee per acre..... (~~(\$1.85)~~)
\$ 2.10
 - (c) Late application fee..... (~~(\$10.00)~~)
\$15.00
 - (d) Reinspection fee (~~(\$20.00)~~)
\$30.00

minimum for each field which did not pass field inspection plus (~~(\$0.20)~~) \$0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is (~~(\$20.00)~~) \$30.00.

- (e) Final certification fee (~~(\$0.14)~~)
\$ 0.17
per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee (~~(\$0.14)~~)
\$ 0.17

per cwt. of production from fields inspected which is utilized for seed, which shall be charged to conditioning plant or, if none, to applicant.

- (f) Sampling fee..... \$ 0.10
per cwt. of clean seed sampled, with minimum charge of (~~(\$10.00)~~) ten dollars per sample, which shall be charged to conditioning plant in lieu of mechanical sampling.

(4) A field may be withdrawn upon notification by the applicant to the certifying agency's office before field inspection. In such case, the field inspection fee shall be refunded upon request until June 30 of the year following harvest.

(5) Harvest before field inspection causes forfeitures of both the application and field inspection fees, and completion of certification.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-525 FIELD PEA—LENTIL—SOYBEAN—SORGHUM—SMALL GRAIN—ELIGIBLE VARIETY AND STOCK SEED.

Kind	Variety
Barley, spring	Advance, Belford, Andre, Camelot (P), Clark, Columbia (P), Coughbar, Flynn, Gus (P), Harrington, Klages, Kombar (P), Lindy (P), Menuet (P), Morex, Nova (P), Onda (P), Piston (P), Poco (P), Seven (P), Steptoe, WestBred Gustoe (P), WestBred 501 (P), WestBred Sprinter (P), Whitford (P)

Kind	Variety
Barley, winter	Boyer, Hesk, Kamiak, Luther, Mal, Scio, Showin
Oat, spring	Appaloosa, Border, Cayuse, Monida, Ogle, Park,
Rye, winter	Puma, Rymin
Wheat, spring	Bliss, Bronze Chief (P), Copper, Czar (P), Dirkwin, Edwall, Fielder, Kodiak (P), Landmark (P), McKay, (NK-751 (P) ;) Owens, Penawawa, Spillman, Tammy (P), Treasure, Urquie, Wadual, Wakanz, Wampum, Wared, Waverly, (WestBred 803 (P) ;) WestBred 881 (P), WestBred 906R (P), WestBred 911 (P), WestBred 926 (P), WestBred Sprite, WS-1 (P), W-444 (P), Yecora Rojo
Wheat, winter	Andrews, Basin (P), Batum, Cashup (P), Crew Daws, Dusty, Hatton, Hill-81, Hyak, John, Lewjain, Madsen, McCall, Moro, Nugaines, Paha, Sprague, Stephens, Tres, Tyee, Wanser

Triticale, spring	Juan, Whitman
Triticale, winter	Flora

(P) means proprietary

The eligibility of other varieties may be approved by the certifying agency.

Foundation seed is eligible to produce registered seed or certified seed.

Registered seed is eligible to produce certified seed.

Certified seed is not eligible for recertification.

AMENDATORY SECTION (Amending Order 1851, filed 5/2/85)

WAC 16-316-660 WHITE CLOVER AND TREFOIL SEED CERTIFICATION FEES.

(1) Seedling applications: Due within sixty days after planting, however, may be accepted after due date at the discretion of the certifying agency.

(a) Seedling application fee:

Per ((variety)) field, per grower \$15.00

(b) Late seedling penalty fee: (~~(\$15.00)~~)
\$30.00

This additional fee shall be charged for each seedling application received more than sixty days after planting.

(c) Seedling ((acreage)) producing fee: (per acre) \$ 1.75

(Refundable if acreage is withdrawn before inspection.) Required of seedling fields to be harvested for certification the year of planting. Notification of

seedling field to be harvested for certification and required fees are due July 31, however, may be accepted after due date with ((ten)) thirty dollars late penalty fee at the discretion of the certifying agency.

(2) Renewal applications: Due June 15, however, may be accepted after due date at the discretion of the certifying agency.

(a) Renewal application fee:

Per variety, per grower \$15.00

(b) Renewal acreage fee: (per acre) \$ 1.75
(Refundable if acreage is withdrawn before inspection.)

(c) Late renewal penalty fee: (~~(\$15.00)~~)
\$30.00

This additional fee shall be charged for each renewal application received after June 15.

(3) Reinspection: Other than isolation

(each field) (~~(\$20.00)~~)
\$40.00

If a field is rejected for certification, the grower may apply for reinspection after the cause for rejection has been corrected. Only two reinspections are permitted for each field each year.

(4) Production fee: Includes sampling and

tagging per cwt. \$ 0.50

The production fee is billed at completion of tests. If none of the seed is tagged, ten cents of the fifty cents cwt. production fee charged is refundable.

(5) Purity and germination test: Fees as established by the director of agriculture.

(6) Fees for retagging or services not listed in this rule shall be the most applicable fee established by the director of agriculture.

(7) Fees for reissue of tags shall be ten cents a tag with a minimum fee of ten dollars.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-800 GRASS VARIETIES ELIGIBLE. (1) Following are the grass varieties eligible and the certifying scheme for each:

Bentgrass: (subject to poa annua quarantine)	Seaside Creeping*** Putter Creeping Emerald Creeping**
Big Bluegrass:	Sherman**
Canada Bluegrass: (subject to poa annua quarantine)	Reubens**
Canby Bluegrass:	Canbar**
Kentucky Bluegrass: (subject to poa annua quarantine)	A-34 (Bensun)** Abbey** Adelphi** Alpine* Amason* (Amazon*) America* Ampellia* Argyle** Banff**

	NO. OF SEED HARVESTS	
	FOUNDATION REGISTERED	CERTIFIED
Rugby	3 + 2 Cert.	5
Sydsport		5
Touchdown	2 + 5 Cert.	5
(b) Orchardgrass:		
Pennlate	3	6

AMENDATORY SECTION (Amending Order 1930, filed 5/22/87)

WAC 16-316-810 RED CLOVER VARIETIES ELIGIBLE. (1) Following are the red clover varieties eligible and the certification scheme for each:

Arlington*
Atlas*
 Chesapeake*
 Flare*
 Florex*
 Florie*
 Hamidori*
 Kenland*
 Kenstar*pvpV
 Lakeland*
Marathon*
Persist*
 Prosper I*
 Redland*pvpV
 Redland II*
 Redman*
 Reddy*
 Ruby**
 Sapporo*
 Tristan*
 ((W=116*))

(2) Variety restrictions. Kenstar: No seed production permitted year of seeding.

AMENDATORY SECTION (Amending Order 1976, filed 5/13/88)

WAC 16-316-820 ALFALFA VARIETIES ELIGIBLE. (1) Following are the alfalfa varieties eligible and the certification scheme for each:

Agate*
 Anchor*
Anstar*
 Answer*
 Aquarius*
 Apollo II*
 Armor*
Arrow*
 Atlas*
 Atra-55*
 Baker*pvpV
 Big Ten*
 Blazer*
Centurion*
Challenger*
 Chief**
 Cimarron*
 Classic*
Commondor*

Crown*
 Crusader**
 DK-125*
 DK-135*
 Drummor*
 Eagle*
Elevation*
 Endure*
 Excaliber*
 Gladiator*
 G-2815*
 G-7730*
 GH-737**
 Hi-Phy*
 Honeoye*pvpV
 Iroquois*
 Julius*
Legend*
 Magnum III*
 Maxim*
 Mesilla**
 Mohawk*
 Oneida*pvpV
Oneida VR*
 Peak*
 Perry*
 Phytor*
 Polar II*
 Preserve*
 Primal*
 Ranger**
 Riley*
 Saranac*
 Saranac AR*pvpV
 Shenandoah*
Shield*
 Sparta*
 Spredor 2*
Summit*
Sure*
 Sverre*
 SX-217*
 SX-418*
 Trumpetor*
 Turbo*
Ultra*
 Vernal*
 Vancor*
 Vernema*
 Vista*
 WL-220*
 Weevilchek*
 WL-221*
 WL-225((**))*pvpV
 WL-312*
 WL-313*
 WL-315*pvpV
 WL-316*pvpV
 WL-318*
 WL-320**pvpV
 Wrangler*
 88*

120*
 123*
 130*
 521*
 520*
 526*
 530*
 531*
 532*
 581*
 5262*
 5432*
 5444*
 624*
 629*

(2) Variety restrictions.

	NO. OF SEED HARVESTS			
	Breeder	Foundation	Registered	Certified
Answer		2		5
Apollo II				3
Baker	2	3		6
Blazer		3		
Challenger	2	3		5
Chief		3	3	5
Crusader		3	3	5
Drummor	2	3		5
G-7730		3		5
GH 737		3	3	5
Honeoye		3		6
Iroquois		3		6
Oneida		3		6
Peak		3		
Perry	2	3		6
Preserve	2	3		5
Polar II	2	3		5
Saranac		3		6
Saranac AR		3		6
Spredor 2	2	3		5
Trumpetor	2	3		5
Vancor	2	3		5
Vernema		4		6
WL-221		3		
WL-225		3	3	5
WL-313		3		
WL-315		3		5
WL-320		3	3	5
WL-316		3		5
Wrangler				6
120		3		
123		2		4
130		3		5
526		3		5

WSR 89-11-079
PROPOSED RULES
BOARD FOR
COMMUNITY COLLEGE EDUCATION
 [Filed May 23, 1989]

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 tuition and fee charges made to students attending Washington community colleges;

that the agency will at 10:00 a.m., Thursday, June 22, 1989, in Peninsula College, Port Angeles, 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.15.502 and 28B.15.740.

This notice is connected to and continues the matter in Notice Nos. WSR 89-06-054 and 89-09-056 filed with the code reviser's office on March 1, 1989, and April 18, 1989.

Dated: May 23, 1989
 By: Gilbert J. Carbone
 Assistant Director

WSR 89-11-080
PROPOSED RULES
DEPARTMENT OF FISHERIES
 [Filed May 23, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use rules;

that the agency will at 7:00 p.m., Wednesday, May 31, 1989, in the Little Theater, Peninsula Community College, Port Angeles, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 6, 1989.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1989.

This notice is connected to the matter in Notice No. WSR 89-10-060 filed with the code reviser's office on May 2, 1989.

Dated: May 23, 1989
 By: Judith Merchant
 Deputy
 for Joseph R. Blum
 Director

WSR 89-11-081
ADOPTED RULES
BUILDING CODE COUNCIL
 [Order 88-11A—Filed May 23, 1989—Eff. July 1, 1989]

Be it resolved by the Washington State Building Code Council, acting at the Angle Lake Fire Hall, 2929 South 200th Street, Seattle, WA, that it does adopt the annexed rules relating to correction of errors in chapter 51-16 WAC filed as WSR 88-24-018 on December 1, 1988.

This action is taken pursuant to Notice Nos. WSR 88-14-077 and 88-20-070 filed with the code reviser on

July 1, 1988 and October 5, 1988. These rules shall take effect at a later date, such date being July 1, 1989.

This rule is promulgated pursuant to RCW 19.27.074 which directs that the Washington State Building Code Council has authority to implement the provisions of chapter 19.27 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 May 12, 1989.

By Mark Sullivan
Chair

AMENDATORY SECTION (Amending Order 88-11, filed 12/1/88, effective 7/1/89)

WAC 51-16-030 UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS. The 1988 edition of the Uniform Building Code, and the 1988 edition of the Uniform Building Code Standards as published by the International Conference of Building Officials is hereby adopted by reference with the following additions, deletions and exceptions:

(1) The following definition shall be added to section 420, chapter 4 of the Uniform Building Code:

SINGLE FAMILY RESIDENTIAL BUILDING is a dwelling containing only one dwelling unit.

(2) The following definition shall be added to section 414, chapter 4 of the Uniform Building Code:

MULTIFAMILY RESIDENTIAL BUILDING is a common wall dwelling or apartment house that consists of four or fewer dwelling units that do not exceed two stories in height and that are less than five thousand square feet in total area.

(3) Chapter 9 of the 1988 edition of the Uniform Building Code is hereby not adopted and chapter 9 of the 1985 edition of the Uniform Building Code is hereby adopted in its place.

The changes made between the 1985 edition of the Uniform Building Code and the 1988 edition of the Uniform Building Code for the purposes of integrating chapter 9 of the Uniform Building Code into other sections of the 1988 edition of the Uniform Building Code are also not adopted.

The sections and tables listed below contain changes to the 1988 edition of the Uniform Building Code made for this purpose.

Definitions:

- Sec. 404, Control Area (added) page 22
- Sec. 404, Corrosive (added) page 22
- Sec. 406, Emergency Control Station

- (changed) page 23
- Sec. 409, Handling (added) page 25
- Sec. 409, Health Hazard (added) page 25
- Sec. 409, Highly Toxic Material (added) page 25
- Sec. 410, Irritant (added) page 26
- Sec. 413, Liquid Storage Room (changed) page 27
- Sec. 413, Liquid Storage Warehouse (changed) page 27
- Sec. 420, Sensitizer (added) page 29
- Sec. 422, Use (specifics added) page 30

Code Body Changes:

- Sec. 503 (a), page 32 & 33
- Sec. 506 (c), page 38
- Sec. 507, page 38 & 39
- Table No. 5-A, page 43, 44 & 45
- Table No. 5-B, page 46
- Table No. 5-C, page 47
- Table No. 5-D, page 48
- Sec. 702 (b), page 55 & 56
- Sec. 802 (d), page 63
- Sec. 3309 (a), page 648
- Sec. 3320, page 657
- Sec. 3802 (f), page 682
- Sec. 5207 (a), page 784
- Appendix Table No. 11-B page 832

(4) Section 2312(h) 2.I. Diaphragms. (iv) of the Uniform Building Code is hereby amended to read as follows:

(iv) Where wood diaphragms are used to laterally support concrete or masonry walls, the anchorage shall conform to Section 2312(h) 2. H above. In Seismic Zones Nos. 2, 3 and 4 anchorage shall not be accomplished by use of toe nails or nails subject to withdrawal, nor shall wood ledgers or framing be used in cross-grain bending or cross-grain tension, and the continuous ties required by paragraph (iii) above shall be in addition to the diaphragm sheathing.

(5) Uniform Building Code Section 2722(f) 6 item 1 of the exception is hereby amended to read as follows:

EXCEPTION: This requirement need not apply in any of the following cases, provided the compactness limitations for beams given in Section 2722 (f) ((3)) 4 shall apply to columns as well:

1. For columns with f_a less than ((9.4F_y)) 0.4F_y for all load combinations, except for loads specified in Section 2722(d) 1. Such columns shall have allowable stresses reduced 25 percent when one end frames into a joint not complying with Formula ((22.3)) 22-3, and 50 percent when both ends frame into joints not complying with Formula ((22.3)) 22-3.

(6) Uniform Building Code Section 2722(f) 7. is hereby amended to read as follows:

7. Trusses in SMRSF. Trusses may be used as horizontal members in SMRSF if the sum of the truss seismic force flexural strength exceeds the sum of the column seismic force flexural strength immediately above and below the truss by a factor of at least 1.25. For this determination the strengths of the members shall be reduced by the gravity load effects. In buildings of more than one story, the column axial stress shall not exceed $0.4F_y$ and the ratio of the unbraced column height to the least radius of gyration shall not exceed 60. Columns shall have allowable stresses reduced 25 percent when one end frames into a truss, and 50 percent when both ends frame into trusses. The connection of the truss chords to the column shall develop the lesser of the following:

- A. The strength of the truss chord.
- B. The chord force necessary to develop 125 percent of the flexural strength of the column.

(7) The following section shall be added to the Uniform Building Code:

Section 3801(e) when sprinklers are installed in an insulated ceiling cavity not meeting exceptions of UBC Standard 38-1 or where blocked by ducts or other similar obstructions, a space 6 inches or greater in depth with not less than 12 inches clearance from ducts or other similar obstructions shall be provided under all sprinklers.

(8) Section 3802(h) of the Uniform Building Code is hereby amended to read as follows:

(h) Group R Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house three or more stories in height or containing more than 15 dwelling units and every hotel three or more stories in height or containing 20 or more guest rooms. Residential or quick response standard sprinkler heads shall be used in the dwelling unit and guest room portions of the building. The sprinkler system shall comply with the requirements of Washington State Building Code Standard No. 38-3W.

(9) Section 5103 of the Uniform Building Code is hereby not adopted in order to eliminate conflict with chapter 296-81 WAC as adopted by the Washington state department of labor and industries pursuant to chapter 70.87 RCW.

(10) Section 5105 of the Uniform Building Code shall be amended to read as follows:

Elevator Machine Room Floors
Section 5105. Elevator hoistways shall not be vented through an elevator machine room unless such venting is accomplished by an approved duct system installed through the elevator machine room. Cable slots entering the machine room ~~shall be sleeved beneath the machine room floor and extend to not less than 12 inches below the shaft vent to~~ must be installed in a manner that inhibits the passage of smoke into the machine room.

(11) A New Standard No. 38-3W shall be added to Chapter 38 of the Uniform Building Code Standards as follows:

WASHINGTON STATE BUILDING CODE STANDARD
NO. 38-3W

INSTALLATION OF SPRINKLER SYSTEMS IN
RESIDENTIAL OCCUPANCIES

Sec. 38.301W. Except for the limitations, deletions, modifications or amendments set forth in Section 38.302W of this standard, the installation of sprinkler systems in residential occupancies of four stories or less when required by the Uniform Building Code shall be in accordance with the "Standard for the Installation of Sprinkler Systems in Residential Occupancies, NFPA 13R-1988", published by the National Fire Protection Association, copyright 1988, Batterymarch Park, Quincy, Massachusetts 02269, as if set out at length herein.

Sec. 38.302W. The National Fire Protection Association standard adopted by section 38.301W applies to the selection, installation, inspection, maintenance and testing of residential sprinkler systems, except as follows:

1. Table 1-5.1 is amended to read as follows:

Table 1-5.1

<u>Materials and Dimensions</u>	<u>Standard</u>
<u>Spec. for Black and Hot-Dipped Zinc Coated (Galvanized) Welded and Seamless Steel Pipe for Fire Protection Use</u>	ASTM A795
<u>Specification for Welded and Seamless Steel Pipe</u>	ASTM A53
<u>Wrought-Steel Pipe</u>	ANSI B36.10
<u>Specification for Electric-Resistance Welded Steel Pipe</u>	ASTM A135
<u>Copper Tube (Drawn, Seamless) Specification for Seamless Copper Tube</u>	ASTM B88
<u>Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube</u>	ASTM B251
<u>Brazing Filler Metal (Classification BCuP-3 or BCuP-4)</u>	AWS A5.8
<u>Specification for Solder Metal, 9-5 (Tin-Antimony-Grade 95TA)</u>	ASTM B32

Table 1-5.1

Materials and Dimensions	Standard
Specifications for CPVC Pipe	ASTM F437
	ASTM F438
	ASTM F439
	ASTM F442
Specification for Polybutylene Tube	ASTM D 3309

2. Table 1-5.5 is amended to read as follows:

Table 1-5.5

Materials and Dimensions	Standard
<u>Cast Iron</u>	
<u>Cast Iron Threaded Fittings</u>	
Class 125 and 250	ANSI B16.4
<u>Cast Iron Pipe Flanges and Flanged Fittings</u>	ANSI B16.1
<u>Malleable Iron</u>	
<u>Malleable Iron Threaded Fittings</u>	
Class 150 and 300	ANSI B16.3
<u>Steel</u>	
<u>Factory-made Threaded Fittings</u>	
Class 150 and 300	ANSI B16.9
<u>Buttwelding ends for Pipe, Valves Flanges and Fittings</u>	ANSI B16.25
<u>Spec. for Piping Fittings of Wrought Carbon Steel and Alloy Steel for Moderate and Elevated Temperatures</u>	ASTM A234
<u>Pipe Flanges and Flanged Fittings, Steel Nickel Alloy and Other Special Alloys</u>	ANSI B16.5
<u>Forged Steel Fittings, Socket Welded and Threaded</u>	ANSI B16.11
<u>Copper</u>	
<u>Wrought Copper and Copper Alloy-Solder-Joint Pressure Fittings</u>	ANSI B16.22
<u>Cast Copper Alloy Solder-joint Pressure fittings</u>	ANSI B16.18
<u>Plastic Fittings for CPVC Pipe</u>	ASTM F437
	ASTM F438
	ASTM F439
	ASTM F442
<u>Plastic Fittings for Polybutylene tube</u>	ASTM D 3309

(12) EXCEPTION: In the case of conflict between the ventilation requirements of sections 605, section 705, section 905 and section 1205 of this code and the ventilation requirements of chapter 51-12 WAC, the Washington State Energy Code, or where applicable, a local jurisdiction's energy code, the provisions of such energy codes shall govern.

AMENDATORY SECTION (Amending Order 88-11, filed 12/1/88, effective 7/1/89)

WAC 51-16-050 UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS. The 1988 edition of the Uniform Fire Code and the 1988 edition of the Uniform Fire Code Standards published by the International Conference of Building Officials, and the Western Fire Chiefs Association is hereby adopted by reference.

(1) Section 10.306(h) of the Uniform Fire Code is hereby amended to read as follows:

(h) Group R Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house three or more stories in height or containing more than 15 dwelling units and every hotel three or more stories in height or containing 20 or more guest rooms. Residential or quick response standard sprinkler heads shall be used in the dwelling unit and guest room portions of the building. The sprinkler system shall comply with the requirements of Washington State Building Code Standard No. 38-3W.

(2) Article 80 of the 1988 edition of the Uniform Fire Code is hereby not adopted and Article 80 of the 1985 edition of the Uniform Fire Code is hereby adopted in its place.

The changes made between the 1985 edition of the Uniform Fire Code and the 1988 edition of the Uniform Fire Code for the purposes of integrating Article 80 into other sections of the 1988 edition of the Uniform Fire Code are also not adopted.

The sections and tables listed below contain changes to the 1988 edition of the Uniform Fire Code made for this purpose.

Standards:

Sec. 2.304 (b), page 9

Permits:

Sec. 4.108

c.6. Compressed Gases,
page 15

h.1. Hazardous materials,
page 16 & 17

h.2. Highly toxic pesticides,
page 18

Definitions:

Sec. 9.105

CFR, page 23

Carcinogen, page 23

Sec. 9.117.

Group H Occupancies,
pages 36 & 37

Organic Peroxide, page 39

Oxidizer, page 39

- Sec. 9.118.
 Peroxide-Forming Chemical,
 page 39
 Primary Containment, page 40
 Proprietary Information,
 page 40
 Pyrophoric, page 40
- Sec. 9.121.
 Secondary Containment,
 page 41
 Segregated Storage, page 41
 Sensitizer, page 41
- Sec. 9.122.
 Toxic Material, page 43
- Sec. 9.123.
 Unauthorized Discharge,
 page 44
 Unstable (Reactive) Liquid,
 page 44
- Sec. 9.125.
 Water-Reactive Materials,
 page 45

Appendices:

- II-E Hazardous Materials
 Management Plan &
 Hazardous Materials In-
 ventory Statement, page
 ((419)) 415
- VI-A Hazardous Materials
 Classifications, page 436

WSR 89-11-082
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed May 24, 1989]

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 uses and limitations of the water pollution control revolving fund, adopting chapter 173-98 WAC;

that the agency will at 2:00 p.m., Wednesday, July 5, 1989, in the EWU Spokane Center, Room 307, West 705 1st at Wall, Spokane, and at 10:00 a.m., Thursday, July 6, 1989, in the Boardroom, North Thurston Administration Building, 305 College Street N.E., Lacey, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 29, 1989.

The authority under which these rules are proposed is chapter 90.50A RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 13, 1989.

Dated: May 23, 1989
 By: Carol Jolly
 Assistant Director
 Water and Shorelands

STATEMENT OF PURPOSE

Title: Chapter 173-98 WAC, Uses and limitations of the water pollution control revolving fund.

Description of Purpose: To set forth limitations on the allocation and uses of moneys administered by the Department of Ecology from a special fund within the state treasury known as the state water pollution control revolving fund (SRF). This fund, which includes money from the federal capitalization grants, state match money, and repayments of principal and interest shall provide financial assistance to applicants throughout the state of Washington which need such assistance to meet high priority water quality management needs.

Statutory Authority: Chapter 90.50A RCW.

Summary of Rule:

Purpose: The state water pollution control revolving loan fund (SRF) was established by the legislature in 1988 (chapter 90.50A RCW). The purpose of the fund is to provide financial assistance, in the form of low interest loans, to public bodies and others to deal with high priority water quality management needs. Examples of needs include financing wastewater treatment facilities, nonpoint source water pollution projects, and estuary conservation and management projects in federally designated estuaries.

Source and Uses of the Money: The federal government will award about \$142 million to the state of Washington in the form of capitalization grants to help start the program. The state will provide a 20 percent match, the source of which will be a tax on tobacco products. These funds will be administered by the Department of Ecology from a special account within the state treasury. During FY 1989, nearly \$20 million will be available for loans. This amount includes \$16.6 million from the federal government capitalization grant and \$3.3 million from the state share. An additional \$25 million will be available in FY 1990, beginning October 1, 1989, if congress appropriates authorized levels of program funding. The fund can be used for loans for planning, designing or constructing water pollution control facilities, implementing water pollution control activities, and to pay for departmental administrative costs.

Policies for Establishing Terms of Financial Assistance: Loans can be made at or below market interest rates and may include zero percent interest loans. The terms of the loans will be based on the needs to provide loans with interest rates low enough to make projects affordable, recognize financial hardship circumstances, and to keep the SRF financially sound. Terms of financial assistance will not be changed without public review and comment. Any changes will not affect existing loan contracts. Specific terms including interest rates and payback periods are detailed in the program guidelines. Terms will not be changed without full public review.

Provisions of Program Guidelines: The department will publish guidelines which will establish procedures for the application and issuance of financial assistance, and eligibility criteria for the SRF program. These will describe in greater detail the financial assistance application, review and issuance processes, the terms of assistance, and other elements of this program.

Limitations on the use of Funds and the Establishment of Categories: Unless the demand for funding is limited, signed financial assistance agreements received within 120 days of issuance of the capitalization grants are subject to the following limitations: 80% for water pollution control facilities, 10% for nonpoint source water pollution projects, and 10% for estuary conservation and management projects. In addition, not more than 50% of the fund in each category will be available to any one applicant. After the 120-day period, the director may make financial assistance agreements with any applicant as necessary to utilize remaining funds. The director may exercise prerogative to ensure that the fund is equitably distributed statewide and is self-sustaining in perpetuity. Loans from the SRF program can be used to provide up to 20 years of reserve capacity to accommodate population growth. In past funding programs reserve capacity was not eligible. Funds cannot be used for the nonfederal eligible share of projects receiving federal construction grant assistance. The fund can be used to finance portions of projects determined to be ineligible for federal assistance but are eligible under the SRF program (e.g., reserve capacity). When SRF loans and state grants are combined, they must generally be structured to be approximately equivalent to 55% grants, except for hardship cases or when base grant is greater than 55%. For recipients of a combination grant and loan, requirements will be consistent and will not result in duplication of effort but will be no less stringent than is allowed by federal and state laws, regulations, and guidance. To ensure funds are obligated in a timely manner, the director may exercise prerogative in establishing state grant percentages, loan interest rates, and terms of loans.

Allowance Provisions for Planning and Design: An established allowance of financial assistance will be provided for facilities planning and design for the construction of water pollution control facilities. Normally these allowances will allow applicants to essentially refinance planning or design costs not paid for by grants, if they wish. There are specific schedules and conditions associated with the dispersal of allowances. Allowance tables are appended to the program guidelines.

Application Requirements: Applicants will have a preapplication conference with the staff of WQFAP to become acquainted with the program requirements and the application process. Potential applicants will send letters of intent which will include details about the applicants and their projects. After reviewing these letters, WQFAP staff will make recommendations for either submitting an application, or modifying the project to meet SRF program requirements. Entities must submit applications which fully describe the environmental and financial needs for the proposed project, submit a schedule for signing the loan agreement and completing their projects, and submit a completed financial capability assessment. Information necessary for the preparation of the IUP/project priority list must also be included. The application cycle will be established by the director, and an attempt will be made to establish a schedule which is complementary but not simultaneous with the centennial clean water fund program. A facilities plan must also be

completed, as the loan agreements cannot be signed until facilities plans are approvable. Projects will be ranked according to environmental need criteria. Environmental needs in descending order of priority include public health emergencies or hazards, upgrade facilities to meet secondary treatment and water quality standards, combined sewer overflow reduction projects, stormwater control projects, and new or expanded facilities to meet projected growth. Estuary and nonpoint projects will be evaluated and ranked in separate categories according to appropriate criteria. Projects within each environmental need criterion will be ranked according to the financial need. In descending order of priority, these needs include high user charges, large high cost projects, projects not receiving state grant assistance, and projects to fund ineligible components of state or federally funded activities.

Compliance with Applicable Laws, Regulations, and Other Requirements: All recipients must comply with federal, state, and local laws, orders, regulations, and permits. Other requirements include, but are not limited to: Submitting a declaration of construction of water pollution control facilities at specific times; maintaining accounting records; demonstrating the legal ability to repay the loan from a dedicated source, (e.g., revenue bonds or user charges); appeals of contract decisions will be processed in accordance with the water quality financial assistance program appeals procedure; contracts will be audited by the department or at the department's discretion by another authorized auditor; and recipients must maintain insurance coverage on the project.

Project Priority List and Intended Use Plan: Projects which have the highest environmental and financial need will be given priority for assistance under the SRF program. Because funds must be used in a timely manner to ensure that all available federal funding is received by the state, readiness to proceed may also be used in establishing the priority of projects. An intended use plan (IUP) will be prepared prior to the award of each capitalization grant from EPA. Entities must apply for SRF financial assistance in order for their projects to be included on the IUP. The staff will list projects on the draft intended use plan based on information contained on the applications. A draft IUP will be prepared and include complete descriptions of the projects and assurances for meeting the SRF program requirements. The draft IUP will be available for public review and comment for at least 30 days. The final IUP will be prepared, after review comments are taken into consideration.

State Environmental Review Process: All projects which receive financial assistance from the SRF program must meet the provisions of the State Environmental Policy Act. Because federal money is involved in initiating the SRF, additional provisions are currently needed to satisfy the state's responsibility to ensure that recipients comply with the National Environmental Policy Act, other applicable environmental laws, regulations, and executive orders. Therefore, the recipient must obtain concurrence from the director before environmental documents are issued.

Repayment of Loans: At the "initiation of operation," the department and the recipient will execute a final loan agreement amendment which details the final loan amount. This amount will include the principal from disbursements and accrued interest. (Interest will accrue on each disbursement as it is paid to the loan recipient.) All mitigation measures included in environmental documents will become loan conditions. Equal payments begin one year after the "initiation of operation" date, and every six months thereafter. Any additional principal or interest payments may be repaid at any time without penalty. When projects are phased or segmented, the repayment provisions apply to the completion of individual phases or segments. Repayment of the loan must begin within 5 years of the first disbursement on a project, unless the director determines that the fund is fiscally sound without this repayment schedule. According to state law, in the event of loan default, the state of Washington may withhold any amounts otherwise due to the loan recipient and direct that such funds be applied to the indebtedness and deposited into the SRF account.

Reasons Supporting Proposed Action: EPA requirement for receipt of capitalization grants and required by RCW 90.50A section 5(4) [RCW 90.50A.050(4)].

Agency Personnel Responsible for Drafting: Dan Filip, Mailstop PV-11, Olympia, Washington 98504, (206) 459-6061; **Implementation:** Water Quality Financial Assistance Program staff; and **Enforcement:** Water Quality Financial Assistance Program.

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: Not applicable.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: In order to receive federal capitalization grants, as authorized by the Clean Water Act of 1987, Washington state must establish this rule and program guidelines and implementation. We are not required, however, to set up this program and this rule, if we don't want the money.

Small Business Economic Impact Statement: Not applicable.

NEW SECTION

WAC 173-98-010 **PURPOSE.** The purpose of this chapter is to set forth limitations on the allocation and uses of moneys administered by the department of ecology from a special fund within the state treasury known as the state water pollution control revolving fund (SRF), as authorized by chapter 90.50A RCW. This fund shall provide financial assistance to applicants throughout the state of Washington which need such assistance to meet high priority water quality management needs.

NEW SECTION

WAC 173-98-020 **DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Act" means the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(2) "Allowance" means a specific portion of the financial assistance agreement for the purpose of defraying the costs of planning, design, or both.

(3) "Applicant" means public bodies requesting financial assistance for wastewater projects authorized in Section 212 of the act. "Applicant" can also mean entities other than public bodies which request financial assistance authorized by Sections 319 and 320 of the act. These entities must be financially stable and clearly have the capacity to repay their loans.

(4) "Construction" means the erection, installation, expansion, or improvement of a water pollution control facility or activity.

(5) "Cost-effective alternative" means that alternative with the lowest present worth or equivalent annual value that achieves the requirements of the project while recognizing the environmental and other nonmonetary considerations.

(6) "Department" means the department of ecology.

(7) "Design" means the plans and specifications for a water pollution control facility or activity.

(8) "Director" means the director of the Washington state department of ecology or his/her authorized designee.

(9) "EPA" means the environmental protection agency.

(10) "Facilities plans" means those necessary plans and studies for treatment works needed to comply with enforceable requirements of the act and state statutes. Facilities plans must include a systematic evaluation of alternatives that are feasible in light of the unique demographic, environmental or ecological, topographic, hydrologic and institutional characteristics of the area, and also demonstrate that the selected alternative is cost-effective.

(11) "Federal capitalization grant" means a federal grant awarded by the Environmental Protection Agency (EPA) to the state as seed money to help establish the state water pollution control revolving account.

(12) "Financial assistance" means each of the four types of assistance specified in WAC 173-98-030 (1)(b) through (e) and other assistance authorized by Title VI of the act and chapter 90.50A RCW.

(13) "Financial assistance agreement" means a legal contract between a recipient and the state enforceable under state law, specifying the terms and schedules under which assistance is provided. "Financial assistance agreements" are referred to as "binding commitments" by EPA.

(14) "Fund" means the state water pollution control revolving fund.

(15) "Initiation of operation" means the actual date the facility initiates operation and is being used for its intended purpose. This date may occur prior to final inspection and will be determined by the department after consultation with the recipient. This date may be the same or earlier than the date of project completion.

(16) "Intended use plan (IUP)" means a plan identifying the intended uses by the department of the amount of funds available for financial assistance from the state water pollution control revolving fund (SRF) for that fiscal year as described in Section 606(c) of the act. The projects on the IUP will be ranked by environmental and financial need.

(17) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

Chapter 173-98 WAC

USES AND LIMITATIONS OF THE WATER POLLUTION CONTROL REVOLVING FUND

WAC

173-98-010	Purpose.
173-98-020	Definitions.
173-98-030	Uses of the money and policies for establishing terms of assistance.
173-98-040	Provisions of guidelines.
173-98-050	Limitations on the use of funds and establishment of categories.
173-98-060	Allowance provisions for planning and design for facilities.
173-98-070	Compliance with applicable laws, regulations, and other requirements.
173-98-080	Indemnification.
173-98-090	Project priority list and intended use plan process.
173-98-100	State environmental review process.
173-98-110	Repayments of loans.
173-98-120	General provisions.

(18) "Plans and specifications" means the construction contract documents and supporting engineering documents prepared in sufficient detail to allow contractors to bid on and construct water pollution control facilities. Plans and specifications and "design" may be used interchangeably.

(19) "Project" means the scope of work for which financial assistance is issued.

(20) "Project completion" means the date the project is certified as being complete after the final inspection.

(21) "Project priority list" means a list of projects required by Section 216 of the act. The project priority list will be the intended use plan for funds issued in fiscal year 1991 and thereafter.

(22) "Public body" means the state of Washington or any agency, county, city or town, other political subdivision, municipal corporation or quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(23) "Public health emergency" means a situation declared by the Washington state department of social and health services in which illness or exposure known to cause illness is occurring or is imminent.

(24) "Recipient" means an applicant for financial assistance which has signed a financial assistance agreement.

(25) "Severe public health hazard" means a situation declared by the department of social and health services and the department in which the potential for illness exists, but illness is not occurring or imminent. For the purposes of this chapter there must be contamination of drinking water or contamination must be present on the surface of the ground in such quantities and locations to create a potential for public contact. The problem must generally involve a serviceable area including, but not limited to, a subdivision, town, city, or county. Also, the problem cannot be corrected through more efficient operation and maintenance of the wastewater disposal system(s).

(26) "State water pollution control revolving fund (SRF)" means the water pollution control revolving fund established by RCW 90.50A.020.

(27) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(28) "Water pollution control activities" means actions for the following purposes:

(a) To control nonpoint sources of water pollution;

(b) To develop and implement a comprehensive conservation and management plan for estuaries; and

(c) To maintain, improve, or protect water quality through the use of water pollution control facilities, management programs, or other means.

(29) "Water pollution control facility" or "water pollution control facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including, but not limited to, sanitary sewage, storm water, combined sewer overflows, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property integral to the treatment process, and interests in and improvements on real property necessary for or incidental to such purpose. Water pollution control facilities also include such facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

NEW SECTION

WAC 173-98-030 USES OF THE MONEY AND POLICIES FOR ESTABLISHING TERMS OF ASSISTANCE. (1) Uses of the money. The state water pollution control revolving fund (SRF) may be used for the following purposes:

(a) To accept and retain funds from capitalization grants provided by the federal government, state matching funds appropriated in accordance with chapter 90.50A RCW, and payments of principal and interest, and any other funds earned or deposited;

(b) To make loans at or below market interest rates to applicants in order to finance the planning, design, and/or the construction of water

pollution control facilities, make loans to applicants for implementation of nonpoint source pollution control management programs (which includes planning and implementing elements of the nonpoint source pollution assessment and management program), and make loans to applicants for the development and implementation of a comprehensive estuary conservation and management plan, subject to the requirements of the act;

(c) To buy or refinance, at or below market interest rates, the debt obligations incurred by applicants after March 7, 1985, for the construction of water pollution control facilities. (March 7, 1985, was the date that the amendments adding Title VI to the act were first considered by Congress. Any refinancing agreements must be for construction initiated after that date according to federal and state law);

(d) To guarantee or purchase insurance for local obligations where such action would improve credit market access or reduce interest rates;

(e) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state, if the proceeds of such bonds will be deposited in the fund; and

(f) To finance the reasonable costs incurred by the department in the administration of the account as authorized by the act and chapter 90.50A RCW.

(2) Policies for establishing terms of financial assistance. Loans may be made at or below market interest rates and may include zero percent interest loans. The specific terms established in the program guidelines will receive complete public review. These terms shall not be changed without full public review and comment, and any such changes shall not affect existing financial assistance agreements. Terms shall be established in the guidelines based on the needs to provide substantive financial assistance to projects, to consider unique individual economic circumstances such as financial hardship conditions, to award loans in a timely manner and to maintain a financially sound revolving loan fund in perpetuity. Loan repayments shall be in accordance with WAC 173-98-110.

NEW SECTION

WAC 173-98-040 PROVISIONS OF GUIDELINES. The department will publish guidelines which will describe in greater detail the financial assistance application, review and issuance processes, the terms of assistance, and other elements of this program.

NEW SECTION

WAC 173-98-050 LIMITATIONS ON THE USE OF FUNDS AND ESTABLISHMENT OF CATEGORIES. (1) The fund may be used to provide financial assistance to applicants for the construction of water pollution control facilities which are identified in the intended use plan/project priority list and activities eligible for assistance under Sections 319 and 320 of the act.

(2) Unless the demand for funding is limited, financial assistance agreements (binding commitments) which are signed within one hundred twenty days of the award of the federal capitalization grant or after 1994, acceptance of the intended use plan by EPA, if required, are subject to the following funding category limitations:

(a) Not more than eighty percent of the fund will be available for construction of facilities as established under Section 212 of the act, subject to the requirements of the act. These projects will be under the water pollution control facilities category.

(b) Not more than ten percent of the fund will be available for the implementation of a program established under Section 319 of the act for the management of nonpoint sources of pollution, subject to the requirements of that act. These projects will be under the nonpoint source category of the SRF program.

(c) Not more than ten percent of the fund will be available for the development and implementation of a comprehensive conservation and management plan under Section 320 of the act relating to the National Estuary Program, subject to the requirements of that act. These projects will be under the comprehensive estuary conservation and management category (estuary category).

(d) Not more than fifty percent of the fund in each category will be available to any one applicant.

(3) After the one hundred twenty day limitation period established in subsection (2) of this section, the department may make financial assistance agreements with any applicant as necessary to utilize available funds. The director may exercise prerogative to ensure that the fund is equitably distributed state-wide, consider the intent of category

limitations above, and is self-sustaining in perpetuity. Such projects must comply with all applicable requirements of the act.

(4) The fund cannot be used for activities primarily directed toward water resources or water pollution control activities or facilities or portions thereof that are primarily intended to control, transport, treat, dispose, or otherwise manage industrial wastewater or other water pollution control needs from industrial sites. Costs associated with industrial pretreatment are not eligible for funding. However, industrial or commercial wastewater flows attributable to a public body's water pollution control facility which are determined by the department to be "small" may be allowed. Small flows are commercial, institutional, or industrial flows that comprise less than five percent individually or thirty percent collectively of the total flow.

(5) The fund cannot be used to make direct loans to applicants to support the nonfederal share of eligible portions of projects receiving assistance under Title II of the act. The fund can be used to finance portions of such projects which were determined to be ineligible for federal assistance but which are eligible under this program.

(6) If state grants authorized by chapter 70.146 RCW are combined with SRF financial assistance, these combinations will generally be structured to approximately equal a fifty-five percent grant for the eligible project costs except for hardship cases and base grants that exceed fifty percent, as determined by the department according to the criteria of the grant program administered by the department. For recipients of a grant/loan combination, requirements will be consistent, insofar as possible, and will not result in duplication of effort, but will be no less stringent than is allowed by federal and state laws, regulations, and guidance.

To ensure that federal funds are obligated in a timely manner, equitably in the department's programs, and the fund is maintained in perpetuity, the director may exercise prerogative in establishing department grant percentages, loan interest rates, and terms of loans.

(7) Applicants must submit an approvable facilities plan for projects funded according to the water pollution control facilities category. Other planning level documents including, but not limited to, engineering reports (chapter 173-240 WAC), may be approvable for financial assistance issued under the nonpoint and estuary categories of funding. Facilities plans must be approved before the financial assistance agreements can be signed for those agreements signed on or after January 1, 1991.

NEW SECTION

WAC 173-98-060 ALLOWANCE PROVISIONS FOR PLANNING AND DESIGN FOR FACILITIES. (1) An established allowance of financial assistance shall be provided for planning and design for water pollution control facilities. The allowance shall be based on total construction costs when the bids are received. If the project is in the design phase, the allowance shall be based on approvable facilities planning estimates, and the allowance will be adjusted when the bids are received. The allowance is determined in accordance with the tables provided in the program guidelines.

(2) The allowance is not intended to necessarily cover one hundred percent of all planning and design engineering costs incurred. Accordingly, the allowance tables are not recommended to be used to determine the cost for planning or design services provided by the consulting engineer. This actual cost must be negotiated between the applicant and its consulting engineer based upon the nature, scope, and complexity of the project.

(3) The allowance will be paid to the recipient according to the following schedule and conditions:

(a) A recipient may request payment of thirty percent of the estimated planning and design allowance immediately after the financial assistance agreement is signed.

(b) Half the remaining estimated planning and design allowance may be requested when the design of the project is at least fifty percent complete.

(c) Adjustment and final payment of the allowance will occur when the lowest, responsible, responsive bid(s) are accepted and approved by the department.

(d) If a project receives grant assistance administered by the department, the allowance will be adjusted so that only the nongrant share is provided; and these combinations will generally be structured to approximately equal a fifty-five percent grant for eligible project costs.

NEW SECTION

WAC 173-98-070 COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS, AND OTHER REQUIREMENTS. (1) All recipients shall comply with all applicable federal, state, and local laws, orders, regulations, and permits. Applications must not be inconsistent with pertinent adopted water quality plans including, but not limited to, plans under Sections 208, 303(e), 319, and 320 of the act. The Puget Sound water quality management plan constitutes the comprehensive conservation and management plan required in Section 320 (b)(4) of the act. Plans must not be inconsistent with shoreline master programs, ground water management programs and storm water plans, combined sewer overflow (CSO) reduction plans and county or city comprehensive sewer plans. In accordance with the financial assistance agreement, the applicant shall provide assurances that the necessary permits required by authorities having jurisdiction over the project have been secured, and make copies available to the department if requested.

(2) Recipients shall fully comply with all federal, state, and local laws and regulations related to procurement, discrimination, labor, job safety, and drug-free environments. The recipient shall also comply with the state and federal minority-and-women-owned businesses regulations.

(3) If financial assistance is for water pollution control facilities, recipients shall submit a declaration of construction of water pollution control facilities to the department within thirty days of project, phase, or segment completion.

(4) Recipients must maintain accounting records in accordance with "generally accepted government accounting standards." These standards are defined as, but not limited to, those contained in the United States General Accounting Office (GAO) publication "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions." For example, charges must be properly supported, related to eligible costs, and documented by appropriate records. These accounts must be maintained as separate accounts.

(5) Recipients must demonstrate their legal ability to provide a dedicated source of revenue and guarantee the repayment of their obligations to the fund from that dedicated source. Dedicated sources of revenue could be special assessments, general taxes, or general obligation bonds, revenue bonds, user charges, rates, fees, or other sources.

(6) Accounting irregularities may result in an immediate stoppage of payment until irregularities are resolved. The director may require immediate repayment of misused loan funds.

(7) According to RCW 90.50A.060, in the event of loan default, the state of Washington may withhold any amounts otherwise due to the recipient and direct that such moneys be applied to the indebtedness and deposited into the SRF.

(8) Appeals of financial assistance agreements decisions will be processed in accordance with the water quality financial assistance appeals procedure. Only written decisions by the department made during the effective financial assistance agreement period will be appealable. Appeals must be filed with the financial assistance program disputes decision coordinator within forty-five days from the date of the disputed decision.

(9) The department, or at the department's discretion another authorized auditor, will audit the financial assistance agreement and records.

(10) Recipients shall maintain comprehensive insurance coverage on the project for an amount equal to the funds disbursed.

NEW SECTION

WAC 173-98-080 INDEMNIFICATION. (1) The department shall in no way be held responsible for payment of salaries, consultant's fees, and other overhead costs related to a financial assistance agreement issued to an applicant.

(2) To the extent that the Constitution and laws of the state of Washington permit, the applicant shall indemnify and hold the department harmless from and against any liability for any or all injuries to persons or property arising out of a financial assistance agreement except for such damage, claim, or liability resulting from the negligent act or omission of the department.

NEW SECTION

WAC 173-98-090 PROJECT PRIORITY LIST AND INTENDED USE PLAN PROCESS. (1) The project priority list required by Section 216 of the act will be the intended use plan (IUP)

beginning in fiscal year 1991 and thereafter. Applicants must apply for SRF financial assistance in order for their projects to be included on the IUP. Projects must be on the IUP in order to receive SRF financial assistance.

(2) Projects in all three categories will be ranked according to environmental and financial need. Projects in each category which have the highest environmental and financial need will be given priority for assistance under the SRF program. Because funds must be used in a timely manner to ensure that all available federal funding is received by the state, readiness to proceed may also be used in establishing the priority of projects.

(3) Applications for financial assistance according to the water pollution control facilities category (WAC 173-98-050 (2)(a)), must address problems such as public health emergencies, severe public health hazards, the need to provide secondary treatment, the need to improve and protect water quality, reduction of combined sewer overflows, and other environmental needs.

(4) Applications for financial assistance in the nonpoint source category (WAC 173-98-050 (2)(b)), must address the remedies and prevention of water quality degradation associated with nonpoint source water pollution and must not be inconsistent with needs identified in the department's nonpoint source pollution assessment and management program.

(5) Applications for financial assistance in the comprehensive estuary conservation and management funding category (estuary category) (WAC 173-98-050 (2)(c)), must meet applicable environmental needs outlined above and must meet needs identified in the Puget Sound water quality management plan or the respective plans for other federally designated estuaries in the state of Washington.

(6) Financial need would normally focus on the need to maintain user charges and fees at affordable levels. Both the priority process and the terms of the financial assistance will be directed toward this objective. Unless the provisions of water pollution control facilities or activities has caused a financial hardship, refinancing of completed projects or segments would generally be low priority.

(7) Applicants must fully describe the environmental and the financial need for the project, and they must submit a completed financial capability assessment form and a schedule for signing the financial assistance agreement and completing their project. These documents will be used to prepare a draft intended use plan (IUP) for public review and comment. Public participation will be used in the preparation of the final intended use plan.

(8) The department will prepare the draft IUP prior to the award of each federal capitalization grant from EPA. The plan will generally list projects in the order that projects may be offered financial assistance.

NEW SECTION

WAC 173-98-100 STATE ENVIRONMENTAL REVIEW PROCESS. (1) All projects which receive financial assistance from the SRF program must meet the provisions of the State Environmental Policy Act (SEPA), chapter 43.21C RCW, and the SEPA rules, chapter 197-11 WAC. Additional provisions are currently needed to satisfy the state's responsibility to help ensure that recipients comply with the National Environmental Policy Act (NEPA) and other applicable environmental laws, regulations, and executive orders. The lead agency (WAC 197-11-050(2)) responsible for SEPA compliance for each project under the SRF program shall also comply with the following additional provisions. When a categorical exclusion, finding of no significant impact, or a record of decision has been issued by EPA for the same project scope of work no additional environmental documentation is required. The applicants will need to adopt the federal environmental documentation to meet their responsibilities as required by SEPA rules WAC 197-11-600, 197-11-610, and 197-11-630. If federal environmental documentation has not been submitted for approval to EPA applicants and designated lead agencies must:

(a) Consult with the department prior to determining that the project is categorically exempt from SEPA and obtain concurrence that the project meets the criteria for a categorical exemption (WAC 197-11-305) and give public notice of the categorical exemption by publishing a notice in a newspaper of area-wide circulation. This notice shall include the locations where the public may review the facilities plan, and other environmental information.

(b) Consult with the department prior to issuing a threshold determination (WAC 197-11-330), and submit a copy of the environmental checklist (WAC 197-11-315) and a recommended threshold determination.

(c) Obtain written concurrence from the director with the recommended threshold determination as to whether a determination of non-significance (DNS) (WAC 197-11-340) or an environmental impact statement (EIS) is to be issued prior to issuing the actual document.

(d) Issue the threshold determination, determination of non-significance (DNS) or determination of significance (DS) (WAC 197-11-360) and submit copies to the department; two copies shall be sent to both the environmental review section of central programs and to the water quality financial assistance program (WQFAP) of the department. The director must concur in writing with the findings of the checklist and DNS if a DNS is issued.

(e) Give public notice of the threshold determination by publishing a notice in a newspaper of area-wide circulation. This notice shall include the locations where the public may review the threshold determination, facilities plan, and other environmental information.

(f) Distribute copies of the threshold determination and supporting documents to other affected local, state, and federal agencies, Indian tribes, and the public.

(g) When a DS is issued, the lead agency will develop the final scope of elements to be addressed in the environmental impact statement (EIS) and obtain written concurrence from the director. The department shall be consulted throughout the EIS process.

(h) Distribute copies of the draft and final EIS's to the department; two copies shall be sent to both the environmental review section of central programs and the WQFAP.

(i) Give public notice of the draft and final EIS's by publishing notices in a newspaper of area-wide circulation. Notices shall include the locations of where the public may review the draft and final EIS's or obtain copies.

(j) Distribute copies of the draft and final EIS's to other affected local, state, and federal agencies, Indian tribes, and the public.

(k) The director must concur in writing with the finding of the final EIS.

(2) The lead agency shall issue a notice of action for the final EIS regarding the preferred alternative in accordance with RCW 43.21C-.080, WAC 197-11-680, and 197-11-990.

(3) A cost-effectiveness analysis will be required for all SRF projects. Planning must include a comparison of the total cost of the project with other alternatives, including the no action alternative, i.e., capital, operation and maintenance, and replacement costs. The comparison of the total costs, e.g., total present worth or annual equivalent costs of projects for the planning period must be included. Cost-effectiveness analyses must also include nonmonetary cost of the project i.e., the environmental impact, resource utilization, implementability, etc. This analysis must be included in the planning document and must be summarized in the EIS or DNS. Financial assistance under the SRF program will be offered to the cost-effective solution to the water pollution control problem.

(4) All mitigation measures recommended or committed to in the environmental checklist or state EIS, or in the finding of no significance impact/environmental assessment or record of decision/federal EIS (for federally approved projects) will become financial assistance agreement conditions. Applicants must complete all mitigation measures required. Failure to abide by these conditions will result in withholding of payments and may result in the requirement of the immediate repayment of the loan.

(5) The applicant is solely responsible for compliance with the requirements of NEPA, SEPA, and other applicable environmental laws, regulations, and executive orders. Concurrence from the director will be based on best available information provided by the applicant. The department is not responsible for concurrence based on erroneous information.

NEW SECTION

WAC 173-98-110 REPAYMENTS OF LOANS. (1) General provisions.

When the scope of work identified in the financial assistance agreement for a loan has been fully performed and the initiation of operation date, has been determined:

(a) The department and recipient will execute a final financial assistance agreement amendment which details the final loan amount. This amount will include the principal from disbursements made to recipients and accrued interest. Interest will accrue on each disbursement, as it is paid to the recipient.

(b) The department will prepare a repayment schedule according to the financial assistance agreement which will fully amortize the final

loan amount within twenty years of project completion. The first repayment of principal and interest will be due no later than one year after the initiation of operation date. Equal payments will be due every six months after this first payment. Loan balances or additional principal payments may be repaid at any time without penalty.

(2) Where a project has been phased or segmented, the general provisions for repayment apply to the completion of individual phases or segments.

(3) When the project takes longer than five years to complete, repayment of the loan must begin within five years of the first disbursement on the project, unless the director determines that the fund is fiscally sound without this repayment schedule. Repayments for these loans must follow the general provisions as outlined in subsection (1)(b) of this section.

NEW SECTION

WAC 173-98-120 GENERAL PROVISIONS. (1) Sale of facilities to private enterprises. Recipients may sell facilities to private enterprises; however, the financial assistance agreement must be terminated in accordance with the terms of the agreement and the assistance repaid to the SRF immediately upon sale.

(2) Refinancing. The refinancing of existing debt obligations shall be limited to water pollution control facilities where project construction began after March 7, 1985. Applicants requesting refinancing must meet all the requirements contained in the act. They must be on the IUP before assistance will be offered and must be eligible to receive such assistance.

(3) Self certification. The department may authorize a recipient to certify compliance with selected program requirements. The recipient must request such certification authority and document that it has the capability and resources, that it is in the best interest of the state, and that the request is consistent with state and/or federal laws and regulations. Concurrences required in the environmental review process cannot be delegated to recipients.

(4) Legislative reporting. The department shall report to the legislature no later than November 30 of each year on the use of the fund by the department. This report shall include a list of applicants, recipients, project descriptions, total loan amounts, financial arrangements and interest rates, repayment schedules, and source(s) of repayments.

(5) Construction engineering contracts. Consulting services shall not use a "cost-plus-percentage-of-cost" or "percentage-of-construction-cost" type contract.

**WSR 89-11-083
PROPOSED RULES
ENERGY OFFICE
[Filed May 24, 1989]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Energy Office intends to adopt, amend, or repeal rules concerning receipt of funds, definition of "other devices" as specified in RCW 43.21F.060(2);

that the agency will at 1 p.m., Tuesday, June 27, 1989, in the Washington State Energy Office, Main Conference Room, 809 Legion Way S.E., 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 June 28, 1989.

The authority under which these rules are proposed is RCW 43.21F.045(12).

The specific statute these rules are intended to implement is RCW 43.21F.060(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 27, 1989.

Dated: May 23, 1989
By: Richard H. Watson
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): Chapter 194-18 WAC, Receipt of funds.

Description of Purpose: To set forth the means by which the Washington State Energy Office may receive funds by specifying a list of "other devices" as found in RCW 43.21F.060(2).

Statutory Authority: Chapter 34.04 RCW and RCW 43.21F.045(12).

Specific Statute Rule is Intended to Implement: RCW 43.21F.060(2).

Summary of Rule: This rule defines the various means and devices by which the Washington State Energy Office may receive funds including: Cash and checks; purchase orders; money orders; letters of credit; requests for advance or reimbursement; valid credit cards/charge cards issued by a bank or other financial institution; and documented "in-kind" services.

Reasons Supporting the Proposed Action: This is a routine administrative action intended to clarify the various ways in which the Washington State Energy Office receives funds from the federal government and other sources. RCW 43.21F.060(2) empowers the agency to receive funds "by means of contracts, grants, awards, payments for services and other devices." The proposed WAC defines "other devices" by listing the normal and customary means of financial interaction. The agency is over 90 percent funded by the federal government.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: David W. Sjoding, Assistant Director of Administration and Finance, phone 6-5004 scan and 586-5004 public.

Name of the Person or Organization, Whether Private, Public or Governmental, Proposing the Rule: Washington State Energy Office.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: A brief comment on the Budget and Accounting Act (chapter 43.88 RCW) would be that a generic statute similar to this WAC but covering all agencies could be instituted.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Not required as a matter of federal law or court action.

Small Business Economic Impact Statement: There is no small business economic impact. As a state agency we want to be "user friendly" to those whom we serve.

**CHAPTER 194-18 WAC
RECEIPT OF FUNDS**

NEW SECTION

WAC 194-18-010 AUTHORITY. This chapter is promulgated pursuant to the authority granted in Chapter 34.04 RCW and RCW 43.21F.045(12).

NEW SECTION

WAC 194-18-020 PURPOSE. The purpose of this chapter is to set forth the means by which the Washington State Energy Office may

receive funds by specifying a list of "other devices" as found in RCW 43.21F.060(2).

NEW SECTION

WAC 194-18-030 RECEIPT OF FUNDS. The Washington State Energy Office is empowered in RCW 43.21F.060(2) to receive funds "by means of contracts, grants, awards, payments for services and other devices." "Other devices" is defined as negotiable instruments (e.g., checks, promissory notes), purchase order, money orders, letters of credit, requests for advance or reimbursement, valid credit cards and charge cards issued by a bank or other financial institutions, and documented "in-kind" services.

WSR 89-11-084

PROPOSED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Filed May 24, 1989]

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 gas and electric accounting rules, WAC 480-90-031 and 480-100-031, Docket No. U-89-2641-R;

that the agency will at 9:00 a.m., Wednesday, May 31, 1989, in the Commission's Hearing Room, Second Floor, 1300 South Evergreen Park Drive S.W., Olympia, WA, conduct a public hearing on the proposed rules.

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

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

The specific statute these rules are intended to implement is RCW 80.04.080.

This notice is connected to and continues the matter in Notice No. WSR 89-09-070 filed with the code reviser's office on April 19, 1989.

Dated: May 24, 1989

By: Paul Curl
Acting Secretary

WSR 89-11-085

PROPOSED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Filed May 24, 1989]

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 methods for obtaining data in contested cases, WAC 480-08-208, Docket No. U-89-2748-R;

that the agency will at 9:00 a.m., Wednesday, June 14, 1989, in the Commission's Hearing Room, Second Floor, 1300 South Evergreen Park Drive S.W., Olympia, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 80.01.040, 80.04.020, 80.04.070, 80.04.090, 80.04.100, corresponding sections of chapter 81.04 RCW, RCW 34.04.020 and 34.04.105.

The specific statute these rules are intended to implement is Titles 80 and 81 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 9, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-08-109 filed with the code reviser's office on April 5, 1989.

Dated: May 23, 1989

By: Paul Curl
Acting Secretary

WSR 89-11-086

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed May 24, 1989]

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 establishment of a solid waste enforcement grant program, chapter 173-313 WAC, to provide solid waste enforcement grants to local jurisdictional health departments from the local toxics control account under the Model Toxics Control Act;

that the agency will at 2 p.m., Wednesday, June 28, 1989, in the Energy Facility Site Evaluation Council, Hearing Room, 4224 6th Avenue S.E., Building 1, Lacey, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 17, 1989.

The authority under which these rules are proposed is the Model Toxics Control Act.

The specific statute these rules are intended to implement is the Model Toxics Control Act.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 30, 1989.

Dated: May 23, 1989

By: Terry Husseman
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 173-313 WAC, Local solid waste enforcement grant regulation.

Description of Purpose: To provide grant assistance for inspection of solid waste sites and facilities, including landfills.

Statutory Authority: Model Toxics Control Act.

Summary of Rule: To establish a financial assistance program to provide grants to local jurisdictional health departments using funds apportioned from the local toxics control account of the Model Toxics Control Act. Grants will be made for the following purpose: Inspection activities involving sites or facilities engaged in solid

waste handling or disposal conducted under existing solid waste statutes.

Summary Statement: The Department of Ecology proposes an enforcement grant program to distribute funds allocated from the local toxics control account of the Model Toxics Control Act. Consistent with the Model Toxics Control Act, financial assistance is provided to local jurisdictional health departments for enforcement of rules and regulations promulgated under the Solid waste management—Recovery and Recycling Act, chapter 70.95 RCW. The Model Toxics Control Act recognized the importance of strong preventative solid waste programs to alleviate future problems and is designed to assist local health departments in carrying out this vital function. The local solid waste enforcement grant program will provide financial assistance to local health departments in the form of grants.

Reasons Supporting Proposed Action: Requirement of the Model Toxics Control Act.

Agency Personnel Responsible for Drafting: Peter Haskin, Mailstop PV-11, Olympia, WA 98504-8711, (206) 459-6292; **Implementation and Enforcement:** Dan Swenson, Mailstop PV-11, Olympia, WA 98504-8711, (206) 438-7474.

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.

Small Business Economic Impact Statement: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the business in any one industry be reviewed and altered to minimize their impact upon small businesses. This regulatory proposal has been reviewed in light of that requirement. The conclusions of this review are: This regulation is proposed for adoption in order to make funds available to local jurisdictional health departments for enforcement activities. In addition, this regulation implements the provisions of RCW 70.95.220. The provisions of this regulation apply only to public entities, as opposed to private businesses, whether large or small. It appears, therefore, that the Regulatory Fairness Act does not apply in this case.

Economic Impact Statement: This proposed regulation has been reviewed to determine its impact upon the economy of the state of Washington, as required by chapter 43.21H RCW (the State Economic Policy Act). Conclusions of that review are: This regulation is being proposed for adoption in order to make funds available to local health departments for enforcement activities. In addition, this proposed regulation implements RCW 70.95.220. The language of the proposed regulation does not go beyond the intent of the legislature; the actions proposed by this regulation apply only to public entities, not to private business, and do not appear to have any

adverse affect on the private sector; and those public entities able to comply with the provisions of this regulation will be eligible for financial assistance for enforcement of rules and regulations promulgated under chapter 70.95 RCW (Solid waste management—Recovery and recycling). The proposed regulation does not appear to impose any adverse effects upon the economy of the state of Washington.

SEPA Compliance: It is determined that the writing and adoption of rules for the local solid waste enforcement grant program from the local toxics control account under the Model Toxics Control Act is exempt under WAC 197-11-800(16) and (20) of SEPA.

Chapter 173-313 WAC
LOCAL SOLID WASTE ENFORCEMENT GRANT REGULATION

WAC

173-313-010	Introduction.
173-313-020	Purpose and authority.
173-313-030	Applicant eligibility.
173-313-040	Application.
173-313-050	Criteria for allocation of funds.

NEW SECTION

WAC 173-313-010 **INTRODUCTION.** RCW 70.95.220 provides that any jurisdictional health department may apply to the department of ecology for financial aid for the enforcement of rules and regulations promulgated under chapter 70.95 RCW. RCW 70.95.220 further provides that after receipt of such applications, the department may allocate available funds according to criteria established by regulation. Such criteria shall consider or be based upon population, urban development, the number of disposal sites, and geographical area.

NEW SECTION

WAC 173-313-020 **PURPOSE AND AUTHORITY.** The purpose of this regulation is to establish criteria by which the department of ecology shall allocate financial aid, pursuant to the Model Toxics Control Act, to jurisdictional health departments for enforcement of rules and regulations promulgated under chapter 70.95 RCW.

NEW SECTION

WAC 173-313-030 **APPLICANT ELIGIBILITY.** In order to be eligible for grant funding, the local health department must:

- (1) Be a "jurisdictional health department" as defined by RCW 70.95.030;
- (2) Have a program to achieve the goals of chapter 70.95 RCW;
- (3) Have a solid waste ordinance per chapter 70.95 RCW, or be in the process of adoption.

NEW SECTION

WAC 173-313-040 **APPLICATION.** Application for funds shall be made on forms provided by the department and shall include detailed information specified in a guidance document also provided by the department. This detailed information shall include a confirmation of the applicant's eligibility, and a description of the program and budget.

NEW SECTION

WAC 173-313-050 **CRITERIA FOR ALLOCATION OF FUNDS.** As specified in RCW 70.95.220, first priority will be to provide funds exclusively for solid waste inspection activities, including staff for administration of the local inspection program. The following criteria will be used to assist in the allocation of those funds:

- (1) Protection of public health and environment.
- (2) Cost to residential ratepayers without state assistance.
- (3) Actions required under federal, state and local regulations, and consent decrees.
- (4) Commitment/readiness to proceed.

(5) Degree of local solid waste problems, as measured by these factors:

- (a) Number of existing disposal sites, open and closed;
- (b) Environmental sensitivity of the geographical area;
- (c) Disposal sites and other waste management facilities, open and closed;
- (d) Current enforcement actions;
- (e) Extent of urban development and its relationship to industrial, commercial, and residential development; and
- (f) Population.

WSR 89-11-087
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed May 24, 1989]

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 establishment of an interim financial assistance program, chapter 173-315 WAC, to provide grants to local governments from the local toxics control account under the Model Toxics Control Act;

that the agency will at 2 p.m., Wednesday, June 28, 1989, in the Energy Facility Site Evaluation Council, Hearing Room, 4224 6th Avenue S.E., Building 1, Lacey, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 17, 1989.

The authority under which these rules are proposed is the Model Toxics Control Act.

The specific statute these rules are intended to implement is the Model Toxics Control Act.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 30, 1989.

Dated: May 23, 1989

By: Terry Husseman
 Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 173-315 WAC, Interim financial assistance program.

Description of Purpose: To provide grant assistance for remedial action hazardous waste planning and programs; and solid waste planning and programs.

Statutory Authority: Model Toxics Control Act.

Summary of Rule: To establish an interim financial assistance program to provide grants to local governments using funds apportioned from the local toxics control account of the Model Toxics Control Act. Grants will be made for the following purposes: Remedial actions; hazardous waste plans and programs; and solid waste plans and programs.

Summary Statement: The Department of Ecology proposes an interim financial assistance program to distribute funds allocated from the local toxic control account of the Model Toxics Control Act. Consistent with the Model Toxics Control Act, financial assistance is provided to mitigate the financial burden placed upon

local governments and ratepayers due to the high cost of remedial actions, as well as for solid and hazardous waste management. This chapter recognizes the importance of strong preventative solid and hazardous waste programs to alleviate future contamination, and is designed to assist local governments in carrying out these vital functions. The interim financial assistance program will provide financial assistance to local governments in the form of grants. The department will adopt a final financial assistance program after a thorough review of the interim program. The Model Toxics Control Act identified three project categories for funding in order of descending priority: Remedial actions; hazardous waste plans and programs; and solid waste plans and programs.

Reasons Supporting Proposed Action: Requirement of the Model Toxics Control Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Swenson, Mailstop PV-11, Olympia, WA 98504, (206) 438-7474.

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.

Small Business Economic Impact Statement: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the business in any one industry be reviewed and altered to minimize their impact upon small businesses. The regulatory proposal has been reviewed in light of that requirement. The conclusions of this review are: This regulation is proposed for adoption in order to make funds available to local governments to conduct remedial actions, to conduct hazardous waste plans and programs, and to conduct solid waste plans and programs. These funds were provided from the local toxics control account of the Model Toxics Control Act; it is our determination that the proposed regulations, which establish procedures for providing grants to local governments, do not impose a direct impact on small businesses. There is the possibility that a positive indirect impact might be shared among firms/companies through contracting with public entities; and it appears that the Regulatory Fairness Act does not apply in this case.

Economic Impact Statement: This proposed regulation has been reviewed to determine its impact upon the economy of the state of Washington, as required by chapter 43.21H RCW (the State Economic Policy Act). Conclusions of this review are: This regulation is being proposed for adoption in order to make funds available to local governments for remedial actions and hazardous and solid waste plans and programs. These funds are made available through the local toxics control account of the Model Toxics Control Act. The language in the proposed regulation does not exceed the intent of the legislature; the actions proposed by this regulation apply

only to local government. Private business does not appear to suffer any adverse impact; and those local governments able to comply with the provisions of this regulation will be eligible for financial assistance. The proposed regulation does not impose any adverse effects upon the economy of the state of Washington.

SEPA Compliance: It is determined that the writing and adoption of rules for the interim financial assistance program under the Model Toxics Control Act is exempt under WAC 197-11-800 (16) and (20) of SEPA.

Preamble: With the passage of Initiative 97, the Model Toxics Control Act, and the repeal of chapter 70.105B RCW, the Department of Ecology is required to adopt new grant regulations.

Chapter 173-315 WAC, Interim financial assistance program, is intended to provide a bridge between the prior grant regulations, chapter 173-309 WAC, and final permanent regulations to be adopted at a later date.

This bridging regulation will allow ecology to continue processing and awarding grants received prior to March 1, 1989, and to accept new grant applications for several of the grant programs prior to the adoption of the final regulation.

The reason ecology is not adopting a final regulation at this time is that it wants to conduct an extensive public rule development process for the final grant regulations. This development process is already in place for the remedial action grants program. A workgroup comprised of local governments, public interest groups, and ecology staff has been meeting regularly since February to develop the remedial action final regulation. It is anticipated this portion of the final grant regulation will be adopted by early 1990. Ecology will not accept new applications for remedial action grants until the final regulation is adopted.

A similar external workgroup will be formed to assist in the development of the final regulation for solid and hazardous waste plans and programs. Final adoption of regulations for these programs will occur in mid-1990.

Because several of the final solid and hazardous waste plans and programs will be virtually identical to chapter 173-309 WAC and this bridging regulation, chapter 173-315 WAC, ecology plans to open the grants application period this summer and fall for local solid waste plans, local hazardous waste plans, and household hazardous waste collection events. Applications for hazardous waste implementation (pilot) projects will not be accepted until the final program regulation is adopted.

During the public comment period on this regulation, the Department of Ecology is particularly interested in receiving comments on its interpretation that Initiative 97, the Model Toxics Control Act, allows for the issuance of waste reduction and recycling and groundwater monitoring grants under the broad umbrella of solid waste plans and programs. These grant programs are essential to fulfilling the declared policy of the Model Toxics Control Act, including eliminating the threat to human health and the environment from many of our municipal landfills and preventing of future hazards due to improper disposal of toxic wastes into the state's land

and waters. Groundwater monitoring and waste reduction and recycling applications will not be accepted until this interim bridging regulation is adopted.

Chapter 173-315 WAC
MODEL TOXICS CONTROL ACT—LOCAL TOXICS CONTROL ACCOUNT—INTERIM FINANCIAL ASSISTANCE PROGRAM

WAC

173-315-010	Purpose and authority.
173-315-020	Definitions.
173-315-030	Relation to other legislation and administrative rules.
173-315-040	General.
173-315-050	Remedial action grants.
173-315-060	Hazardous waste planning and program grants.
173-315-070	Solid waste planning and program grants.

NEW SECTION

WAC 173-315-010 PURPOSE AND AUTHORITY. The purpose of this chapter is to set forth eligibility criteria and requirements for the conduct of an interim financial assistance program to provide grants to local government pursuant to the Model Toxics Control Act. The department may provide grants to local government for:

- (1) Remedial actions;
- (2) Hazardous waste plans and programs under chapter 70.105 RCW;
- (3) Solid waste plans and programs under chapter 70.95 RCW.

This chapter recognizes the burden placed upon ratepayers due to the high costs of cleanups, and solid and hazardous waste management, and consistent with the Model Toxics Control Act, provides financial assistance to mitigate such hardships.

This chapter recognizes the importance of a strong preventive program to alleviate future contamination through proper solid and hazardous waste planning and management. It is designed to provide assistance to local governments in carrying out these vital functions pursuant to the requirements of chapters 70.95 and 70.105 RCW, and the Model Toxics Control Act.

The interim financial assistance program will provide financial assistance to local governments in the form of grants.

The authority to provide financial assistance to local government is granted under the Model Toxics Control Act.

NEW SECTION

WAC 173-315-020 DEFINITIONS. (1) "Collection events" means events such as, but not limited to, projects in which household hazardous wastes are collected at centralized location(s) for subsequent packaging and transport to a permitted treatment storage or disposal facility.

(2) "Department" means the Washington state department of ecology.

(3) "Existing facility" means an owned or leased landfill in operation, or for which construction has begun, on or before the effective date of chapter 173-304 WAC for which the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction if either:

(a) A continuous on-site physical construction program has begun; or

(b) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial financial loss. Physical construction of the facility is to be completed within a reasonable time.

Lateral extensions of a landfill's active area on land purchased and permitted by the jurisdictional health department for the purpose of landfilling before the effective date of chapter 173-304 WAC shall be considered existing facilities.

(4) "Hazard ranking system" means the system for ranking and prioritizing hazardous waste sites to be adopted by the department pursuant to the Model Toxics Control Act.

(5) "Household hazardous wastes" means any liquid, solid, contained gas or sludge, including any material, substance, product, commodity or waste used or generated in the household, regardless of

quantity, that exhibits any of the characteristics of dangerous waste as set forth in chapter 173-303 WAC

(6) "Local governments" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.

(7) "Minimum functional standards" means the requirements of chapter 173-304 WAC, Minimum functional standards for solid waste handling.

(8) "Moderate-risk waste" means:

(a) Any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation; and

(b) Any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

(9) "Remedial action" means any action or expenditure, to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance as well as any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(10) "Settlement agreement" means any consent decree entered into pursuant to RCW 70.105B.080, the Model Toxics Control Act, or any consent order or decree with the department in effect October 16, 1987.

NEW SECTION

WAC 173-315-030 RELATION TO OTHER LEGISLATION AND ADMINISTRATIVE RULES. (1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous and solid waste management and disposal.

(2) The remedial action grants shall be used to supplement local government funding to carry out required remedial actions.

(3) Hazardous waste planning and program grants shall be awarded to local government to implement chapter 70.105 RCW, and the Model Toxics Control Act.

(4) Solid waste planning and program grants shall be awarded to implement chapter 70.95 RCW, and the Model Toxics Control Act.

(5) All grants shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

NEW SECTION

WAC 173-315-040 GENERAL. (1) Apportionment of funds.

For purposes of implementing the interim financial assistance program, the local toxics account shall be apportioned between the following categories as follows:

(a) Remedial actions.

(b) Hazardous waste plans and programs.

(c) Solid waste plans and programs.

(2) Adjustment of funds. Based on a periodic internal review of grant applications received, grant obligations, grant fund balances, and revenue projections, the department may allocate funds by grant category or readjust the amount of funds that may be allocated under any and all grant categories.

(3) Grant application process. Grant application deadlines and schedules will be announced based upon funding allocations for each of the funding priority grant programs.

Grant application packages which include grant application deadlines, guidelines, application forms, and detailed information will be provided to all interested parties.

When applications are received by the department, they will be reviewed and scored if it is a competitive grant program by a committee consisting of department personnel. Applications need to include all required elements, as outlined in the guidelines, in order to be competitive.

After an application is reviewed and/or scored and an award notice letter is sent out, the department will contact the applicant to negotiate the final details of the scope of work, budget, and any other items of concern.

A grant offer is made by the department to the applicant in the form of a grant contract when all applicant and project eligibility requirements have been met, funds are available, and the formal application

has been completed to the mutual satisfaction of the applicant and the department.

A grant award is made when a grant agreement has been signed by both the applicant and the department. The grant agreement becomes effective on the date the program manager of the solid and hazardous waste program of the department signs the contract. This also establishes the beginning date of the project. No costs incurred prior to that date are grant eligible unless specific provision is made in the grant agreement for such costs.

(4) Appropriation and allotment of funds. The obligation of the department to make grant payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the allotment of funds during the next biennium.

(5) Administrative practices. All grants under this chapter shall be consistent with the provisions of Financial Guidelines for Grants Management, WDOE 80-6, May 1980, reprinted March 1982, or subsequent guidelines adopted thereafter.

(6) The department encourages cooperation and coordination among units of local government and any funds granted under this chapter may be used by any unit of local government through interagency agreements.

(7) The department may issue grants to local governments that applied for funding assistance authorized by chapter 70.105B RCW and chapter 173-309 WAC.

(8) A maximum of fifty percent of the grantee cost share may be from in-kind contributions.

(9) A maximum indirect cost rate of ten percent of direct labor will be allowed unless the grantee has an indirect rate approved by a federal or state audit agency. The department reserves the right to determine the amount of indirect allowance in each grant agreement.

NEW SECTION

WAC 173-315-050 REMEDIAL ACTION GRANTS. (1) Applicant eligibility. An applicant for a remedial action grant must be a local government which will use the grant for the purpose of planning and/or carrying out required remedial action at a landfill site used primarily for the disposal of municipal solid waste.

An applicant must also meet one of the following requirements:

(a) Be a party to a consent decree under chapter 70.105B RCW, the Model Toxics Control Act, or a consent order under chapter 90.48 RCW requiring remedial action at a landfill site; or

(b) Have been issued an enforcement order under RCW 90.48.120, the Model Toxics Control Act, or RCW 70.105B.120 (1)(c)(ii) or (2), requiring remedial action at a landfill site.

Sites meeting eligibility requirements shall be deemed, for the purposes of this chapter, to be on the hazard ranking list pending issuance of such a list.

(2) Eligible project costs.

(a) Remedial action grants are for the purpose of assisting local governments to plan and carry out required remedial action at public or private facilities used primarily for the disposal of municipal solid waste.

(b) Costs are grant eligible if their purpose is to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment. This includes any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance as well as any health assessments or health effect studies conducted in order to determine the risk or potential risk to human health. Costs eligible for grant funding include:

(i) Remedial investigations to define the extent and source of contamination;

(ii) Feasibility studies to develop and evaluate cleanup options;

(iii) Remedial design, including final engineering and preparation of plans and specifications needed to implement remedial action;

(iv) Monitoring;

(v) Methane control;

(vi) Excavating the site to remove or relocate contaminated materials, or removing and cleaning up drums, debris, and other contaminated materials;

(vii) Run-on/run-off water control systems;

(viii) Final cover;

(ix) Ground water treatment and control;

(x) In situ treatment technology;

(xi) Acquisitions of off-site property or property easements only for the purpose of gaining access to a facility requiring remedial action, or for the purpose of installing monitoring wells or other pollution abatement equipment or for other purposes relating to remedial action;

(xii) Fencing where waste disposal has terminated or to limit access to structures built to implement a remedial action;

(xiii) Other remedial action activities as determined by the department on a case-by-case basis.

(3) Retroactive funding. Retroactive funding will be allowed for all eligible work conducted under a signed settlement agreement. Retroactive funding may be allowed for costs incurred since October 16, 1987.

(4) Matching requirements. Up to fifty percent state funding will be available for eligible project costs as defined in subsection (2)(a)(i), (ii), (iii), and (iv) of this section; remedial investigations, feasibility studies, remedial design, and monitoring. Up to twenty-five percent state funding will be available for all other eligible project costs.

NEW SECTION

WAC 173-315-060 HAZARDOUS WASTE PLANNING AND PROGRAM GRANTS. (1) Applicant eligibility.

(a) Hazardous waste planning. Eligible local governments under this section are cities, towns, or counties pursuant to RCW 70.105.010(16).

(b) Implementation projects. The applicant must be a local government.

(c) Collection events. The applicant must be a local government.

(2) Eligible project costs.

(a)(i) Hazardous waste planning.

Eligible project costs include activities and tasks to develop or update local hazardous waste management plans, if they are consistent with the department's Planning Guidelines for Local Hazardous Waste Plans, July 1987, WDOE 87-18.

In-depth planning studies to provide detailed analysis of specific plan elements may be undertaken as a part of an overall planning grant, or separately if it can be demonstrated that the planning requirements are otherwise being met.

(ii) Retroactive funding. Funding retroactive to October 16, 1987, will be allowed for costs incurred which are directly related to the preparation of local hazardous waste plans and are in conformance with Planning Guidelines for Local Hazardous Waste Plans, July 1987, WDOE 87-18 and subsequent addenda.

(b) Collection events. Eligible project costs include activities and tasks required to plan and carry out hazardous waste collection events for household and/or small quantity generator hazardous waste.

(c) Implementation projects. Eligible project costs include activities and tasks to (i) reduce, recycle, or improve handling methods for moderate-risk waste, or (ii) educate the public and businesses on alternative moderate-risk waste reduction, recycling, and handling methods.

(3) Matching requirements.

(a) Hazardous waste planning. Grants will be made for up to seventy-five percent of the total eligible project cost, however, based on prior department approval, direct local costs of hazardous household substance pilot or collection projects conducted between June 30, 1985, and June 30, 1988, may be subtracted from the twenty-five percent local share of total project costs, therefore the department may make grants up to one hundred percent of the total project cost in these cases.

(b) Collection events. Grants will be made for up to fifty percent of the total eligible project cost, or fifteen thousand dollars per grant or local government, whichever is the lesser amount.

(c) Implementation projects. Grants will be made for up to fifty percent of the total eligible project cost, or fifty thousand dollars per project, whichever is the lesser amount.

(4) Priority for allocation of grant funds.

(a) Hazardous waste planning. It is the department's intent that grants be awarded for all local hazardous waste plan development state-wide. The grants will be awarded on a first-come first-served basis, subject to availability of funds, technical adequacy, and application completeness.

(b) Collection events. The grants will be awarded on a first-come first-served basis, subject to availability of funds, technical adequacy, and application completeness.

(c) Implementation projects. Grant applications will be ranked according to the following criteria:

(i) Adequacy of and integration with local hazardous waste plans. The local government must be in the process of developing or have

completed a local hazardous waste plan. The project must be identified as a part of the local hazardous waste plan.

(ii) Promotion of hazardous waste management priorities. A project must address one or more of the following: Hazardous waste reduction, recycling, or the methods of handling.

(iii) Environmental and public health protection. Special consideration will be given to local governments which have a special need to protect a sensitive resource or existing public health problem.

(iv) Generation of information. The project must result in information useful to the solution of moderate-risk waste problems.

NEW SECTION

WAC 173-315-070 SOLID WASTE PLANNING AND PROGRAM GRANTS. (1) Applicant eligibility.

(a) Solid waste planning. Eligible local governments under this section are counties and cities pursuant to RCW 70.95.130.

(b) Waste reduction and recycling. The applicant must be a local government.

(c) Groundwater monitoring. The applicant must be a local government.

(2) Eligible project costs.

(a) Solid waste planning.

(i) General. Costs for developing or updating local solid waste management plans are grant eligible if:

(A) They are necessary to conduct the project;

(B) They are consistent with department's solid waste-planning guidelines and subsequent addenda.

(ii) Retroactive. Funding retroactive to October 16, 1987, will be allowed for costs incurred which are directly related to the preparation of local solid waste plans and are in conformance with the state Solid Waste Planning Guidelines, May 1986, WDOE 86-4 and subsequent addenda.

(b) Waste reduction and recycling.

(i) Waste reduction and recycling activities and facilities are eligible provided that:

(A) It is demonstrated that the proposed waste reduction and recycling activity, facility, or service is not reasonably available to persons within the locale from private enterprise; and

(B) It is demonstrated that the project is economically feasible and suitable for successful implementation.

(ii) General. Costs are grant eligible if:

(A) They are necessary to conduct the project;

(B) They are consistent with the department's grant guidelines for waste reduction and recycling.

(iii) Waste reduction and recycling facilities. Eligible project activities include:

(A) Planning and feasibility studies, environmental impact statements, and permitting costs;

(B) Preparation of design documents;

(C) Facility construction;

(D) Purchase of specialized equipment.

(iv) Waste reduction and recycling activities. Eligible project activities include:

(A) Public education;

(B) Public involvement;

(C) Program development.

(c) Groundwater monitoring.

(i) A groundwater monitoring project is eligible provided that it is addressed within a facility maintenance and operation plan, as required by chapter 173-304 WAC.

(ii) General. Costs are grant eligible if:

(A) They are necessary to conduct the project;

(B) They are consistent with the department's grant guidelines for groundwater monitoring.

(iii) Groundwater monitoring. Eligible costs include costs incurred by grantees that are owners and operators of landfills, piles, landspreading disposal facilities, and surface impoundments that are required to perform groundwater monitoring pursuant to WAC 173-304-400. Direct costs involved in design and installation of groundwater monitoring wells at existing facilities as defined by WAC 173-304-100 (27)(a) and (b), will be eligible for funding.

(iv) Retroactive funding may be allowed for all eligible costs incurred since October 16, 1987.

(3) Matching requirements.

(a) Solid waste planning. Grants will be made up to fifty percent of the total eligible project cost.

(b) Waste reduction and recycling. Grants will be made up to seventy-five percent of the total eligible project cost.

(c) Groundwater monitoring. Grants will be made up to fifty percent of the total eligible project costs, not to exceed a maximum of fifty thousand dollars per project.

(4) Priority for allocation of grant funds.

(a) Solid waste planning. It is the department's intent that grants be awarded for developing or updating local solid waste management plans state-wide. Subject to the limits of available funds, those applications that meet eligibility requirements will be approved for funding on a first-come first-served basis.

(b) Waste reduction and recycling. Grant applications will be ranked according to how each application meets the criteria set forth below. Grants will be awarded, within the limits of available funds, to the highest ranking applications that otherwise meet provisions for completeness and technical adequacy. The project ranking criteria are as follows:

(i) How the project or activity integrates with the current and planned solid waste management system and local comprehensive plans.

(ii) How the project or activity will contribute to increased waste reduction and recycling.

(iii) The probable success of the project or activity.

(iv) Demonstration that the project or activity scope is compatible with the cost and needs of the project or activity.

(v) How the project or activity will be operated, maintained, or continued beyond the grant funding period.

(vi) Other criteria as may be defined in the waste reduction and recycling grant guidelines.

(c) Groundwater monitoring. Grant applications will be ranked according to how each project application meets the criteria set forth below. Grants will be awarded within the limits of available funds to the highest ranking project applications that otherwise meet provisions for completeness and technical adequacy. The ranking criteria are as follows:

(i) Ability to pay. Priority will be given to local governments in economically distressed areas.

(ii) How, or if, the project will contribute directly to the identification or solution of an existing environmental or public health problem.

(iii) Other criteria as may be defined in the groundwater monitoring grant guidelines.

WSR 89-11-088

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed May 24, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning the amendment of rules, definitions, and risk classification language contained in chapter 296-17 WAC applicable to workers' compensation insurance underwritten by the Washington state fund, Department of Labor and Industries, and specifically rules, definitions, and risk classifications applicable to the horse racing industry of Washington including corresponding base rates and expected losses for the new risk classifications; that the agency will at 10 a.m., Friday, July 7, 1989, in the First-Floor Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 20, 1989.

The authority under which these rules are proposed is RCW 51.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 7, 1989.

The agency reserves the right to modify the text of these proposed rules prior to the public hearing thereon or in response to written and/or oral comments thereon received prior to or during the public hearing.

Written and/or oral submissions may also contain data, news, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21 RCW.

Correspondence relating to this notice and proposed rules shown below should be addressed to:

Douglas Connell
Assistant Director for Employer Services
Department of Labor and Industries
905 Plum Street S.E.
Olympia, WA 98504

Dated: May 24, 1989

By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): The proposals for rule changes which follow amend portions of chapter 296-17 WAC. This title pertains to the calculation, reporting, and collection of premiums for workers' compensation insurance coverage provided by the Department of Labor and Industries.

Statutory Authority: [No information supplied by agency.]

Specific Statute that Rule is Intended to Implement: [No information supplied by agency.]

Summary of the Rule(s): The purpose of these proposed rules is to make the following substantive changes in Title 296 WAC: Repeal a general reporting rule (WAC 296-17-350(10)) and four risk classifications 6609 through 6613 (WAC 296-17-731 through 296-17-73104) related to the horse racing industry premium pricing—Per-start basis; and establish a new reporting rule (WAC 296-17-45001) "Special horse racing classification interpretation," four new risk classifications (WAC 296-17-73105 through 296-17-73107) and amendment to risk classification 7302 (WAC 296-17-773) related to the horse racing industry premium pricing—Per-license basis.

Reasons Supporting Changes: Revisions and/or amendments to existing rules and the establishment of new rules are intended to extend uniform treatment and equity to all affected parties. The changes being proposed are reflective of practices consistent with recognized workers' compensation insurance practices.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule(s): R. L. McCallister, Deputy Director for Industrial Insurance, 753-5173; Douglas Connell, Assistant Director for Employer Services, 586-8401; and Francis A. Romero, Manager, Classification Development, 753-1434.

Name of Person or Organization, Whether Private, Public, or Governmental, that is proposing the Rule(s): State of Washington Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule(s): None.

These rules are not proposed 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: This statement pertains to revisions to chapter 296-17 WAC proposed by the Department of Labor and Industries, which were adopted by the department on an emergency basis retroactive to January 1, 1989, and are to become effective permanently on August 21, 1989, and is prepared to conform with sections 3(2) and 4 of the Regulatory Fairness Act, chapter 6, Laws of 1982.

Existing Rules: Chapter 296-17 WAC presently defines approximately 291 risk classifications for purposes of reporting exposures and computing premiums for workers' compensation insurance as well as rules governing the application of these risk classifications to businesses or occupations, provisions for an experience rating plan, insurance base rates applicable to each risk classification, and rules governing the reporting of worker hours, premium payment, and the assessment of penalties for employers who fail to register or file late payroll reports.

Treatment of Small Business Under Existing Rules: Risk classification definitions are keyed to the nature of an employer's business operations within this state and in certain cases individual employments, and are independent of business size. Once the number of risk classifications statistically supportable has been determined and the risks defined, base rates are developed for each risk classification. All new employers conducting like businesses are assigned into a common classification pool representative of their business undertaking and are assigned the same base rate. As experience is developed by each employer, a modified rate as provided for in the experience rating plan is calculated except for those employers engaged in the horse racing industry whose rates are by law to be base rated. Those employers not involved in the horse racing industry with a favorable past experience receive rate reductions while those employers with unfavorable past experience receive rate increases. Within the experience rating plan, small employers with a loss-free record during the experience rating period are allowed rate credits in excess of those initially computed by the rating plan based on risk size, by imposing a maximum modification for loss-free firms of various sizes in WAC 296-17-890.

Effect of Proposes Revisions: Four new risk classification definitions are being proposed for the horse racing industry of Washington (6614 through 6617), as well as a new general reporting rule (WAC 296-17-45001), amendment to an existing risk classification (7302) and modifications to base rate an expected loss tables for the new classifications. Special consideration in rate making has been given to small employers via variable rates between major and minor race tracks and assessment of premiums for individuals involved in percentage or syndicated horse ownership who are licensed by the

Washington State Horse Racing Commission. These changes will result in a more even distribution of the premium charged and for small businesses will generally reduce their overall premium obligation. There is no additional cost to businesses large or small to comply with recordkeeping or reporting since none is required. In many instances there will be a reduction of administrative costs to employers since quarterly reporting in most cases is eliminated.

AMENDATORY SECTION (Amending Order 89-02, filed 3/21/89, effective 4/21/89)

WAC 296-17-350 MINIMUM PREMIUMS—ASSUMED WORKER HOURS. A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workers for whom an assumed number of worker hours must be, and hereby, is established:

(1) Minimum premium. Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of worker hours reported.

(2) Excluded employments. Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) Resident managers, caretakers, or similar employments that are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of premium calculation as provided in subsection (6) of this section.

(4) Commission personnel. Commission personnel are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered. Commission personnel are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment: PROVIDED, That the assumed eight worker hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment.

(5) Salaried personnel. Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for their employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed worker hours based upon one hundred sixty worker hours for each month in which the employee is on salary: PROVIDED, That if the employer maintains complete and accurate records, supported by original time cards or timebook entries, the employer may report and pay premium on the actual hours worked by salaried personnel: PROVIDED FURTHER, That the department may, at its discretion, authorize some other method in assuming workers hours for premium calculating purposes in the case of contract personnel employed by schools and/or school districts.

(6) Piece workers. For employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise who are not subject to any federal or state law or rule which requires the reporting of actual hours worked, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one worker hour: PROVIDED, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per worker hour the assumed amount shall be \$3.00 of earnings as representing one worker hour, and on a progressive basis, if

the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one worker hour, and so forth. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: PROVIDED FURTHER, That an employer who maintains records but is not required to do so shall report the actual hours worked for the purpose of premium calculation. In the event an employer who is otherwise required by federal or state laws or rules to maintain records of actual hours worked by each employee fails to do so, the worker hours of such employees will be determined by dividing the gross wages of each employee by the state minimum hourly wage to determine the hours reported for the purpose of premium calculation. Notwithstanding any other provisions of this section, workers employed in a work activity center pursuant to WAC 296-17-779 shall be reported on the basis of the piece worker rule.

(7) Noncontact sports teams. All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed worker hours based upon 40 worker hours for each week in which any duties are performed.

(8) All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed worker hours based upon ten hours for each mount in each horse race; professional drivers shall report worker hours based upon ten hours for each heat or race of any racing event: PROVIDED, That any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ten worker hours for any day in which duties are performed.

(9) Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: PROVIDED, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: PROVIDED FURTHER, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.

~~((10) Licensed trainers—parimutuel racing. All trainers which come under the jurisdiction of the Washington horse racing commission and who become licensed subject to the Washington horse racing commission's rules and regulations who employ workers shall pay a minimum premium of one hundred dollars annually to the department which shall be in addition to a per start rate established for the various parimutuel tracks state-wide. The minimum premium shall be calculated using twenty assumed worker hours and be reported in classification 6613. For the purpose of premium calculation report assumed worker hours based upon ten hours for each start:))~~

NEW SECTION

WAC 296-17-45001 SPECIAL HORSE RACING CLASSIFICATION INTERPRETATION. For the purposes of administering the parimutuel horse racing Classifications 6614 through 6617 the terms used such as parimutuel horse racing, trainers, grooms, etc., shall be given the same meanings as those contained in chapter 67.16 RCW "Horse Racing" or Title 260 WAC "Horse Racing Commission."

The term "major tracks" shall mean Yakima Meadows, Spokane Playfair, and Longacres in Renton.

The term "fair meets or bush tracks" shall mean all other parimutuel horse racing tracks licensed by the Washington state horse racing commission.

For premium purposes, owners shall contribute one hundred fifty dollars annually at the time of license issuance or renewal. The payment of premium by an owner does imply an employer employee relationship but serves to help fund the premium obligation of the horse racing industry. Individuals involved in a syndication or percentage ownership of a parimutuel race horse and who become licensed by the horse racing commission shall pay premium according to their percentage ownership in the horse or horses.

NEW SECTION

WAC 296-17-73105 CLASSIFICATION 6614.

Parimutuel horse racing: All other employees, N.O.C. – Major tracks

This classification is limited in scope to employees of trainers and/or owners who come under the jurisdiction of the Washington horse racing commission, and who become licensed subject to the Washington horse racing commission's rules or regulations. This classification covers all on or off track employments of employers subject to this classification, such as: Assistant trainers, pony riders, and exercise riders; but excludes grooms which are to be reported separately in classification 6615. For purposes of this rule, jockeys will be considered exercise riders when employed by a trainer and/or owner at a time other than during the dates of a scheduled race meet. A meet, as used in this section, shall be for the duration of the racing season as set for each track by the Washington state horse racing commission.

NEW SECTION

WAC 296-17-73106 CLASSIFICATION 6615.

Parimutuel horse racing: Grooms – Major tracks

This classification is limited in scope to individuals licensed as grooms by the Washington horse racing commission who are employed by a trainer and/or owner who come under the jurisdiction of and are licensed by the Washington horse racing commission. This classification covers all on or off track activities of grooms employed at major tracks. Employment activities performed by grooms at a fair or bush track are to be reported separately in classification 6617.

NEW SECTION

WAC 296-17-73107 CLASSIFICATION 6616.

Parimutuel horse racing: All other employees, N.O.C. – Fair meets or bush tracks

This classification is limited in scope to employees of trainers and/or owners who come under the jurisdiction of the Washington horse racing commission, and who become licensed subject to the Washington horse racing commission's rules or regulations. This classification covers all on or off track employments of employers subject to this classification, such as: Assistant trainers, pony riders, and exercise riders; but excludes grooms which are to be reported separately in classification 6617. For purposes of this rule, jockeys will be considered exercise riders when employed by a trainer and/or owner at a time other than during the dates of a scheduled race meet. A meet, as used in this section, shall be for the duration of the racing season as set for each track by the Washington state horse racing commission.

NEW SECTION

WAC 296-17-73108 CLASSIFICATION 6617.

Parimutuel horse racing: Grooms – Fair meets or bush tracks

This classification is limited in scope to individuals licensed as grooms by the Washington horse racing commission who are employed by a trainer and/or owner who come under the jurisdiction of and are licensed by the Washington horse racing commission. This classification covers all on or off track activities of grooms employed at a bush track or fair meet. Employment activities performed by grooms at a major track are to be reported separately in classification 6615.

AMENDATORY SECTION (Amending Order 88-05, filed 5/31/88)

WAC 296-17-773 CLASSIFICATION 7302.

Livestock farms

Parimutuel horse racing: Proprietors, partners, and corporate officers

This subclassification is limited in scope to excluded employment contained in RCW 51.12.020 (5) and (8) "Sole proprietors, partners, and corporate officers" who elect workers compensation insurance on a voluntary basis. See WAC 296-17-350(2) "Excluded employments" for premium reporting and calculations.

Riding academies

This classification includes all farm operations related and incidental to the enterprises described above and applies to all acreage devoted to the raising of these animals.

CLASS	1985	1986	1987	D-RATIO	CLASS	1985	1986	1987	D-RATIO
4303	.5919	.5601	.4899	.701	6405	.5529	.5153	.4450	.440
4304	.5371	.5021	.4345	.478	6406	.0690	.0646	.0560	.498
4305	1.1811	1.0996	.9487	.422	6407	.1543	.1447	.1256	.529
4401	.3915	.3666	.3180	.508	6408	.3134	.2913	.2509	.382
4402	.6269	.5855	.5067	.472	6409	.3695	.3453	.2989	.477
4404	.5034	.4713	.4086	.504	6501	.0529	.0497	.0431	.537
4501	.1303	.1211	.1043	.396	6502	.0181	.0169	.0147	.493
4502	.0328	.0305	.0263	.412	6503	.0938	.0868	.0743	.311
4504	.0741	.0695	.0602	.512	6504	.2989	.2809	.2440	.568
4601	.5742	.5340	.4597	.371	6505	.1728	.1618	.1402	.505
4802	.2901	.2715	.2355	.502	6506	.0575	.0538	.0465	.478
4803	.3280	.3068	.2660	.499	6508	.3696	.3462	.3001	.510
4804	.5422	.5076	.4399	.502	6509	.2410	.2255	.1952	.485
4805	.3315	.3097	.2679	.469	6601	.1728	.1617	.1400	.489
4806	.0820	.0768	.0665	.495	6602	.4206	.3945	.3427	.538
4808	.4261	.3970	.3427	.430	6603	.2398	.2241	.1941	.481
4809	.2191	.2052	.1779	.513	6604	.0627	.0585	.0506	.457
4810	.1418	.1325	.1147	.479	6605	.1858	.1740	.1508	.506
4811	.2840	.2651	.2291	.459	6607	.1626	.1524	.1322	.533
4812	.3347	.3129	.2710	.487	6608	.2229	.2079	.1796	.448
4901	.0456	.0426	.0368	.470	6609	3.1883	2.9856	2.5873	.505
4902	.0329	.0307	.0265	.474	6610	3.1883	2.9856	2.5873	.505
4903	.0456	.0426	.0368	.470	6611	3.1883	2.9856	2.5873	.505
4904	.0162	.0152	.0131	.501	6612	3.1883	2.9856	2.5873	.505
4905	.2826	.2652	.2302	.534	6613	3.1883	2.9856	2.5873	.505
4906	.0474	.0444	.0385	.502	6614	3.1883	2.9856	2.5873	.505
4907	.0869	.0811	.0702	.458	6615	3.1883	2.9856	2.5873	.505
4908	.1146	.1071	.0926	.460	6616	3.1883	2.9856	2.5873	.505
4909	.1146	.1071	.0926	.460	6617	3.1883	2.9856	2.5873	.505
5001	3.6616	3.3998	2.9266	.386	6704	.1754	.1639	.1418	.469
5002	.4536	.4249	.3685	.512	6705	.6633	.6218	.5396	.527
5003	1.3866	1.2862	1.1061	.366	6706	.3241	.3028	.2619	.467
5004	1.7928	1.6757	1.4512	.484	6707	12.6231*	11.8673*	10.3188*	.578
5101	.6228	.5807	.5017	.447	6708	3.6961	3.4590	2.9950	.491
5102	1.1768	1.0935	.9422	.403	6709	.1419	.1332	.1156	.547
5103	.7893	.7370	.6374	.464	6801	.4628	.4304	.3711	.415
5106	.6091	.5676	.4900	.429	6802	.3266	.3048	.2634	.450
5108	.6317	.5899	.5103	.467	6803	1.6612	1.5225	1.2963	.256
5109	.5085	.4718	.4058	.372	6804	.2136	.1982	.1706	.372
5201	.2982	.2779	.2401	.438	6809	2.3196	2.1749	1.8859	.529
5204	1.3266	1.2415	1.0771	.505	6901	.0392	.0366	.0317	.701
5206	.3391	.3150	.2714	.401	6902	.4879	.4531	.3903	.401
5207	.1626	.1524	.1322	.533	6903	4.9785	4.5990	3.9400	.302
5208	.8947	.8356	.7231	.473	6904	.1582	.1475	.1274	.443
5209	.5480	.5113	.4418	.450	6905	.2438	.2266	.1951	.386
5301	.0222	.0207	.0179	.451	6906	.1024	.0960	.0830	.701
5305	.0261	.0243	.0210	.438	6907	1.1711	1.0924	.9446	.459
5306	.0285	.0266	.0230	.453	6908	.2658	.2483	.2148	.469
5307	.2928	.2736	.2368	.476	6909	.0581	.0542	.0469	.462
6103	.0406	.0381	.0329	.503	7101	.0268	.0250	.0216	.434
6104	.2734	.2553	.2207	.460	7102	24.2906*	22.7579*	19.7084*	.509
6105	.2429	.2280	.1980	.542	7103	.1809	.1684	.1453	.418
6107	.1056	.0987	.0852	.455	7104	.0406	.0378	.0327	.440
6108	.4884	.4587	.3988	.554	7105	.2862	.2682	.2328	.524
6109	.0337	.0316	.0274	.508	7106	.5751	.5366	.4641	.462
6201	.1359	.1269	.1098	.463	7107	1.3032	1.2182	1.0543	.476
6202	.5600	.5217	.4504	.428	7108	2.2113	2.0656	1.7883	.477
6203	.0886	.0827	.0715	.451	7109	5.5532	5.1815	4.4795	.456
6204	.1500	.1404	.1217	.505	7110	.2862	.2682	.2328	.524
6205	.1500	.1404	.1217	.505	7111	.2862	.2682	.2328	.524
6206	.1500	.1404	.1217	.505	7112	.5751	.5366	.4641	.462
6207	.8973	.8405	.7287	.512	7113	.5751	.5366	.4641	.462
6208	.2051	.1915	.1655	.457	7114	.5751	.5366	.4641	.462
6209	.2371	.2217	.1919	.478	7715	.5751	.5366	.4641	.462
6301	.1072	.1000	.0863	.436	7116	.5751	.5366	.4641	.462
6302	.1462	.1362	.1175	.423	7117	1.3032	1.2182	1.0543	.476
6303	.0478	.0448	.0387	.474	7118	2.2113	2.0656	1.7883	.477
6304	.1164	.1088	.0940	.468	7119	2.2113	2.0656	1.7883	.477
6305	.0485	.0454	.0394	.487	7120	5.5532	5.1815	4.4795	.456
6306	.2315	.2163	.1872	.471	7121	5.5532	5.1815	4.4795	.456
6308	.0349	.0324	.0279	.407	7201	.5216	.4877	.4223	.485
6309	.0990	.0928	.0805	.516	7202	.0341	.0317	.0273	.401
6402	.2196	.2052	.1776	.475	7203	.1031	.0962	.0831	.449
6403	.1414	.1327	.1154	.551	7301	.5622	.5255	.4551	.483
6404	.1109	.1040	.0903	.540	7302	.6392	.5979	.5173	.480

CLASS	1985	1986	1987	D-RATIO	Base Rates Effective January 1, 1989	
					Accident Fund	Medical Aid Fund
7307	.8776	.8242	.7160	.557		
7308	.2218	.2072	.1793	.466		
7309	.1419	.1332	.1156	.547		

*Daily expected loss rate

AMENDATORY SECTION (Amending Order 88-30, filed 12/1/88, effective 1/1/89)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID BASE RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

Class	Base Rates Effective January 1, 1989		Class	Accident Fund	Medical Aid Fund
	Accident Fund	Medical Aid Fund			
0101	0.9125	0.5277	1108	0.3310	0.2796
0102	0.9270	0.5371	1109	0.6901	0.4548
0103	1.0931	0.7846	1301	0.1793	0.1411
0104	0.9706	0.4254	1303	0.1538	0.1029
0105	0.8293	0.7555	1304	0.0112	0.0123
0106	1.5560	1.0073	1305	0.2470	0.2209
0107	0.7448	0.4414	1401	0.7148	1.1924
0108	0.8162	0.4374	1404	0.4578	0.3641
0109	1.9588	1.0924	1405	0.4228	0.2871
0201	1.5564	0.7874	1501	0.2667	0.1971
0202	1.9333	1.8051	1507	0.1832	0.1542
0206	1.3705	0.8044	1701	1.5644	0.6396
0301	0.4588	0.3352	1702	1.5644	0.6396
0302	1.5943	0.7119	1703	0.3941	0.2126
0306	0.6617	0.4513	1704	0.6857	0.4339
0307	0.5636	0.4173	1801	0.7316	0.5595
0401	2.5428	1.5295	1802	0.3182	0.2411
0402	1.1525	0.9614	2002	0.4216	0.3455
0403	0.9859	0.6092	2003	0.2831	0.2462
0502	0.8922	0.5962	2004	0.5703	0.3615
0503	1.0919	0.9237	2005	0.2256	0.2101
0504	0.9216	0.5878	2007	0.2534	0.2161
0505	1.1976	0.6797	2008	0.2096	0.1468
0506	2.0977	1.7081	2101	0.4157	0.4235
0507	2.5428	1.5295	2102	0.2831	0.2462
0508	2.2195	1.5145	2104	0.2480	0.1919
0509	1.7384	1.0857	2105	0.4212	0.2437
0510	1.0175	0.6419	2106	0.2827	0.2473
0511	0.9321	0.5740	2201	0.2080	0.1464
0512	1.1642	0.7587	2202	0.3174	0.3258
0513	0.6071	0.3625	2203	0.2281	0.1748
0514	1.0175	0.6419	2401	0.4024	0.2737
0515	1.6333	0.8484	2903	0.4811	0.3776
0516	1.1976	0.6797	2904	0.4593	0.5023
0601	0.3932	0.3048	2905	0.3515	0.2927
0602	0.3301	0.1894	2906	0.4266	0.2943
0603	0.6349	0.3256	2907	0.3744	0.2619
0604	1.1492	1.3215	2908	0.7655	0.4982
0606	0.1721	0.1518	2909	0.4629	0.3570
0607	0.2040	0.1703	3101	0.4731	0.3073
0608	0.2157	0.1597	3102	0.3257	0.2108
0701	1.2004	0.5530	3103	0.3257	0.2108
0803	0.2796	0.2342	3104	0.3306	0.3800
0804	0.4958	0.3058	3105	0.5698	0.4456
0901	1.8286	0.7286	3301	0.6669	0.3928
1002	0.8661	0.5983	3302	0.6012	0.3672
1003	0.4663	0.3159	3303	0.1854	0.1749
1004	0.4663	0.3159	3309	0.2933	0.3108
1005	3.2320	1.6677	3401	0.2848	0.2250
1007	0.1380	0.1224	3402	0.2564	0.2159
1101	0.3831	0.3905	3403	0.0986	0.0880
1102	1.0390	0.5935	3404	0.2687	0.2334
1103	0.3392	0.2558	3405	0.1815	0.1612
1104	0.4054	0.3259	3406	0.1201	0.1473
1106	0.1181	0.1612	3407	0.2231	0.1589
			3408	0.0791	0.0660
			3409	0.1119	0.1136
			3501	0.5187	0.4145
			3503	0.2171	0.1713
			3506	0.5355	0.3152
			3508	0.3525	0.2781
			3602	0.0556	0.0531
			3603	0.4550	0.3623
			3604	0.8901	0.6403
			3605	0.2981	0.2411
			3701	0.2144	0.1569
			3702	0.3294	0.2176
			3707	0.2853	0.2008
			3708	0.1907	0.1751
			3801	0.1634	0.1278

Base Rates Effective
January 1, 1989Base Rates Effective
January 1, 1989

Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
3802	0.1028	0.0912	6109	0.0267	0.0222
3808	0.1796	0.1426	6201	0.0990	0.0968
3901	0.1198	0.1033	6202	0.4495	0.3487
3902	0.4303	0.3096	6203	0.0683	0.0589
3903	0.7406	0.7127	6204	0.1076	0.1103
3905	0.0987	0.1058	6205	0.1076	0.1103
3906	0.3223	0.2101	6206	0.1076	0.1103
3909	0.1816	0.1737	6207	0.6421	0.6636
4002	0.4831	0.3576	6208	0.1554	0.1394
4101	0.1186	0.1198	6209	0.1590	0.1844
4103	0.2195	0.1733	6301	0.0856	0.0676
4107	0.0628	0.0645	6302	0.1178	0.0903
4108	0.1186	0.1198	6303	0.0334	0.0357
4109	0.1186	0.1198	6304	0.0873	0.0804
4201	0.2566	0.1726	6305	0.0350	0.0353
4301	0.6692	0.4460	6306	0.1649	0.1693
4302	0.5392	0.3767	6308	0.0300	0.0193
4304	0.4046	0.3707	6309	0.0700	0.0743
4305	0.9809	0.6973	6402	0.1844	0.1313
4401	0.3220	0.2454	6403	0.1030	0.1044
4402	0.5148	0.3862	6404	0.0783	0.0840
4404	0.4141	0.3147	6405	0.4661	0.3221
4501	0.1074	0.0767	6406	0.0461	0.0542
4502	0.0263	0.0202	6407	0.1077	0.1178
4504	0.0467	0.0615	6408	0.2359	0.2078
4601	0.3763	0.4404	6409	0.2759	0.2574
4802	0.2360	0.1840	6501	0.0395	0.0379
4803	0.2719	0.2022	6502	0.0128	0.0135
4804	0.4120	0.3743	6503	0.0791	0.0508
4805	0.2564	0.2208	6504	0.1871	0.2534
4806	0.0674	0.0512	6505	0.1207	0.1305
4808	0.3304	0.2778	6506	0.0413	0.0418
4809	0.1583	0.1604	6508	0.2864	0.2502
4810	0.1118	0.0925	6509	0.1476	0.2027
4811	0.2369	0.1698	6601	0.1264	0.1238
4812	0.2834	0.1988	6602	0.3366	0.2772
4901	0.0355	0.0301	6603	0.1830	0.1632
4902	0.0264	0.0209	6604	0.0528	0.0370
4903	0.0355	0.0301	6605	0.1509	0.1183
4904	0.0112	0.0123	6607	0.1080	0.1298
4905	0.2094	0.2035	6608	0.1988	0.1189
4906	0.0358	0.0331	6609	2.7739	3.2429
4907	0.0675	0.0572	6610	1.1999	1.4027
4908	0.0648	0.1015	6611	0.7428	0.8685
4909	0.0648	0.1015	6612	0.3874	0.4529
5001	3.1244	2.0286	6613	2.4884	2.4746
5002	0.3796	0.2779	6614	91.7390**	107.2610**
5003	1.1477	0.7985	6615	68.6890**	80.3110**
5004	1.5543	1.0248	6616	8.7590**	10.2410**
5101	0.5391	0.3493	6617	6.4540**	7.5460**
5102	1.0408	0.6186	6704	0.1232	0.1301
5103	0.6461	0.4868	6705	0.4570	0.5119
5106	0.4609	0.4094	6706	0.2261	0.2417
5108	0.5043	0.4035	6707	8.22*	10.40*
5109	0.4325	0.2811	6708	2.2429	3.1360
5201	0.2280	0.1986	6709	0.0891	0.1193
5204	1.3424	0.5661	6801	0.4124	0.2417
5206	0.3007	0.1772	6802	0.2517	0.2166
5207	0.1080	0.1298	6803	1.7596	0.4612
5208	0.7660	0.5182	6804	0.1767	0.1235
5209	0.4395	0.3452	6809	1.3296	2.0704
5301	0.0151	0.0168	6901	—	0.0582
5305	0.0194	0.0179	6902	0.4535	0.2321
5306	0.0232	0.0177	6903	4.1064	2.7848
5307	0.2430	0.1782	6904	0.1288	0.0972
6103	0.0235	0.0357	6905	0.1922	0.1524
6104	0.2041	0.1892	6906	—	0.1524
6105	0.1827	0.1726	6907	1.0590	0.6129
6107	0.0788	0.0730	6908	0.2185	0.1633
6108	0.3862	0.3294	6909	0.0429	0.0407

Base Rates Effective
January 1, 1989

Class	Accident Fund	Medical Aid Fund
7101	0.0226	0.0156
7102	10.86*	24.77*
7103	0.1527	0.1039
7104	0.0151	0.0168
7105	0.0338	0.0241
7106	0.1844	0.1313
7107	0.1844	0.1313
7108	0.1844	0.1313
7109	0.2359	0.1802
7110	0.2359	0.1802
7111	0.2359	0.1802
7112	0.5186	0.3033
7113	0.5186	0.3033
7114	0.5186	0.3033
7115	0.5186	0.3033
7116	0.5186	0.3033
7117	0.8915	0.9943
7118	1.9733	1.1996
7119	1.9733	1.1996
7120	4.6053	3.3871
7121	4.6053	3.3871
7201	0.4559	0.2946
7202	0.0286	0.0195
7203	0.0773	0.0706
7204	_____	_____
7301	0.4838	0.3252
7302	0.3936	0.5346
7307	0.5793	0.7106
7308	0.1697	0.1496
7309	0.0891	0.1193

*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

**These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-17-731 CLASSIFICATION 6609.
- WAC 296-17-73101 CLASSIFICATION 6610.
- WAC 296-17-73102 CLASSIFICATION 6611.
- WAC 296-17-73103 CLASSIFICATION 6612.
- WAC 296-17-73104 CLASSIFICATION 6613.

WSR 89-11-089
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed May 24, 1989]

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 shared leave, new WAC 356-18-112;

that the agency will at 10:00 a.m., Thursday, July 13, 1989, 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 July 11, 1989.

Dated: May 12, 1989
By: Robert Boysen
Acting Director

STATEMENT OF PURPOSE

Title: New WAC 356-18-112, Shared leave.

Statutory Authority: RCW 41.06.150.

Specific Statute These Rules are Intended to Implement: ESSB 5933.

Summary: Establishes rules implementing the shared leave program adopted by the 1989 legislature. Establishes criteria for donating and receiving leave under this program.

Reasons: The State Personnel Board was directed by the Legislature to adopt emergency and permanent rules to implement the program.

Responsibility for Drafting: Paul Peterson, Department of Personnel, Mailstop FE-11, Olympia, WA 98504, phone (206) 586-1769; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel, governmental agency.

Comments or Recommendations: This rule was adopted on an emergency basis May 12, 1989.

Rule Proposal a Result of Federal Law, or Federal or State Court Action: No.

NEW SECTION

WAC 356-18-112 SHARED LEAVE. (1) The purpose of the state leave sharing program is to permit state employees to come to the aid of a fellow state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employee's relative" normally shall be limited to the employee's spouse, child, step child, grandchild, grandparent or parent.

(b) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(c) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employee's agency head determines that the employee meets the criteria described in these rules.

(b) The employee is not eligible for time loss compensation under RCW 51.32. If the time loss claim is approved at a later time, all leave received shall be returned to the donors, and the employee will return any an all overpayments to the agency.

(c) The employee has abided by agency policies regarding the use of sick leave.

(d) Donated vacation leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave to another employee only under the following conditions:

STATEMENT OF PURPOSE

Title: Amending WAC 356-15-090, Schedule change and compensation.

Purpose: This proposal sets special pay for change of schedule, including contingency pay provisions for Department of Natural Resources forest fire fighters.

Statutory Authority: RCW 41.06.150.

Summary: The new wording allows the Department of Corrections to utilize CFR 19.785.22 in determining how correctional officers will be paid when sent in custody of prisoners to forest fire camps. Employees will be on continuous duty from the time they are sent to the fire until they return, but up to 8 hours of sleeping time will be deducted daily subject to FLSA restrictions.

Reasons: The Department of Corrections is negotiating a new agreement with a new union for correctional officers. The former pay practices were under dispute and appeal. This provision will offer a means of reaching agreement between the employees and the department.

Responsibility for Drafting: Linda Evans, Department of Corrections, Capitol Center Building, FN-61, Olympia, Washington, 98504, phone (206) 753-0308; Implementation and Enforcement: Department of Personnel.

Agency or Organization Submitting Proposal: Department of Personnel, governmental agency.

Comments or Recommendations: Adopt.

Rule Proposal a Result of Federal Law, or Federal or State Court Action: Closely related to CFR Title 19, Section 785.22.

AMENDATORY SECTION (Amending Order 285 [317], filed 11/24/87 [4/28/89], effective 1/1/88 [6/1/89])

WAC 356-15-090 SCHEDULE CHANGE AND COMPENSATION. (1) The appointing authority shall schedule the working days and hours of scheduled work period employees. This schedule shall remain in effect for at least seven calendar days, and may be changed only with seven or more calendar days notice. If seven calendar days notice is not given, a new schedule does not exist until the notice period expires. Agencies may notify employees of more than one future schedule change in a single notice.

The seven calendar days notice of changes in working days and/or hours must be given to the affected employees during their scheduled working hours. The day that notification is given shall constitute a day of notice.

(2) If the appointing authority changes the assigned hours or days of scheduled work period employees without giving them at least seven days notice of the change, employees will be paid for all time worked outside the scheduled hours or days at the overtime rate for the duration of the notice period.

(a) When changes in employees' assigned hours or days are made without proper notice, employees may work their scheduled hours or days unless the appointing authority deems that:

(i) The employees are unable to perform satisfactorily as the result of excessive overtime hours; or

(ii) The work which normally would have been performed within the scheduled hours or days cannot be performed.

(b) The state is not obligated to pay for those scheduled hours or days not worked, unless the employee is on an authorized leave of absence with pay.

(c) Overtime pay and shift or schedule change pay shall not be paid for the same incident.

(3) Regardless of whether advance notice is given, an agency is not obligated to pay overtime due to a change in work schedule, when such a change is in response to a request from an employee, provided the employee works no more than forty hours in a workweek.

When the majority of employees in a work unit ask, in writing, for such a change, and the work unit can function properly only if all employees in the unit work the proposed schedule or scheduling plan, the

(a)(1) The receiving employee has exhausted, or will exhaust, his or her vacation leave, and sick leave due to an illness, injury, impairment, or physical or mental condition, which is of an extraordinary or severe nature, and involves the employee, the employee's relative or household member; and

(2) The condition has caused, or is likely to cause, the employee to go on leave without pay or terminate state employment; and

(3) The agency head permits the leave to be shared with an eligible employee.

(b) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours.

(c) Employees may not donate excess vacation leave that they would not be able to take due to an approaching anniversary date.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty one days of shared leave during total state employment.

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

(6) Any donated leave may only be used by the recipient for the purposes specified in this rule.

(7) The receiving employee shall receive one hour of leave for each hour donated.

(8) All forms of paid leave available for use must be used prior to using shared leave.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated basis based on the original donated time.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated or financially induced into donating vacation leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

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 89-11-090
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed May 24, 1989]

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 schedule change and compensation, amending WAC 356-15-090;

that the agency will at 10:00 a.m., Thursday, July 13, 1989, 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 July 11, 1989.

Dated: May 19, 1989
By: Robert Boysen
Acting Director

agency is authorized to approve the change for the entire unit as an employee-initiated change. A written request for a schedule change from the exclusive representative shall constitute a request of employees within a certified bargaining unit.

(4) When an agency initiates a scheduled change from one scheduled standard work schedule to another scheduled standard work schedule, there is created a seven-day transition period.

(a) The transition period starts at the beginning of the shift of the previous schedule which would have begun a new five-consecutive-day work cycle.

(Example: An eight-to-five Tuesday through Saturday employee changes to a Sunday-Thursdays schedule beginning on Sunday. The transition period starts at eight a.m. on the last Tuesday of the old schedule, and runs until eight a.m. on the first Tuesday under the new schedule.)

(b) If, during the transition period, the employee must work more than five of the seven workdays, then the work in excess of forty non-overtime hours will be paid at overtime rates.

(c) If, during the transition period, the schedule change causes an employee to begin work on an earlier day of the workweek or at an earlier hour of the workday than was required under the old schedule, the employee will be paid at the overtime rate for the first hours worked in the new schedule which precede the next hours which the employee would have worked under the old schedule.

(5) Contingency scheduling is allowed for employees having the following responsibilities: Highway snow, ice and avalanche control, grain inspection, horticulture inspection; and in the departments of natural resources or corrections, controlling forest fires, or performing work in a fire camp in support of fire crews, "hoot owl," forest fuels management and aerial applications.

(a) Therefore: For non-forest-fire personnel in scheduled work period positions, the appointing authority shall not be bound by the above scheduled shift change notice requirement if the appointing authority notifies affected employees of the contingency schedule in writing when they enter the position or not less than 30 days prior to implementation.

When conditions mandate the activating of the contingency schedule, the appointing authority shall pay affected employees the overtime rate for all hours worked outside the original schedule at least for the employee's first shift of the contingency schedule and for other overtime hours covered by subsection (6) of this section.

(b) For forest-fire control and fire-camp support personnel in scheduled work period positions, the above schedule change notice requirement shall not apply if the appointing authority notifies affected employees in writing that they are subject to contingency scheduling when they enter the position or not less than 30 days prior to implementation.

When an employee's forest fire contingency schedule requires him or her to change working hours from the previous schedule, the appointing authority shall pay the affected employee the overtime rate for all hours worked outside the previous schedule for the employee's first shift of the new contingency schedule.

When such employees have completed the first eight hours of their assigned contingency shift (10 hours in the case of 10-40 work schedule employees), they shall receive overtime rates for all subsequent work performed until released from duty for a period of five consecutive hours.

(6) In the department of corrections, the agency and the employees may agree that employees sent to forest fire camps in charge of inmate fire fighters for a period of 24 hours or more will be on "extended duty assignment". Employees on extended duty assignment will be considered to be on continuous duty from the time they commence such duty including travel time to the fire, until they are released from duty including travel time for return to their non-fire duty station.

(a) During the extended duty assignment, all time will be paid as work time, except that the employer may deduct up to eight hours of non-work time each day for sleep, plus up to three hours for meals, provided that:

(1) The employee has no responsibility during time deducted for meal periods.

(2) The time deducted for sleep includes a period of five continuous hours which are not interrupted by a call to work.

(3) No sleep time shall be deducted if the employer does not furnish adequate sleeping facilities. Adequate sleeping facilities are those which are usual and customary for forest fire camps.

(b) Schedule work period employees shall be entitled to call back pay to the extent described in WAC 356-15-100 and 356-15-110 for

a maximum of one payment, equal to three straight-time hours, at the commencement of an extended duty assignment. No call-back payment shall be made for any work during the hours of an extended duty assignment, or the transition back to the regular work schedule.

(c) The beginning of each work day on extended duty assignment shall be the same hour as the beginning of the employees' regular work schedule. All compensable hours of work on extended duty assignment shall be at overtime rates except the first eight in any work day. All compensable hours on a holiday shall be at overtime rates.

(d) There are no scheduled days off during an extended duty assignment. However, compensable hours on a holiday, and all compensable hours in excess of 40 straight time hours in any workweek (including hours worked within the same workweek either before or after the extended duty assignment), shall be paid at overtime rates.

(e) During an extended duty assignment, all hours are duty hours; there is no eligibility for standby pay.

(f) Employees whose regular scheduled work shift entitles them to shift premium for their full shift, or a portion thereof, shall receive the full, or proportional shift premium rate applied to all hours of earnings while on extended duty assignments.

((6)) (7) When a scheduled or nonscheduled work period employee experiences a schedule change (within or between agencies) which causes an overlap in workweeks and requires work in excess of forty hours in either the old or the new workweek, the employee must receive overtime compensation at least equal to the amount resulting from the following calculations:

(a)(i) Starting at the beginning of the "old" workweek, count all hours actually worked before the end of that workweek, and calculate the straight-time pay and the overtime pay (based on "regular rate" as defined in WAC 356-05-353).

(ii) Starting at the conclusion of the "new" workweek, count back to include all hours actually worked since the beginning of that workweek, and calculate the straight time and overtime (based on "regular rate" as defined in WAC 356-05-353).

(iii) Pay the larger amount calculated under (a)(i) and (ii) of this subsection.

(b) If any other combination of straight-time and time-and-one-half-rate pay required by these rules results in an amount of pay, for either workweek, which is greater than the amount calculated in (a)(iii) of this subsection, then only the larger amount should be paid.

((7)) (8) If overtime is incurred as a result of employee movement between state agencies, the overtime will be borne by the receiving agency.

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 89-11-091

ADOPTED RULES

HIGHLINE COMMUNITY COLLEGE

[Order 024—Filed May 24, 1989]

I, Edward M. Command, vice-president of Highline Community College, do promulgate and adopt at Highline Community College, the annexed rules relating to the college's policy and basis for administrative procedures which allow community and other organizations to use the college facilities.

This action is taken pursuant to Notice No. WSR 89-08-015 filed with the code reviser on March 27, 1989. 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.50.140 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 May 11, 1989.

By Edward M. Command
Vice-President

USE OF FACILITIES
132I-136 WAC

NEW SECTION

WAC 132I-136-100 PURPOSE. The trustees of Highline Community College believe that educational and community service opportunities are extended to the community when the college's buildings, grounds, and facilities are made available for use by the students, faculty, administration, staff, and the community. This use shall not interfere with regular college activities and shall be in accordance with the public interest, welfare, laws of the State of Washington, and in the best interest of the college as interpreted by the administration of Highline Community College and/or the board of trustees.

Intended or actual use in conflict with these policies or construed to be in any way detrimental to the College's best interests and/or original intent for that facility are strictly prohibited.

NEW SECTION

WAC 132I-136-110 RIGHT TO DENY USE OF FACILITIES. (1) The trustees reserve the right to deny facility use to individuals or groups of a private nature whose activities, be they secret or otherwise, are inconsistent with the open and public nature of Highline Community College and where such use would conflict with the purpose of state and federal laws against discrimination.

(2) If at any time actual use of college facilities by the individual or group constitutes an unreasonable disruption of the normal operation of the college, such use shall immediately terminate, all persons engaged in such use shall immediately vacate the premises, and leave the college property upon command of the appropriate college official.

(3) Any individual or group granted permission to use college facilities shall agree in advance to abide by all college rules and regulations. The college reserves the right to deny use of college facilities to any individual or group whose past conduct indicates a likelihood that college rules and regulations will not be obeyed.

(4) No single group shall be allowed use of facilities on a regular or continuing basis.

NEW SECTION

WAC 132I-136-120 BASIS OF FEE ASSESSMENT. (1) The basis for establishing and charging use

fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees feels that groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule which may include complimentary use. A current fee schedule is available to interested persons from the office of continuing education.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration and/or the board of trustees feels a commercial facility can be patronized. At no time shall facility use be granted for a commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

NEW SECTION

WAC 132I-136-130 APPLICATION PROCEDURES. (1) At least seven college working days prior to date of intended use of any college facility, an authorized representative of the requesting organization must submit proper and complete written application of a use of facility form which may be obtained through the college's office of community services. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; then separate applications will be required.

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges which may include interest payment for overdue accounts as specified on the rental form but not less than one percent per month.

(3) Large events, events requiring expenditures on the part of the college, or where significant areas are blocked out for the renter, a minimum of up to fifty percent (50%) advance deposit may be required at the time of application.

(4) The college reserves the right to make pricing changes without prior written notice.

(5) Use of a facility is limited to the facilities specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The board of trustees reserve the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such actions advisable and in the college's best interests.

(7) In the event of a cancellation of a facility use permit by the applicant, that organization is liable for all college costs and expenses in preparing the facility for their use.

(8) The decision to issue permits is based on the assumption that any admission charges are to be specified and approved by the college.

(9) Organizations using Highline Community College's facilities shall conduct all activities in accordance with all applicable local, state, and federal laws including the rules and regulations adopted by Community College District 9.

NEW SECTION

WAC 132I-136-140 SUPERVISION DURING ACTIVITY. (1) Signatories of the rental agreement as well as adult organization leaders are responsible for group conduct and are expected to remain with their group during activities. When the use of special facilities makes it necessary that supervision be provided, the trustees reserve the right to require a staff member represent the college at any activity on Highline Community College facilities. Such service shall be paid at the current rate, by the organization requesting use of the facility (see WAC 132I-136-160), and does not relieve the organization from safeguarding the college's property.

(2) The security staff or some other authority of the college will open and lock all rented facilities. Keys to buildings or facilities will not be issued or loaned on any occasion to any using organization with the exception of keys to designated off-campus locations.

NEW SECTION

WAC 132I-136-150 CARE AND MAINTENANCE OF FACILITIES AND EQUIPMENT. (1) College-owned equipment shall not be removed from college facilities for loan or rental. Organizations wishing to use equipment in connection with a rental should make arrangements through the office of continuing education at the time of application. Further rental and operational restrictions may be outlined when the application is approved.

(2) Appropriate equipment is expected when using facilities where the absence of such special equipment may be detrimental to that facility (e.g. tennis shoes must be worn on gymnasium floors).

(3) Organizations allowed use of facilities are required to leave premises in as good condition as when the organization was admitted to its use. After facility use, organizations are required to arrange for proper disposal of decorations and other refuse when restoring the facility to its original condition for resumption of college use.

(4) Custodial and other services beyond those regularly scheduled to support normal college activities may be required for specific activities by outside groups, based on the size of group, the complexities of the event, or the facilities being used. Needed custodial services beyond that normally scheduled will result in that organization being charged at the established rate. All extra custodial time required as a result of the organization's use of the facility will be charged to the organization, including those receiving complimentary usage.

(5) The security staff should be contacted for problems with facilities. The security staff will be alert to any permit violations.

(6) All moving of college equipment for facility use will be under permission and supervision of the college.

(7) Any decoration or use of facility that may result in permanent damage or injury to the facility is strictly prohibited.

NEW SECTION

WAC 132I-136-160 ATHLETIC FACILITIES. (1) Highline Community College playing fields may be used by community members and groups provided such use does not interfere with regular college activities and that proper permits for use of college grounds have been secured for activities other than unorganized casual use.

(2) Highline Community College allows only highly restricted use in scheduling swimming pool. Permitted users shall comply with all pool regulations, as determined by the college. Such regulations may vary based on the anticipated use. Applications should be made on a use of facility form obtained through the college's office of continuing education. A condition of rental is the college's right to stipulate the number of guards and to select and hire these guards on its own criteria. Cost of usage will include these employee's salaries and other personnel expenses.

(3) The pavilion may be used by community organizations subject to the same restrictions and regulations governing the use of other facilities. Because of the size of the facility, most users will be required to have college personnel on site during usage. Cost of usage will include these employee's salaries and other personnel expenses.

NEW SECTION

WAC 132I-136-170 LIABILITY FOR DAMAGE. The lessee of college facilities, including agreement signatories and individual organization leaders, shall be liable for any damage to college property occurring or having apparently occurred during the time the facility was being used by the organization. The lessee also agrees to hold harmless and indemnify Highline Community College, its agents, employees, officers, trustees, students and/or attorneys for any claim made against the college as a result of the lessee's use of college facilities. The college reserves the right to require using organizations to purchase insurance, naming the college as the insured, and may specify the amount of that insurance.

REPEALER

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

WAC 132I-136-010 BASIS OF POLICY AND PROCEDURES.

WAC 132I-136-020 NONPUBLIC USE OF FACILITIES.

WAC 132I-136-030 BASIS OF FEE ASSESSMENT.

WAC 132I-136-040 APPLICATION PROCEDURES.

WAC 132I-136-050 SUPERVISION.

WAC 132I-136-060 CARE AND
 MAINTENANCE.
 WAC 132I-136-070 ATHLETIC FACILITIES.
 WAC 132I-136-080 UNPERMITTED USAGE.

WSR 89-11-092

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 2007—Filed May 24, 1989]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd ch. 16-212 WAC Grain, hay, beans and peas—Inspection fees.
 Amd ch. 16-224 WAC Designations of warehouse stations.
 Rep ch. 16-225 WAC Field-stored hay.

This action is taken pursuant to Notice No. WSR 89-08-019 filed with the code reviser on March 29, 1989. 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 22.09 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 May 24, 1989.

By C. Alan Pettibone
 Director

NEW SECTION

WAC 16-212-087 COVERED COMMODITIES. Commodities covered under chapter 22.09 RCW in respect to storage and/or merchandising shall include wheat, barley, oats, field corn, popcorn, rye, triticale, grain sorghum, soybeans, sunflowers, flax, buckwheat, rapeseed, safflower, millet, mustard, dry peas, dry beans, lentils, malt, and the by-products resulting from conditioning the above commodities.

AMENDATORY SECTION (Amending Order 1802, filed 7/19/83)

WAC 16-212-110 BONDS. (1) A bond of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars shall be required for each warehouseman and dealer licensed pursuant to chapter 22.09 RCW, the Washington Warehouse Act. The bond amount shall be computed at the rate of eighteen cents per bushel of licensed storage capacity or six percent of gross sales of agricultural commodities, whichever is higher.

(2) For purposes of this section, gross sales include only sales of agricultural commodities purchased from producers covered under the act during the preceding fiscal year of that dealer.

(3) Grain dealers who purchase less than one hundred thousand dollars annually from producers may petition the director for exemption from the bond requirements. A grain dealer who is granted exemption must:

(a) Pay for the commodity at time of taking possession by:

(i) Coin or currency.

(ii) Cashier's check.

(iii) Certified check.

(iv) Bank draft.

(b) Dealers must make and keep a copy of the contract, scale ticket and check or draft. All documents must be complete and show the actual date of the transaction. If paid for in coin or currency, a receipt must be issued and signed and dated by the producer.

AMENDATORY SECTION (Amending Order 1802, filed 7/19/83)

WAC 16-212-230 CERTIFICATES OF DEPOSIT, LETTERS OF CREDIT, LIFE INSURANCE. A certificate of deposit, irrevocable letter of credit or assignment on a life insurance policy issued to the department in lieu of a bond shall not be released, canceled or discharged until three years after cancellation of the license unless the department determines that no outstanding claims exist for the subject period.

AMENDATORY SECTION (Amending Order 1820, filed 4/26/84)

WAC 16-224-010 COMBINING CERTAIN WAREHOUSES INTO STATIONS. The department of agriculture will allow the following warehouses to combine certain warehouses into stations as follows:

(1) ~~((ACM Feed & Grain, Inc., is combining Prosser, and Hogue Ranch into one station—Prosser 722.~~

(2)) Almira Farmers Warehouse Company is combining North Almira, South Almira, Highland, Govan, Almira, Hanson, Marlin, and Hartline into one station—Almira 179.

((3)) (2) Almota Elevator Company is combining Port Almota, Union Center, and Mockonema into one station—Port Almota ((187)) 185.

((4)) (3) Auvil-Warner Company, Inc., is combining Belmont, ~~((Sokuk;))~~ and Warner Siding into one station—Belmont 245.

((5)) (4) BNP Lentil Company is combining Farmington, ~~((Oakesdale;))~~ Pigeon Hollow Farm, and ~~((Garfield))~~ Belmont into one station—Farmington 43.

((6)) (5) Berger & ~~((Plate, Inc.))~~ Company, A ConAgra Company, is combining ~~((Tekoa, Tilma, and Garfield))~~ Basin City, Merrills Corner, Toppenish, Othello, and Royal City into one station—~~((Tekoa 471))~~ Basin City 23.

(6) CENEX LTD, dba Full Circle is combining Wheeler, Warden, Quincy, Bruce, Trinidad, and Glade into one station—Wheeler 887; and is combining Othello and Venner into one station—Othello 820.

(7) ~~((CENEX is combining Othello, Etopia, and Venner into one station—Othello 820.~~

(8)) Central Washington Grain Growers, Inc., is combining Almira, Hanson, Hartline, Coulee City,

Grand Coulee, Withrow, Supplee, Waterville, Farmer, Douglas, Alstown, Mansfield, Brewster, ((and)) Wenatchee, and Krupp into one station - Waterville 852.

((9)) (8) Cheney Grain Growers, Inc., is combining Cheney and Rodna into one station - Cheney 330.

((10)) (9) Columbia Bean & Produce Company, Inc., is combining Wheeler, Block 89, Royal Slope, Homestead, Quincy, Bruce, ((Toppenish)) Sunnyside, Basin City, and Mattawa into one station - Wheeler 282.

(10) Columbia County Grain Growers, Inc., is combining Dayton, Turner, Whetstone, Huntsville, Longs Siding, Alto Siding, Starbuck, Powers, Relief, Delaney, and Lyons Ferry into one station - Dayton 898.

(11) Columbia Producers, Inc., is combining Warden(;) and Royal City((; Whiting Farm, and Howard Kister Farm)) into one station - Warden 19.

(12) Connell Grain Growers, Inc., is combining Frischnecht, Connell, Mesa, Eltopia, Sulphur, Hatton, Burbank, and Kahlotus into one station - Connell 770.

(13) Davenport Union Warehouse Company is combining Davenport, Mondovi, Omans, Hunters, and Ritzville into one station - Davenport 289.

((13) Edwall Grain Growers, Inc., is combining Edwall, Canby, Waukon, Sprague, and Edens into one station - Edwall 4.

(14) Empire Seed Company is combining Othello, Royal Camp, and Royal City into one station - Othello 256.

((15)) (14) Eppich Grain ((Inc.)) Company is combining Royal Slope ((and)), Basin City, and Othello into one station - ((Royal Slope)) Basin City 28.

((16)) (15) Fairfield Grain Growers, Inc., is combining Fairfield, ((and)) Waverly, and Warner Siding into one station - Fairfield 525.

((17)) (16) Fuhrman's Feed & Farm Supply Company is combining Kettle Falls, Colville, Chewelah, and Nelson Barn into one station - Kettle Falls 46.

((18) Full Circle, Inc., is combining Wheeler, Warden, Quincy, Bruce, Royal City, and Trinidad into one station - Wheeler 887.

((19)) (17) The Garfield Union Warehouse Company is combining Garfield, Grinnell, Walters, Crabtree, Elberton, and Eden into one station - Garfield 24.

((20)) (18) Graingrowers Warehouse Company is combining Wilbur and Ritzville into one station - Wilbur 384.

(19) Inland Empire Milling Company is combining Pine City, St. John, and Pleasant Valley into one station - St. John 706.

((21)) (20) Inland Empire Pea Growers Association, Inc., is combining Oakesdale, Garfield, Latah, Spangle, Waverly, West Fairfield, Fairfield, ((and)) Spokane, and Spangle Creek into one station - Spokane 220.

((22)) (21) Johnson Union Warehouse Company, Inc., is combining ((Johnston)) Johnson, Colton, and Chambers into one station - ((Johnston)) Johnson 645.

((23) Kittitas Farm Storage Company is combining Kittitas, Ellensburg, and Thrall into one station - Kittitas 250.

((24)) (22) Lacrosse Grain Growers, Inc., is combining Lacrosse, Pampa, Gordon, Hooper, Schreck, Hay, and Dusty into one station - Lacrosse 131.

((25)) (23) Lamont Grain Growers, Inc., is combining Lamont and Revere into one station - Lamont 476.

((26) Lentils, Inc., is combining Warner Siding and Oakesdale into one station - Warner Siding 32.

((27)) (24) Logan Feed, Inc., is combining Wapato, Harrah, and Toppenish into one station - Toppenish 104.

((28)) (25) M & E Seed & Grain Co. is combining Prosser, Mabton, and D & E Feed into one station - Prosser 744.

(26) Oakesdale Grain Growers, Inc., is combining Oakesdale, Seabury, Fairbanks, Warner, Farmington, and Seltice into one station - Oakesdale 71.

((29)) (27) Odessa Trading Company is combining Odessa, Ruff, Batum, Moody, Schmierer, and Warden into one station - Odessa 342.

((30)) (28) Odessa Union Warehouse Co-op is combining Odessa, Irby, Lamona, Lauer, Reiman, Jantz, Schoonover, Packard, Harrington, Mohler, Downs, Davenport, Egypt, Rocklyn, and Ephrata into one station - Odessa 305.

((31)) (29) Pendleton Grain Growers, Inc., is combining Prosser(;) and Whitstran((; and Wycoff Farms)) into one station - Prosser 648.

((32) The Pillsbury Company is combining Basin City, Merrills Corner, and Toppenish into one station - Basin City 23.

((33)) (30) Perfection Seed, Inc., is combining Walla Walla and Martin's Elevator into one station - Walla Walla 705.

(31) Pomeroy Grain Growers, Inc., is combining Pomeroy, Zumwalt, Dodge, and Central Ferry into one station - Pomeroy 400.

((34)) (32) Pomeroy Warehouse & Feed Company, is combining Pomeroy, Gould City, and Central Ferry into one station - Pomeroy 853.

((35)) (33) Prairie Grain ((Company)), Inc., is combining ((Vista)) Tilma, Seltice, and ((Pasco)) Garfield into one station - ((Vista 688)) Tilma 689.

((36)) (34) Quincy Farm Chemicals, Inc., is combining Quincy, and Royal Slope into one station - Quincy 29.

((37)) (35) RR Warehouse, Inc., is combining Ritzville, Spokane, Moses Lake, Pasco, and Eltopia into one station - Ritzville 794.

(36) Reardan Grain Growers, Inc., is combining Reardan, Gravelle, Eleanor, Hite, and Espanola((; and Spokane)) into one station - Reardan 455.

((38)) (37) Ritzville Warehouse Company, Inc., is combining Ritzville, Tokio, Ralston, Marcellus, Bengel, Maier, and Keystone into one station - Ritzville 295.

(38) River Grain Inc., is combining Vista, Pasco, and Eltopia into one station - Vista 688.

(39) Rockford Grain Growers, Inc., is combining Mead, Rockford, Freeman, Mt. Hope, Worley, ((and)) Setters, and Spangle into one station - Rockford ((196)) 1.

(40) Rosalia Producers, Inc., is combining Rosalia, Plaza, Spring Valley, McCoy, Balder, Spangle, Squaw

Canyon, Pine City, and Central Ferry into one station - Rosalia 415.

(41) St. John Grain Growers, Inc., is combining St. John, Ewan, Willada, Juno, Sunset, and Pleasant Valley into one station - St. John 534.

(42) Spokane Seed Company is combining Spokane, Colfax, Plaza, ((and)) Setters, and Cashup into one station - Spokane 452.

(43) ~~((Sunnyside Grain Inc., is combining Sunnyside, Mabton, and Ashue Siding into one station - Sunnyside 2.))~~ Stateline Processors Inc., is combining Tilma, ID, Tilma, WA, Tekoa, Tensed, ID, and Farmington into one station - Tekoa 138.

(44) Touchet Valley Grain Growers, Inc., is combining Waitsburg, Coppei, Bolles, McKay, Menoken, Whetstone, Prescott, Harsha, and Jensen Corner into one station - Waitsburg 780.

(45) Union Elevator & Warehouse Company, Inc., is combining Lind, Pizarro, Schrag, Paha, Pence, Bauer, R. H. Phillips, ((and)) Beatrice, and Moses Lake into one station - Lind 474.

~~((45))~~ (46) Uniontown Co-operative Association is combining Uniontown, and Leon((-and Wilbur Gulch)) into one station - Uniontown 430.

~~((46))~~ (47) United Grain Growers, Inc., is combining Harrington, Mohler, Downs, Bluestem, Canby, Edwall, Waukon, Edens, Sprague, Wilbur, Sherman, Wheatridge, Govan, Creston, ((Richardson Farm,)) and ((Phillips Ranch)) Baldwin Farms into one station - Harrington 807.

~~((47))~~ (48) Wallace Grain & Pea Company is combining Palouse and Steptoe into one station - Palouse 195.

(49) Walla Walla Grain Growers, Inc., is combining Walla Walla, Baker-Langdon, Dixie, Port Kelly, Sapoli, Tracy, Valley Grove, Spring Valley, Reser, Miller, Gardena, Clyde, Eureka, Pleasant View, Sheffler, Smith Springs, Rulo, Dry Creek, Ennis, Paddock, and Wallula into one station - Walla Walla 462.

~~((48))~~ (50) Washtucna Grain Growers, Inc., is combining Washtucna, Sperry, Fletcher, and Sand Hills into one station - Washtucna 653.

~~((49))~~ (51) Wheat Growers of Endicott, Inc., is combining Endicott, Thera, and Winona into one station - Endicott 524.

~~((50))~~ (52) Whitman County Growers, Inc., is combining Cashup, Glenwood, Manning, Mockonema, Steptoe, Thornton, Colfax, Albion, Ewartsville, Fallon, Parvin, Whelan, Pullman, ((Kitzmitter,)) and ((Gravel)) Rock Pit into one station - Colfax 74.

~~((51))~~ (53) Wilbur - Ellis Company is combining Conway and Burlington into one station - Conway 896.

(54) Wilson Creek Union Grain & Trading Company is combining Stratford, Wye Station, and Wilson Creek into one station - Wilson Creek 354.

(55) Wolfkill Feed & Fertilizer Corp. is combining Moses Lake and Mattawa into one station - Moses Lake 14.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 16-225-001 PROMULGATION.
WAC 16-225-010 LICENSE FEE.
WAC 16-225-020 BOND.
WAC 16-225-030 STORAGE
REQUIREMENTS.
WAC 16-225-040 WAREHOUSE RECEIPTS.
WAC 16-225-050 REPORTS.

WSR 89-11-093
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed May 24, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules relating to additional restrictions on the use of pesticides in Benton County and portions of Franklin and Walla Walla counties in chapter 16-230 WAC;

that the agency will at 6:30 p.m., Tuesday, June 27, 1989, in the Red Lion Motor Inn, 2525 North 20th, Pasco, WA 99301, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 31, 1989.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before or on June 27, 1989.

This notice is connected to and continues the matter in Notice Nos. WSR 89-03-065, 89-04-056 and 89-07-051 filed with the code reviser's office on January 18, 1989, February 1, 1989, and March 15, 1989.

Dated: May 24, 1989

By: Art. G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-230 WAC.

Description of Purpose: Restrictions on the use of pesticides to protect public health, beneficial insects and prevent damage to nontargeted crops.

Statutory Authority: Chapters 17.21 and 15.58 RCW.

Summary of Rules: Further restricts the use of pesticides in Benton County and portions of Franklin and Walla Walla counties. No applications may be made in certain areas without a permit from the department, and provides recordkeeping requirements for pesticide applications made by commercial applicators, public operators, private-commercial applicators.

Reasons for Supporting Proposed Action: This action is in response to pesticide drift problems in the lower Yakima Valley and Tri-Cities area.

Agency Personnel Responsible for Drafting, Implementing and Enforcing These Rules: Art G. Losey, Assistant Director, Chemical and Plant Division, 406 General Administration Building, AX-41, Olympia, WA 98504, phone (206) 753-5064.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

NEW SECTION

WAC 16-230-800 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA UNDER ORDER. The area under order shall include:

- (1) All lands lying within the boundaries of Benton County; and
- (2) Portions of Franklin and Walla Walla Counties as follows: All lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately one mile along Fraser Drive to its intersection with Selph Landing Road; thence east seven miles along Selph Landing Road to its intersection with Highway 395 near the northeast corner of Section 30, T10N, R30E; thence south two miles along Highway 395 to the southeast corner of Section 31, T10N, R30E; thence east three miles along section lines to the northeast corner of Section 3, T9N, R30E; thence south one mile along the section line to the southeast corner of Section 3, T9N, R30E; thence east seven miles along section lines and a portion of the Pasco-Kahlotus Road to its intersection with the Ice Harbor Dam Road at the northeast corner of Section 11, T9N, R31E; thence southerly approximately four miles along Ice Harbor Dam Road and Ice Harbor Drive to the west section line of Section 25, T9N, R31E; thence south approximately eleven miles along section lines to the Walla Walla River; thence west along the Walla Walla River to the Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Walla Walla-Benton County line to the Benton-Franklin County line; thence northwesterly along the Benton-Franklin County line and the Columbia River to the point of beginning.

NEW SECTION

WAC 16-230-805 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RECORDKEEPING. (1) No portion of this section shall relieve any commercial pesticide applicator, public operator, private-commercial applicator, demonstration and research applicator or private applicator from recordkeeping requirements of WAC 16-228-190 and WAC 16-228-164.

(2) All persons who apply pesticides within the area under order in WAC 16-230-800 shall keep records for each application per day for all pesticides, except those labeled or used only for the following sites or functions:

- (a) Swimming pools and fountains
 - (b) Disinfectants
 - (c) Cooling tower or industrial system biocides
 - (d) Pets or livestock
 - (e) Lawns or home gardens
 - (f) Use within or around buildings or similar structures (does not include irrigation canals)
 - (g) Wood or lumber treatment
 - (h) Baits or repellants registered solely for vertebrate pest control
 - (i) Seed treatments
 - (j) Enclosed food processing systems
 - (k) Air conditioners, humidifiers, and heating systems
- (3) The following information shall be kept on a form prescribed by the department:

- (a) Applicator's name, address and name of the individual making the application;
- (b) Address or location of the land where the pesticide was applied, specifying township, range, and section: PROVIDED, That right-of-way application records may omit township, range and section.
- (c) Year, month, day, and time the pesticide was applied;
- (d) Trade name and/or common name of the pesticide applied, and the EPA registration number for that product;
- (e) Direction and estimated velocity of the wind and temperature at the time the pesticide was applied;

(f) Amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per one hundred gallons) of the pesticide used;

(g) Specific crop or site to which the pesticide was applied.

(h) Acreage or area treated per section: PROVIDED, That right-of-way application records may record acreage or area only.

(4) If an application of a restricted use pesticide as defined in WAC 16-230-810 is performed by a licensed commercial pesticide applicator within the area defined in WAC 16-230-800, the person in control of the treated land shall keep records which shall include the following information:

(a) Address or location of the land where the pesticide was applied, specifying township, range, and section: PROVIDED, That right-of-way application records may omit township, range and section;

(b) Year, month, and day the pesticide was applied;

(c) Name of the commercial applicator.

(d) Trade name and/or common name of the pesticide applied.

(5) All records required by this section shall be completed and available to the department the same day the pesticide was applied.

(6) All records required by this section shall be kept for a period of seven years from the date of application. The department shall be furnished, upon request in writing, with a copy of the records required in subsection (3) and (4) of this section, and any additional information required in WAC 16-228-190 and 16-228-164.

NEW SECTION

WAC 16-230-810 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—RESTRICTED USE PESTICIDES. For the purposes of WAC 16-230-800 through WAC 16-230-865, the following pesticides are declared to be restricted use pesticides:

(1) Restricted use herbicides:

- (a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort)
- (b) Desiccants and defoliants (such as Paraquat, Diquat, Endothall)
- (c) Glyphosate (such as Roundup, Landmaster)
- (d) Phenoxy type herbicides (such as 2,4-D, MCPA)
- (e) dicamba (such as Banvel)
- (f) Bromoxynil (such as Brominal, Buctril, ME4 Brominal)

(2) Restricted use insecticides:

(a) All category I insecticides with the signal words Danger/Poison on the label, except granular and pellet formulations;

(b) Additionally, all insecticides, except granular and pellet formulations, are declared to be restricted use in Area I as described in WAC 16-230-835.

NEW SECTION

WAC 16-230-815 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—PARAQUAT AND DIQUAT. Aerial application of paraquat and diquat is prohibited in the entire area under order listed in WAC 16-230-800.

NEW SECTION

WAC 16-230-820 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—SULFONYLUREA HERBICIDES. Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited.

NEW SECTION

WAC 16-230-825 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—PERMITS. The following conditions will apply to all permits issued under the authority of WAC 16-230-800 through 16-230-865.

(1) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may revoke any such permit at any time, if the representative deems the situation at the application site unsuitable.

(2) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

(3) Application records prescribed in WAC 16-230-805 shall be submitted to the Washington State Department of Agriculture, Ag Chemical Branch, 2015 So. 1st Street, Yakima, Washington 98903, within three days of the day the application is made for applications made under permit.

NEW SECTION

WAC 16-230-830 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—EMERGENCY CLAUSE. In the event of an emergency, as declared by the director, the department may issue permits for the use of restricted use pesticides in variation of any restrictions contained in the area under order as defined in WAC 16-230-800.

NEW SECTION

WAC 16-230-835 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 1. Area 1 description (Northeast Horse Heaven Hills). An area including all lands lying within a boundary line beginning at the southwest corner of Section 24, T8N, R26E, thence north approximately 7 miles along section lines to the intersection with the Kennewick Irrigation District (K.I.D.) main canal, thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in Section 8, T7N, R31E; thence south approximately one and one-half miles along the Columbia River to the south section line of Section 17, T7N, R31E; thence west approximately seventeen miles along section lines to the southwest corner of Section 15, T7N, R28E; thence north one mile along the section line to the northwest corner of Section 15, T7N, R28E; thence west four miles along section lines to the intersection with Badger Canyon Road at the southwest corner of Section 12, T7N, R27E; thence north two miles along Badger Canyon Road and section lines to the intersection with Sellards Road at the southeast corner of Section 35, T8N, R27E; thence west one mile along Sellards Road and the section line to the southwest corner of Section 35, T8N, R27E; thence north one mile along the section line to the northwest corner of Section 35, T8N, R27E; thence west three miles along section lines to the southwest corner of Section 29, T8N, R27E; thence north one mile along the section line to the intersection with Cemetery Road at the northwest corner of Section 29, T8N, R27E; thence west two miles along Cemetery Road and section lines to the point of beginning.

(2) Area 1 restrictions. Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited: PROVIDED, That the department may issue written permits for application of insecticides not containing the signal words Danger/Poison on the label.

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 16-230-840 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 2. (1) Area 2 description. Tri-Cities, Benton City area. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence south approximately five miles along section lines to the intersection with the Kennewick Irrigation District (K.I.D.) main canal; thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in Section 8, T7N, R31E; thence south approximately one-half mile along the Columbia River to the south section line of Section 8, T7N, R31E; thence east approximately three miles across the Columbia River to the intersection with U.S. Highway 12 at the south section line of Section 10, T7N, R31E; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along Interstate 182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the United States Department of Energy Hanford Site south boundary line; thence west approximately one mile and south approximately two and one-half miles along the south boundary line to the southeast corner of Section 27, T10N, R28E; thence west seven miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one

mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(2) Area 2 restrictions. Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited.

NEW SECTION

WAC 16-230-845 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 3. (1) Area 3 description.

(a) Eastern Yakima Valley. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence south approximately thirteen miles along the Benton-Yakima County line to the northwest corner of Section 31, T8N, R24E; thence east approximately two miles along section lines to the southeast corner of Section 29, T8N, R24E; thence north one mile along the section line to the northeast corner of Section 29, T8N, R24E; thence east four miles along section lines to the southeast corner of Section 24, T8N, R24E; thence north one mile along the section line to the northeast corner of Section 24, T8N, R24E; thence east two miles along section lines to the southeast corner of Section 16, T8N, R25E; thence north one mile along Burt James Road and the section line to the intersection with County Well Road at the northeast corner of Section 16, T8N, R25E; thence east two miles along County Well Road and section lines to the southeast corner of Section 10, T8N, R25E; thence north one mile along the section line to the northeast corner of Section 10, T8N, R25E; thence east three miles along section lines to the intersection with Gould Road at the southeast corner of Section 6, T8N, R26E; thence north one mile along Gould Road and the section line to the northeast corner of Section 6, T8N, R26E; thence east four miles along section lines to the southeast corner of Section 35, T9N, R26E; thence north eight miles along section lines to the point of beginning.

(b) Cold Creek Area. An area including all lands lying within a boundary line beginning at the intersection of the Benton-Yakima County line and the Columbia River in Section 7, T13N, R24E; thence south approximately six and one-half miles along the Benton-Yakima County line to the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence west approximately five miles along the Columbia River to the point of beginning.

(2) Area 3 restrictions. Application by air of restricted use herbicides as defined in WAC 16-230-810 is prohibited.

NEW SECTION

WAC 16-230-850 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 4. (1) Area 4 description.

(a) Tri-Cities northwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence north two miles along section lines to the northwest corner of Section 13, T10N, R26E; thence east one mile along the section line to the northeast corner of Section 13, T10N, R26E; thence north approximately one-half mile along the section line to the United States Department of Energy Hanford Site south boundary line; thence easterly approximately ten miles and south approximately two and one-half miles along the south boundary line to the south section line of Section 27, T10N, R28E; thence west approximately six and three-fourths miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(b) Tri-Cities northeast buffer zone. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68;

thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly approximately seven miles along the power line to its intersection with SR 124 in Section 32, T9N, R31E; thence easterly approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E near the intersection of SR 124 and the Union Pacific Railroad; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad to its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along I-182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the U.S. Department of Energy Hanford Site south boundary line in Section 14, T10N, R28E; thence east approximately one-half mile across the Columbia River to its east shoreline; thence northerly approximately one-half mile to the point of beginning.

(c) Horse Heaven Hills east buffer zone. An area including all lands lying within a boundary line beginning at the southwest corner of Section 24, T8N, R26E; thence south three miles along section lines and Tyacke Road to the southwest corner of Section 1, T7N, R26E; thence east three miles along section lines to the northeast corner of Section 8, T7N, R27E; thence south one mile along the section line and Travis Road to the intersection with Reese Road at the southeast corner of Section 8, T7N, R27E; thence east one mile along the section line and Reese Road to the northeast corner of Section 16, T7N, R27E; thence south two miles along section lines to the intersection with Tyrell Road at the northwest corner of Section 27, T7N, R27E; thence east one mile along the section line and Tyrell Road to the northeast corner of Section 27, T7N, R27E; thence south one mile along the section line to the southeast corner of Section 27, T7N, R27E; thence east approximately twenty-two miles along section lines to the Columbia River; thence northerly approximately two miles along the Columbia River to the south section line of Section 17, T7N, R31E; thence west approximately seventeen miles along section lines to the southwest corner of Section 15, T7N, R28E; thence north one mile along the section line to the northwest corner of Section 15, T7N, R28E; thence west four miles along section lines to the intersection with Badger Canyon Road at the southwest corner of Section 12, T7N, R27E; thence north two miles along Badger Canyon Road and section lines to the intersection with Sellards Road at the southeast corner of Section 35, T8N, R27E; thence west one mile along Sellards Road and the section line to the southwest corner of Section 35, T8N, R27E; thence north one mile along the section line to the northwest corner of Section 35, T8N, R27E; thence west three miles along section lines to the southwest corner of Section 29, T8N, R27E; thence north one mile along the section line to the intersection with Cemetery Road at the northwest corner of Section 29, T8N, R27E; thence west two miles along Cemetery Road and section lines to the point of beginning.

(2) Area 4 restrictions. Application by air of restricted use pesticides as defined in WAC 16-230-810 may be made by written permit only.

NEW SECTION

WAC 16-230-855 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 5. (1) Area 5 description.

(a) Cold Creek buffer zone. An area including all lands lying within a boundary line beginning at the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence easterly approximately two miles along the Columbia River to the east section line of Section 6, T13N, R25E, near the Vernita Bridge; thence south approximately eight and one-half miles along section lines to the southeast corner of Section 18, T12N, R25E; thence west seven miles along

section lines to the Benton-Yakima County line at the southwest corner of Section 18, T12N, R24E; thence north one mile along the county line to the point of beginning.

(b) Roza buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence north two miles along the county line to the northwest corner of Section 18, T10N, R24E; thence east four miles along section lines to the northeast corner of Section 15, T10N, R24E; thence south one mile along the section line to the southeast corner of Section 15, T10, R24E; thence east seven miles along section lines to the southwest corner of Section 13, T10N, R25E; thence north one mile along the section line to the northwest corner of Section 13, T10N, R25E; thence east six miles along section lines to the northwest corner of Section 13, T10N, R26E; thence south two miles along section lines to the point of beginning.

(c) West Horse Heaven buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east approximately two miles along section lines to the southeast corner of Section 29, T8N, R24E; thence north one mile along the section line to the northeast corner of Section 29, T8N, R24E; thence east four miles along section lines to the southeast corner of Section 24, T8N, R24E; thence north one mile along the section line to the northeast corner of Section 24, T8N, R24E; thence east two miles along section lines to the southeast corner of Section 16, T8N, R25E; thence north one mile along Burt James Road and the section line to the intersection with County Well Road at the northeast corner of Section 16, T8N, R25E; thence east two miles along County Well Road and section lines to the southeast corner of Section 10, T8N, R25E; thence north one mile along the section line to the northeast corner of Section 10, T8N, R25E; thence east three miles along section lines to the intersection with Gould Road at the southeast corner of Section 6, T8N, R26E; thence north one mile along Gould Road and the section line to the northeast corner of Section 6, T8N, R26E; thence east four miles along section lines to the southeast corner of Section 35, T9N, R26E; thence south seven miles along section lines and a portion of Tyacke Road to the southwest corner of Section 1, T7N, R26E; thence west approximately seventeen miles along section lines to the Benton-Yakima County line at the southwest corner of Section 6, T7N, R24E; thence north two miles along the county line to the point of beginning.

(2) Area 5 restrictions. Application by air of restricted use herbicides as defined by WAC 16-230-810 may be made by written permit only.

NEW SECTION

WAC 16-230-860 APPLICATION OF PESTICIDES IN BENTON COUNTY AND PORTIONS OF FRANKLIN AND WALLA WALLA COUNTIES—AREA 6. (1) Area 6 description. All remaining lands in the area under order.

(2) Area 6 restrictions. Records shall be kept as required in WAC 16-230-805.

NEW SECTION

WAC 16-230-865 OTHER RULES. Provisions of WAC 16-230-800 through WAC 16-230-860 shall take precedence over all existing, less restrictive rules of the department affecting the application of pesticides in Benton, Franklin or Walla Walla Counties. No provision of WAC 16-230-800 through WAC 16-230-860 shall be construed as relieving any requirement of existing rules except those in direct conflict.

WSR 89-11-094**PROPOSED RULES****DEPARTMENT OF GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)**

[Filed May 24, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Savings and Loan Associations, Department of General Administration, intends to adopt, amend, or repeal rules concerning credit union common bond definition;

that the agency will at 10:00 a.m., Tuesday, July 25, 1989, in the Office of the Supervisor, 217-C General Administration Building, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 1, 1989.

The authority under which these rules are proposed is RCW 31.12.045 (1)(a) and 31.12.535.

The specific statute these rules are intended to implement is RCW 31.12.045(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 1989.

Dated: May 24, 1989

By: Betty Reed
Supervisor**STATEMENT OF PURPOSE**

Title: Credit union common bond definitions.

Purpose of this Rule: To define the meaning of common bond of occupation, common bond of association and common bond of community when used by credit unions in describing their field of membership. RCW 31.12.045(1) limits membership in credit unions to groups having a common bond of occupation, association or community and authorizes the supervisor to adopt rules reasonably defining the meaning of common bond.

Statutory Authority: RCW 31.12.535, which grants general rule-making authority to the supervisor; and RCW 31.12.045(1) which specifically authorizes the supervisor to adopt rules reasonably defining the meaning of common bond.

Specific Statute the Rule is Intended to Implement: RCW 31.12.045(1).

This rule is drafted and proposed by Betty Reed, Supervisor, Division of Savings and Loan Associations, which is the Washington state agency with primary regulatory responsibility over the credit unions affected. This division is located at Room 217-C, General Administration Building, Olympia, Washington, 98504, phone (206) 753-5597.

The supervisor will be responsible for the enforcement of this rule.

Summary of the Rule: The sections of the rules are summarized as follows: WAC 419-70-010 states the purpose of the rule; WAC 419-70-020 sets forth the general requirement for a common bond; WAC 419-70-030 establishes the definition of a common bond of occupation; WAC 419-70-040 establishes the definition of a common bond of association; and WAC 419-70-050

establishes the definition of a common bond of community.

Reasons for the Proposed Action: This rule is being adopted to provide clear definitions consistent with legislative intent of the terms common bond of occupation, common bond of association and common bond of community in limiting credit union membership. The National Credit Union Administration, which regulates federally chartered credit unions, is now in the process of adopting similar rules. A task force composed of industry representatives has studied this issue and recommended adoption of rules defining these terms.

This rule is not required as the result of any federal law or court action. It will not have an adverse economic impact on more than twenty percent of all financial institutions or more than ten percent of state-chartered credit unions. Accordingly, an economic impact statement is not required under RCW 19.85.030.

CHAPTER 419-70**CREDIT UNION COMMON BOND DEFINITION**

WAC 419-70-010 - Purpose

WAC 419-70-020 - General Requirement

WAC 419-70-030 - Common Bond of Occupation

WAC 419-70-040 - Common Bond of Association

WAC 419-70-050 - Common Bond of Community

NEW SECTION

WAC 419-70-010 PURPOSE: This chapter is adopted by the supervisor pursuant to RCW 31.12.045 (1)(a) for the purpose of defining "common bond" as it applies to the ability of certain groups to be included within the field of membership of a credit union.

NEW SECTION

WAC 419-70-020 GENERAL REQUIREMENT: RCW 31.12.045 limits credit union membership "to groups having a common bond of occupation or association, or to groups within a well-defined neighborhood, community, or rural district." Any group seeking inclusion within the field of membership of a credit union must share a common bond of occupation, association, or community.

NEW SECTION

WAC 419-70-030 COMMON BOND OF OCCUPATION: "Common bond of occupation" means a current, unifying factor or characteristic among a group of natural persons which links them together and distinguishes them from the general public and which is based on employment by or a similar relationship with the same enterprise. Employees of subsidiaries or affiliates of the enterprise, nonemployee officials of the enterprise, and persons under contract to work regularly for the enterprise may be included in the same common bond of occupation if they are separately identified in the credit union's bylaws.

NEW SECTION

WAC 419-70-040 COMMON BOND OF ASSOCIATION: "Common bond of association means a current, unifying factor or characteristic among a group of natural persons which links them together and distinguishes them from the general public and which is based on membership in a bona fide association, fraternal organization, or religious organization. Such an association or organization must be primarily composed of natural persons, who participate within the group in organized activities developing common loyalties, common interests, and mutual benefits. Such an association or organization must have clearly defined membership eligibility requirements, must have officers elected by the membership, and must hold regular meetings at least once each year and otherwise provide activities promoting contact among its members. Matriculating students of an accredited college or university also have a common bond of association.

A group (a) the primary purpose of which is to provide products or services to members at a discount, (b) which has no meaningful qualifications for membership other than a generalized interest in or agreement on a particular topic, with no requirement of an ongoing commitment for personal participation in the group, (c) which is formed or continued primarily for a commercial purpose or (d) which is formed or continued primarily for the purpose of its members obtaining credit union services, does not qualify as a bona fide association or organization, for the purposes of this section.

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 419-70-050 COMMON BOND OF COMMUNITY: "Common bond of community" means a current unifying factor or characteristic among a group of natural persons, which links them together and distinguishes them from the general public and which is based on residence or employment with a well-defined geographic area that is recognized by those who live or work there as a neighborhood, community, or rural district. The boundaries of the proposed group must be clearly identifiable and must set it apart from the surrounding area.

WSR 89-11-095

PROPOSED RULES

DEPARTMENT OF GENERAL ADMINISTRATION (Division of Savings and Loan Associations)

[Filed May 24, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Savings and Loan Associations, Department of General Administration, intends to adopt, amend, or repeal rules concerning credit union field of membership expansion;

that the agency will at 10:00 a.m., Tuesday, July 25, 1989, in the Office of the Supervisor, 217-C General Administration Building, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 1, 1989.

The authority under which these rules are proposed is RCW 31.12.535.

The specific statute these rules are intended to implement is RCW 31.12.045(2), 31.12.115 and 31.12.516.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 25, 1989.

Dated: May 24, 1989

By: Betty Reed
Supervisor

STATEMENT OF PURPOSE

Title: Credit union field of membership expansion.

Purpose of this Rule: To establish guidelines for credit unions to request field of membership expansions and to set forth standards for approval of such applications.

Statutory Authority: RCW 31.12.535, which grants general rule-making authority to the supervisor.

This rule is drafted and proposed by Betty Reed, Supervisor, Division of Savings and Loan Associations, which is the Washington state agency with primary regulatory responsibility over the credit unions affected.

This division is located at Room 217-C, General Administration Building, Olympia, Washington 98504, phone (206) 753-5597.

The supervisor will be responsible for enforcement of this rule.

Summary of the Rule: The sections of the rule are summarized as follows: WAC 419-72-010 states the purpose of the rule; WAC 419-72-015 provides definition of terms to be used in the rule; WAC 419-72-020 describes the general process for a credit union to expand its field of membership to include a separate group with a common bond of occupation; WAC 419-72-025 provides a list of requirements to be included in the application; WAC 419-72-030 sets forth a method of consolidation to be used if multiple or frequent requests are made; WAC 419-72-035 provides a list of additional information to be included in the application if the size of the group exceeds 500 individuals; WAC 419-72-040 establishes a process and procedure for dealing with overlaps; WAC 419-72-045 describes the general process for a credit union to expand its field of membership to include a separate group with a common bond of association; WAC 419-72-050 provides a list of requirements to be included in the application; WAC 419-72-055 provides a list of additional information to be included in the application if the size of the group exceeds 500 individuals; WAC 419-72-060 describes the general process for a credit union to expand its field of membership to include a separate group with a common bond of community; WAC 419-72-065 provides a list of requirements to be included in the application; WAC 419-72-070 describes when any of the above applications will be considered complete; WAC 419-72-075 sets forth the time period during which applications will be approved or disapproved and lists the general criteria upon which approval will be based; WAC 419-72-080 establishes a method for waiver of one or more of the provisions of the rule in the event of an emergency; WAC 419-72-090 adopts the form to be used to request bylaw amendments; and WAC 419-72-095 is an appendix describing the form adopted in WAC 419-72-090.

Reasons for the Proposed Action: The goal of the supervisor is to provide consistent application guidelines and procedures for credit unions desiring to expand their field of memberships so that such expansions are in conformance with the intent of RCW 31.12.045 and are undertaken in a safe and sound manner which will benefit the applicant credit union and the group desiring service.

During the last several years many credit unions have sought to expand their field of membership by including separate groups with different common bonds. Some of these credit unions have made multiple requests involving hundreds of groups and/or thousands of individuals. Although some written procedures have been established from time to time, no rules have been promulgated setting forth the application procedures or basis for approval by the supervisor.

The National Credit Union Administration, which regulates federally chartered credit unions, is now in the process of adopting similar rules. A task force composed of industry representatives has studied this issue and

recommended adoption of rules setting forth guidelines and procedures.

This rule is not required as the result of any federal law or court action. It will not have an adverse economic impact on more than twenty percent of all financial institutions or more than ten percent of all state chartered credit unions. Accordingly, an economic impact statement is not required under RCW 19.85.030.

CHAPTER 419-72 WAC
CREDIT UNION FIELD OF MEMBERSHIP EXPANSION

- WAC 419-72-010 - PURPOSE
- WAC 419-72-015 - DEFINITIONS
- WAC 419-72-020 - EXPANSION OF A GROUP WITH A COMMON BOND OF OCCUPATION
- WAC 419-72-025 - APPLICATION
- WAC 419-72-030 - CONSOLIDATION
- WAC 419-72-035 - OTHER INFORMATION
- WAC 419-72-040 - OVERLAP JUSTIFICATION
- WAC 419-72-045 - EXPANSION OF A GROUP WITH A COMMON BOND OF ASSOCIATION
- WAC 419-72-050 - APPLICATION
- WAC 419-72-055 - OTHER INFORMATION
- WAC 419-72-060 - EXPANSION OF A GROUP WITH A COMMON BOND OF COMMUNITY
- WAC 419-72-065 - APPLICATION
- WAC 419-72-070 - APPLICATION DEEMED COMPLETE
- WAC 419-72-075 - APPROVAL
- WAC 419-72-080 - SPECIAL CIRCUMSTANCES
- WAC 419-72-090 - ADOPTION OF FORM
- WAC 419-72-095 - APPENDIX 1

NEW SECTION

WAC 419-72-010 PURPOSE. This chapter is adopted by the supervisor for the purpose of establishing the application process for a credit union to expand its field of membership to include a separate group with a common bond of occupation, association, or community which each have a common bond.

NEW SECTION

WAC 419-72-015 DEFINITIONS. Unless the context clearly requires otherwise, as used in this chapter:

- (1) "Common bond of Occupation" has the same meaning as in WAC 419-70-030
- (2) "Common bond of Association" has the same meaning as in WAC 419-70-040
- (3) "Common bond of Community" has the same meaning as in WAC 419-70-050
- (4) "Credit Union" means a credit union organized and operating under Chapter 31.12 RCW

NEW SECTION

WAC 419-72-020 EXPANSION OF A GROUP WITH A COMMON BOND OF OCCUPATION. If a credit union wants to include a separate group with a common bond of occupation in its field of membership it shall make application to the supervisor to amend Article III of its bylaws as set forth in RCW 31.12.115. The amendment shall be in a form as set forth in WAC 419-72-095 and shall be submitted to the supervisor in duplicate along with an application as described in WAC 419-72-025.

NEW SECTION

WAC 419-72-025 APPLICATION. The application to include a separate group with a common bond of occupation shall include at least the following information:

- (1) The name of the credit union;
- (2) Evidence that the board of directors of the credit union has complied with the notice and voting requirements of RCW 31.12.115;
- (3) A description of the enterprise including its name, number of employees, the geographic location of those employees, and whether or not payroll deduction will be made available to the credit union. If

other related individuals specified in WAC 419-70-030 are included, they must be separately identified;

(4) A statement from the enterprise's managing officer that the enterprise desires membership for its employees in the applicant credit union and that they are not currently eligible for membership in an existing credit union, either state or federally chartered, because of their employment. If the employees of the enterprise are eligible for membership in another credit union the applicant credit union must provide a statement of non-objection from the other credit union;

(5) A copy of the applicant credit union's most recent financial statement;

(6) A copy of the applicant credit union's business plan or other document demonstrating the credit union's ability and intent to provide service to the new group and specific plans relating anticipated growth to capital levels.

Upon receipt of the above application, the supervisor may request such additional information as is appropriate.

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 419-72-030 CONSOLIDATION. If a credit union submits multiple bylaw amendments either simultaneously or within the same six month period, the requirements of subsection (e) and (f) of WAC 419-72-025 can be satisfied by reference to the first application submitted during the semi-annual period.

NEW SECTION

WAC 419-72-035 OTHER INFORMATION. If a separate group with a common bond of occupation exceeds 500 individuals, the applicant credit union shall provide the following additional information with its application:

(1) Documentation that explains why the group does not have sufficient size or resources to form a credit union of its own. A statement from the enterprise that it lacks resources or size is not sufficient to satisfy this requirement;

(2) Documentation that the applicant credit union is actively serving its current field of membership or has plans in place to do so within a reasonable period of time;

(3) Documentation that the applicant credit union has given written notice to all other credit unions, both state and federally chartered, doing business in the county in which the applicant credit union is located.

NEW SECTION

WAC 419-72-040 OVERLAP JUSTIFICATION. If a credit union cannot obtain the letter of non-objection required in subsection (4) of WAC 419-72-025, after having made a best efforts attempt to do so, it may submit documentation that:

(1) At least 30% of the employees of the enterprise desire membership in the applicant credit union, or

(2) The other credit union has failed to adequately serve the group after a reasonable period of time, and

(3) How the applicant credit union plans to improve that service.

A copy of the information required in subsections (1), (2), and (3) above will be supplied to the other credit union. That credit union will be given 60 days during which to respond or raise objections to the overlap.

Overlaps will be approved if approval is consistent with WAC 419-72-075 and at least 30% of the employees of the enterprise desire membership in the applicant credit union; or if, in the opinion of the supervisor, (a) the other credit union is not adequately serving the group, (b) the group itself desires membership in the applicant credit union and (c) the applicant credit union has reasonable plans to do so. More consideration will be given to the quality of service rather than variety of services.

Overlaps will not be granted if the result, in the opinion of the supervisor, might reasonably threaten the viability of the other credit union.

This section is intended establish procedures to deal with unavoidable conflicts; it is not intended to encourage overlaps. Overlaps will not be granted if, in the opinion of the supervisor, an applicant credit union is using this section as a marketing device.

NEW SECTION

WAC 419-72-045 **EXPANSION OF A GROUP WITH A COMMON BOND OF ASSOCIATION.** If a credit union wants to include a separate group with a common bond of association into its field of membership it shall make application to the supervisor to amend Article III of its bylaws as set forth in RCW 31.12.115. The amendment shall be in a form as set forth in WAC 419-72-095 and shall be submitted to the supervisor in duplicate along with an application as described in WAC 419-72-050.

NEW SECTION

WAC 419-72-050 **APPLICATION.** The application to include a separate group with a common bond of association shall contain at least the following information:

- (1) The name of the credit union;
 - (2) Evidence that the board of directors of the credit union has complied with the notice and voting requirements of RCW 31.12.115;
 - (3) A detailed description of the group including its charter or articles of incorporation, its bylaws, the qualifications and requirements for membership, and the number and geographic location of its current members;
 - (4) A resolution from the petitioning group's governing body that the members of the group are not currently eligible for membership in an existing credit union and have been informed of the proposal to affiliate with the applicant credit union and that those members desire to be associated with the applicant credit union and are willing to support its objectives;
 - (5) A statement by the applicant credit union that its marketing efforts will be directed toward active members of the group and that the group will not be used as vehicle to create eligibility for credit union membership to the general public;
 - (6) A copy of the applicant credit union's most recent financial statement;
 - (7) A copy of the applicant credit union's business plan or other document demonstrating the credit union's ability and intent to provide service to the new group and specific plans relating anticipated growth to capital levels.
- Upon receipt of the above application the supervisor may request such other information as is appropriate.

NEW SECTION

WAC 419-72-055 **OTHER INFORMATION.** If the group has more than 500 members the applicant credit union shall provide the following additional information to the supervisor with its application:

- (1) Documentation that explains why the group does not have sufficient size or resources to form a credit union of its own. A statement from the group that it lacks sufficient size or its resources are not sufficient to satisfy this requirement,
- (2) Documentation that the applicant credit union is actively serving its current field of membership or has plans in place to do so within a reasonable period of time,
- (3) Documentation that the applicant credit union has given written notice to all other credit unions, both state and federally chartered, doing business in the county in which the applicant credit union is located.

NEW SECTION

WAC 419-72-060 **EXPANSION OF A GROUP WITH A COMMON BOND OF COMMUNITY.** If a credit union wants to include a group with a common bond of community into its field of membership it shall make application to the supervisor to amend Article III of its bylaws as set forth in RCW 31.12.115. The amendment shall be in a form as set forth in WAC 419-72-095 and shall be submitted to the supervisor in duplicate along with an application as described in WAC 419-72-065.

NEW SECTION

WAC 419-72-065 **APPLICATION.** The application to include a community shall contain at least the following information:

- (1) The name of the credit union;
- (2) Evidence that the board of directors of the credit union has complied with the notice and voting requirements of RCW 31.12.115;

(3) A detailed description of the community, neighborhood or rural district including a map setting forth the geographic boundaries of the community and the current population of the proposed community;

(4) Documentation satisfactory to the supervisor describing how the proposed community meets the definition of Common Bond as set forth in WAC 419-70-050;

(5) Documentation satisfactory to the supervisor that the community does not have adequate credit union financial services available to it;

(6) Letters of support from community organizations and/or residents of the area demonstrating their desire to be associated with the applicant credit union and their willingness to support its objectives;

(7) Any other information that demonstrates the community's desire to have the services of a community based credit union;

(8) A copy of the applicant credit union's most recent financial statement;

(9) A copy of the applicant credit union's business plan or other document demonstrating the credit union's ability and intent to provide service to the new group and specific plans relating anticipated growth to capital levels. The plan should also include active participation in community activities;

(10) A copy of the credit union's current loan underwriting standards describing adequate safeguards for its lending activities;

(11) Evidence that the applicant credit union has given written notice to all other credit unions, both state and federally chartered, doing business in the county in which the applicant credit union is located.

Upon receipt of the above application the supervisor may request such other information as appropriate.

NEW SECTION

WAC 419-72-070 **APPLICATION DEEMED COMPLETE.** An application to expand its field of membership shall be deemed complete when the supervisor has received the information as required in this chapter except when the applicant credit union is required to give notice to other credit unions. Such an application will not be deemed complete until at least 30 days from the date such notification was given. When an application involves an overlap dispute, such applicant will not be deemed complete until 60 days from the date that information required in WAC 419-72-040 has been supplied to the affected credit union.

NEW SECTION

WAC 419-72-075 **APPROVAL.** The supervisor shall approve or disapprove a request made in conformance with this regulation within 30 days from the date it is deemed complete. If written approval is not given, the application is presumed denied. Approval will be based on the following general findings by the supervisor.

(1) The application is consistent with the provisions of Chapter 31.12 RCW and this regulation;

(2) The proposed new group possesses a common bond as defined in WAC 419-70. The strongest consideration will be given to groups on the lowest organizational level;

(3) The application is economically feasible and advisable;

(4) The proposed new group does not have sufficient size or resources to form a credit union of its own;

(5) The proposed new group is composed of individuals who work or reside within a reasonable distance from an operating office of the applicant credit union;

(6) The applicant credit union is financially sound and possesses the financial resources and management capability to provide quality credit union service to the proposed group in a safe and sound manner and has complied with all directives of the supervisor;

(7) The applicant credit union is providing adequate service to its existing eligible membership or has plans to do so in a reasonable time period;

(8) The proposal will make quality credit union service available to individuals who wish to have it;

(9) Approval of the request will not create a financial hardship on another credit union or threaten its viability.

Approval of a request for a group with a common bond of community will be based on the following additional general findings by the supervisor.

(1) The geographic boundaries of the proposed community set it off as distinct and recognizable;

(2) The proposed community is the only viable common bond available to provide credit union services to the residents or workers in the subject area;

(3) The proposed community has a total population of 60,000 or less.

NEW SECTION

WAC 419-72-080 SPECIAL CIRCUMSTANCES. An applicant credit union may request that one or more of the provisions of this regulation be waived if an emergency exists which requires immediate expansion in order to preserve the viability of the applicant credit union. The request for waiver may be granted if, in the opinion of the supervisor, the expansion request has a reasonable probability of remedying an emergency situation or is otherwise in the public interest.

NEW SECTION

WAC 419-72-090 ADOPTION OF FORM. The Division of Savings and Loan Associations hereby adopts for use by all credit unions requesting approval of amendments to its bylaws, the form attached hereto as WAC 419-72-095, entitled "Request for Bylaw Amendment."

NEW SECTION

WAC 419-72-095 APPENDIX 1—REQUEST FOR BYLAW AMENDMENT.

"Request for Bylaw Amendment"

AMENDMENT TO BYLAWS NO. _____

THIS IS TO CERTIFY: That at a meeting called for that purpose the following amendment to the bylaws of the _____ Credit Union was adopted on _____ by the Board of Directors in accordance with the provisions of RCW 31.12.115.

* ARTICLE _____ SECTION _____ :

AMENDED TO READ: ARTICLE ____ SECTION _____ :

Signed this ____ day of _____, 19__

ATTEST: _____
Chairman/President

Secretary

The foregoing amendment of the Bylaws approved this ____ day of _____, 19__.

Supervisor, Division of Savings and Loan Associations, having supervision of Credit Unions.

* Insert section as it now reads.

WSR 89-11-096

ADOPTED RULES

INSURANCE COMMISSIONER

[Order R 89-7—Filed May 24, 1989]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules amending the Medicare supplemental health insurance regulation to comply with requirements of the health care financing administration for certification of Medicare supplemental insurance policies issued for delivery in this state, to require all insurers to file the annual adjustment notice form prior to use in Washington, to correct the annual adjustment notices to be used in

1990 and 1991 so that they conform to the NAIC Medicare supplement model rule, and to provide for uniform reporting of loss ratio experience.

This action is taken pursuant to Notice No. WSR 89-09-050 filed with the code reviser on April 18, 1989. 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 48.02.060 (3)(a) and 48.66.050 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.66.041, 48.66.070 and 48.66.100(3).

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 May 24, 1989.

Dick Marquardt
Insurance Commissioner
By Robert E. Johnson
Deputy Commissioner

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-035 POLICY DEFINITIONS AND TERMS. No insurance policy or subscriber contract may be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy unless such policy or contract contains definitions or terms which conform to the requirements of this section.

(1) "Accident," "accidental injury," or "accidental means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization.

(a) The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

(b) Such definition may provide that injuries shall not include injuries for which benefits are provided under any workers' compensation, employer's liability or similar law, motor vehicle no-fault plan, unless prohibited by law(~~(; or injuries occurring while the insured person is engaged in any activity pertaining to any trade, business, employment, or occupation for wage or profit)).~~

(2) "Convalescent nursing home," "extended care facility," or "skilled nursing facility" shall be defined in relation to its status, facilities and available services.

(a) A definition of such home or facility shall not be more restrictive than one requiring that it:

- (i) Be operated pursuant to law;
- (ii) Be approved for payment of Medicare benefits or be qualified to receive such approval, if so requested;
- (iii) Be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician;

(iv) Provide continuous twenty-four hours a day nursing service by or under the supervision of a registered graduate professional nurse (R.N.); and

(v) Maintains a daily medical record of each patient.

(b) The definition of such home or facility may provide that such term shall not be inclusive of:

(i) Any home, facility or part thereof used primarily for rest;

(ii) A home or facility for the aged or for the treatment of chemical dependency; or

(iii) A home or facility primarily used for the care and treatment of mental diseases or disorders, or custodial or educational care.

(3) "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Health Care Organizations.

(a) The definition of the term "hospital" shall not be more restrictive than one requiring that the hospital:

(i) Be an institution operated pursuant to law; and

(ii) Be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a prearranged basis and under the supervision of a staff of duly licensed physicians, medical, diagnostic and major surgical facilities for the medical care and treatment of sick or injured persons on an inpatient basis for which charge is made; and

(iii) Provide twenty-four hour nursing service by or under the supervision of registered graduate professional nurses (R.N.'s).

(b) The definition of the term "hospital" may state that such term shall not be inclusive of:

(i) Convalescent homes, convalescent, rest, or nursing facilities; or

(ii) Facilities primarily affording custodial, educational, or rehabilitative care; or

(iii) Facilities for the aged, drug addicts, or alcoholics; or

(iv) Any military or veterans hospital or soldiers home or any hospital contracted for or operated by any national government or agency thereof for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability exists for charges made to the individual for such services.

(4) "Mental or nervous disorders" shall not be defined more restrictively than a definition including neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

(5) "Nurses" may be defined so that the description of nurse is restricted to a type of nurse, such as registered graduate professional nurse (R.N.), a licensed practical nurse (L.P.N.), or a licensed vocational nurse (L.V.N.). If the words "nurse," "trained nurse," or "registered nurse" are used without specific instruction, then the use of such terms requires the insurer to recognize the services of any individual who qualified under such terminology in accordance with the applicable statutes or administrative rules of the licensing or registry board of the state.

(6) "Physician" may be defined by including words such as "duly qualified physician" or "duly licensed

physician." The use of such terms requires an insurer to recognize and to accept, to the extent of its obligation under the contract, all providers of medical care and treatment when such services are within the scope of the provider's licensed authority and are provided pursuant to applicable laws.

(7) "Sickness" shall not be defined to be more restrictive than the following: "Sickness means sickness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability, or similar law.

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-050 OUTLINE OF COVERAGE REQUIRED. (1) An agent or insurer initiating a sale of an individual or group Medicare supplement insurance policy in this state shall complete and sign a disclosure form, and deliver the completed form to the applicant not later than the time of application for the policy.

(2) The disclosure form to be used shall be the "outline of coverage," which is set forth in WAC 284-55-060. The form of outline shall be filed with the commissioner prior to use in this state.

(3) Except for direct response insurers, an insurer shall obtain an acknowledgement of receipt of such outline from the applicant.

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-060 FORM FOR "OUTLINE OF COVERAGE."

(COMPANY NAME)
OUTLINE OF MEDICARE
SUPPLEMENT COVERAGE

(1) Read your policy carefully – This outline of coverage provides a very brief description of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth in detail the rights and obligations of both you and your insurance company. It is, therefore, important that you READ YOUR POLICY CAREFULLY!

(2) Medicare supplement coverage – Policies of this category are designed to supplement Medicare by covering some hospital, medical, and surgical services which are partially covered by Medicare. Coverage is provided for hospital inpatient charges and some physician charges, subject to any deductibles and copayment provisions which may be in addition to those provided by Medicare, and subject to other limitations which may be set forth in the policy. The policy does not provide benefits for custodial care such as help in walking, getting in and out of bed, eating, dressing, bathing and taking medicine (delete if such coverage is provided).

(3)(a) (for agents:)

Neither (Insert company's name) nor its agents are connected with Medicare.

(b) (for direct responses:)

(Insert company's name) is not connected with Medicare.

(4) (A brief summary of the major benefit gaps in Medicare Parts A and B with a description of supplemental benefits, including dollar amounts, provided by the Medicare supplement coverage in the following order:)

.....

SERVICE	THIS POLICY PAYS	YOU PAY
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I. Part A

A. INPATIENT HOSPITAL SERVICES:

- Semi-private room & board
- Miscellaneous hospital services & supplies, such as drugs, X-rays, lab tests & operating room

B. SKILLED NURSING CARE

C. BLOOD

II. Part B

A. MEDICAL EXPENSE:

- Services of a physician/ outpatient services
- Medical supplies other than prescribed drugs

B. BLOOD

C. MAMMOGRAPHY SCREENING

D. OUT-OF-POCKET MAXIMUM

E. PRESCRIPTION DRUGS

III. Parts A & B

- Home health services

IV. Miscellaneous

- A. Home intravenous (IV) therapy drugs
- B. Immunosuppressive drugs
- C. Respite care benefits

IN ADDITION TO THIS OUTLINE OF COVERAGE, (INSURANCE COMPANY NAME) WILL SEND AN ANNUAL NOTICE TO YOU THIRTY DAYS PRIOR TO THE EFFECTIVE DATE OF MEDICARE CHANGES WHICH WILL DESCRIBE THESE CHANGES AND THE CHANGES IN YOUR MEDICARE SUPPLEMENT COVERAGE.

.....

(5) (The following chart((s)) shall accompany the outline of coverage and the form thereof shall be filed with the commissioner prior to use in this state:)

Part A
 MEDICARE BENEFITS IN

Service	1988	1989	1990	1991
PART A				
Inpatient Hospital Services:	All but \$540 for first 60 days/benefit period	All but [\$564] deductible for an unlimited number of days/calendar year	All but Part A deductible for an unlimited number of days/calendar year	All but Part A deductible for an unlimited number of days/calendar year
Semi-Private Room & Board	All but \$135 a day for 61st-90th days/benefit period			
Miscellaneous Hospital Services & Supplies, such as Drugs, X-rays, Lab Tests & Operating Room	All but \$270 a day for 71st-150th days (if the individual chooses to use 60 nonrenewable lifetime reserve days) Nothing beyond 150 days			
Skilled Nursing Facility Care	100% of costs for 1st 20 days (after a 3 day prior hospital confinement) All but \$67.50 a day for 1st-100th days Nothing beyond 100 days	80% of Medicare reasonable costs for first 8 days per calendar year w/out prior hospitalization requirement 100% of costs thereafter up to 150 days/calendar year	80% for 1st 8 days/calendar year 100% for 9th-150th day/calendar year	80% for 1st 8 days/calendar year 100% for 9th-150th day/calendar year
Blood	Pays all costs except nonreplacement fees (blood deductible) for first 3 pints in <u>each benefit period</u>	Pays all costs except payment of deductible (equal to costs for first 3 pints) <u>each calendar year</u> . Part A blood deductible reduced to the extent paid under Part B	All but blood deductible (equal to costs for first 3 pints)	All but blood deductible (equal to costs for first 3 pints)

Part B
MEDICARE BENEFITS IN

Service	1988	1989	1990	1991
Parts A & B:				
Home Health Services	Intermittent skilled nursing care and other services in the home (daily skilled nursing care for up to 21 days or longer in some cases)--100% of covered services and 80% of durable medical equipment under both Parts A & B	Same as '88	Intermittent skilled nursing care for up to 7 days a week for up to 38 days allowing for continuation of services under unusual circumstances; other services, --100% of covered services and 80% of durable medical equipment under both Parts A & B	Same as '90
PART B				
Medical Expense: Services of a Physician/Outpatient Services	80% of reasonable charges after an annual \$75 deductible	80% after annual \$75 deductible	80% of reasonable charges after \$75 annual deductible until out-of-pocket maximum is reached. 100% of reasonable charges are covered for remainder of calendar year	Same as '90
Medical Supplies Other than Prescribed Drugs				
Blood	80% of costs except nonreplacement fees (blood deductible) for 1st 3 pints in each benefit period after \$75 deductible	Pays 80% of all costs except payment of deductible (equal to costs for first 3 pints) <u>each calendar year</u>	Same as '89	Same as '89
Mammography Screening			80% of approved charge for elderly and disabled Medicare beneficiaries - exams available every other year for women 65 & over	Same as '90
Out-of-Pocket Maximum			\$1,370 consisting of Part B \$75 deductible, Part B blood deductible and 20% co-insurance	\$1,370-will be adjusted annually by Secretary of Health and Human Services
Outpatient Prescription Drugs			There is a \$550 total deductible applicable to home IV drug and immunosuppressive drug therapies as noted below	Covered after \$600 deductible subject to 50% co-insurance

Part B
 MEDICARE BENEFITS IN
 (cont'd)

<u>SECTION</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
PART B				
Home IV- Drug Therapy			80% of IV therapy drugs subject to \$550 deductible (deductible waived if home therapy is a continuation of therapy initiated in a hospital)	80% of IV therapy drugs subject to standard drug deductible (deductible waived if home therapy is a continuation of therapy drugs initiated in a hospital)
Immunosuppressive Drug Therapy	80% of costs during 1st year following a covered organ transplant (no special drug deductible; only the regular Part B deductible)	Same as '88	Same as '88 for 1st year following covered transplant; 80% of costs during 2nd and following years (subject to \$550 deductible)	Same as '90 (subject to \$600 deductible)
Respite Care Benefit			In-home care for chronically dependent individual covered for up to 80 hours after either the out-of-pocket limit or the outpatient drug deductible has been met	Same as '90

Part A
MEDICARE BENEFITS IN

<u>Service</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
PART A				
Inpatient Hospital Services:	All but \$540 for first 60 days/benefit period	All but \$560 deductible for an unlimited number of days/calendar year	All but Part A deductible for an unlimited number of days/calendar year	All but Part A deductible for an unlimited number of days/calendar year
Semi-Private Room & Board	All but \$135 a day for 61st - 90th day/benefit period			
Miscellaneous Hospital Services & Supplies, such as Drugs, X-Rays, Lab Tests & Operating Room	All but \$270 a day for 91st - 150th days (if the individual chooses to use 60 nonrenewable lifetime reserve days) per benefit period			

Skilled Nursing Facility Care	100% of costs for first 20 days (after 3-day prior hospital confinement)	80% of Medicare reasonable costs for first 8 days per calendar year without prior hospitalization requirement	80% for 1st 8 days/calendar year	80% for 1st 8 days/calendar year
	All but \$67.50 a day for 21st - 100th days			
	Nothing beyond 100 days	100% of costs thereafter up to 150 days/calendar year	100% for 9th-150th day/calendar year	100% for 9th-150th day/calendar year

Blood	Pays all costs except nonreplacement fees (blood deductible) for first 3 pints in <u>each benefit period</u>	Pays all costs except payment of deductible (equal to costs for first 3 pints) <u>each calendar year</u> .	All but blood deductible (equal to costs for first 3 pints)	All but blood deductible (equal to costs for first 3 pints)
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Part A blood deductible reduced to the extent paid under Part B.

Part B
MEDICARE BENEFITS IN

<u>Service</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
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Parts A & B:

Home Health Services	Intermittent skilled nursing home care and other services in the home (daily skilled nursing care for up to 21 days or longer in some cases) -- 100% of covered services and 80% of durable medical equipment under both Parts A & B (same 1988 and 1989)		Intermittent skilled nursing care for up to 7 days a week for up to 38 days allowing for continuation of services under unusual circumstances -- other services, -- 100% of covered services and 80% of durable medical equipment under both Parts A & B (same 1990 & 1991)	
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PART B

Medical Expense: Services of a Physician/Out-patient Services -- Medical Supplies Other than Prescribed Drugs	80% of reasonable charges after an annual \$75 deductible	80% after \$75 deductible	80% of reasonable charges after \$75 deductible until out-of-pocket maximum is reached. 100% of reasonable charges are covered for the remainder of the calendar year. (same 1990 and 1991)
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Blood	80% of costs except non-replacement fees (blood deductible) for 1st 3 pints in <u>each benefit period</u> after \$75 deductible	Pays 80% of all costs except payment of deductible (equal to costs for first 3 pints) <u>each calendar year</u> (same 1989, 1990 and 1991)
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Mammography Screening	80% of approved charge for elderly and disabled Medicare beneficiaries -- exams available every other year for women age 65 and older (same 1990 and 1991)
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Out-of-Pocket Maximum	\$1,370 consisting of Part B \$75 deductible, PartB blood deductible and 20% co-insurance (same 1990 & 1991, except \$1,370 will be adjusted annually by Sec. Health & Human Services)
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Part B
 MEDICARE BENEFITS IN

<u>Service</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>	<u>1991</u>
Outpatient Prescription Drugs			There is a \$550 total deductible for home IV drug and immunosuppressive drug therapies as noted below	Covered after \$600 deductible subject to 50% co-insurance

Home IV Drug Therapy			80% of IV therapy drugs subject to \$550 deductible (deductible waived if home therapy is a continuation of therapy initiated in a hospital)	80% of IV therapy drugs subject to standard drug deductible (deductible waived if home therapy is a continuation of therapy initiated in a hospital)
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Immunosuppressive Drug Therapy	80% of costs during 1st year following a covered organ transplant (no special drug deductible -- only the regular Part B deductible) (same benefit 1988 and 1989)		Same as 1988 & 1989 for 1st year following covered transplant; then 50% of costs during 2nd and following years (subject to \$550 deductible in 1990, \$600 in 1991)	
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Respite Care Benefit			In-home care for chronically dependent individual covered for up to 80 hours after either the out-of-pocket limit or the outpatient drug deductible has been met (same in 1990 and 1991)	
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policy reserves, and claim reserves and liabilities, both nationally and for this state. The form for filing this information is provided at WAC 284-55-205 through 284-55-210.

(4) Incurred losses shall include claims paid and the change in claim reserves and liabilities. Incurred losses shall not include policy reserves, home office or field overhead, acquisition and selling costs, taxes or other expenses, contributions to surplus, profit, or claims processing costs.

(5) The following criteria will be used to determine whether policy forms are in compliance with the loss ratio standards of this section:

(a) For the most recent year, the ratio of the incurred losses to earned premiums is greater than or equal to the applicable percentages contained in this section; and

(b) The expected losses in relation to premiums over the entire period for which the policy is rated complies with the requirements of this section, relying on the judgment of the pricing actuary and acceptable to the commissioner; and

(c) An expected (~~third-year~~) loss ratio for the third policy year, greater than or equal to the applicable percentage, shall be demonstrated for policies or certificates in force less than three years. The applicable percentage shall be as defined in subsection (6), (7), or (8) of this section.

(d) Similar policy forms shall be grouped together according to the rules set forth in WAC 284-60-040.

(e) The commissioner may consider additional criteria including, but not limited to:

(i) Equitable treatment of policyholders; and

(ii) The amount of policy reserves as defined for the insurer's statutory annual statement.

(6) Medicare supplement insurance policies issued by disability insurers and fraternal benefit societies shall be expected to return to a policyholder in the form of aggregated loss ratios under the policy, at least sixty-five percent of the earned premiums in the case of individual policies, and seventy-five percent in the case of group policies.

(7) The minimum anticipated loss ratio requirement for health care service contractors shall be seventy percent for individual forms and eighty percent for group contract forms.

(8)(a) The minimum anticipated loss ratios for a health maintenance organization are deemed to be met if its health care expense costs are seventy percent or more of the earned premium charged individual subscribers, or eighty percent or more of the earned premium charged subscribers covered under a group contract.

(b) For purposes of this chapter, "health care expense costs" means expenses of a health maintenance organization associated with the delivery of health care services which are analogous to incurred losses of insurers. Such expenses shall not include home office and overhead costs, advertising costs, commissions and other acquisition costs, taxes, capital costs, administrative costs and "claims" processing costs.

(9) For purposes of this chapter, "premium" means all sums charged, received, or deposited as consideration for

a Medicare supplement insurance policy or the continuance thereof. An assessment or a membership, contract, survey, inspection, service, or other similar fee or charge made by the insurer in consideration for such contract is deemed part of the premium.

(10) For purposes of this chapter, "earned premium" shall mean the "premium" applicable to an accounting period whether received before, during, or after such period.

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-150 FILING REQUIREMENTS AND PREMIUM ADJUSTMENTS. (1) For Medicare supplement insurance (~~(policy forms)~~) policies initially sold to residents of this state on or after January 1, 1989:

(a) Within ninety days of the effective date of this rule, every insurer required to file its Medicare supplement insurance policy forms with the commissioner shall file with the commissioner new Medicare supplement insurance policy forms which eliminate any duplication of Medicare supplement benefits with benefits provided by Medicare and which provide a clear description of the policy or contract benefit; and

(b) The filing required under this subsection shall provide for loss ratios which are at least as favorable to the insured as the minimum loss ratio standards established by WAC 284-55-115.

(2) Annually, beginning with changes to be effective January 1, 1990, as soon as practicable, but not less than sixty days prior to the annual effective date of the changes required by the Medicare Catastrophic Coverage Act of 1988, every insurer providing Medicare supplement insurance policies in this state shall file with the commissioner, in accordance with the applicable filing procedures of this state:

(a) Policy forms necessary to accomplish the Medicare supplement insurance modifications necessary to eliminate benefit duplications with Medicare, such forms providing a clear description of the Medicare supplement benefits provided by the policy or contract; and

(b) Appropriate premium adjustments necessary to produce complying loss ratios originally anticipated for the applicable policies or contracts and such supporting documents necessary in the opinion of the commissioner to justify the adjustments.

(3) Every insurer providing Medicare supplement insurance or benefits to a resident of this state shall make such premium adjustments as are necessary to produce an expected loss ratio under such policy or contract as will conform with the minimum loss ratio standards of WAC 284-55-115.

(4) No premium adjustment which would modify the loss ratio experience under the policy, other than the adjustments described in this section, may be made with respect to a policy at any time other than upon its renewal or anniversary date.

(5) Premium adjustments shall be in the form of refunds or premium credits and shall be made no later than upon renewal if a credit is given, or within sixty

days of the renewal or anniversary date if a refund is provided to the premium payer.

(6) For purposes of rate making and requests for rate increases, all individual Medicare supplement policy forms of an insurer are considered "similar policy forms" including forms no longer being marketed.

AMENDATORY SECTION (Amending Order R 88-9, filed 11/1/88)

WAC 284-55-160 ANNUAL ADJUSTMENT NOTICE TO CONFORM EXISTING MEDICARE SUPPLEMENT POLICIES TO MEDICARE CHANGES. No later than thirty days prior to the annual effective date of changes required by the Medicare Catastrophic Coverage Act of 1988, every insurer providing Medicare supplement insurance policies to a resident of this state shall notify its insureds of modifications it has made to Medicare supplement insurance policies in an annual adjustment notice. For the years 1989 and 1990, and in 1990 only if outpatient prescription drugs are covered by the policy or contract, such notice shall be substantially in the format prescribed by the commissioner at WAC 284-55-165 through ((~~284-55-175~~) 284-55-177. The annual adjustment notice is intended to be informational only and for the sole purpose of informing policy and certificate holders about changes in Medicare benefits, indexed deductible and copayment provisions, premium adjustments, and the like. The forms of annual adjustment notices provided to residents of this state shall be filed with the commissioner prior to use.

(1) Such notice shall include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement insurance policy.

(2) Such notice shall inform each covered person as to when any premium adjustment due to changes in Medicare benefits will be made.

(3) Such annual adjustment notice of benefit modifications and any premium adjustment shall be furnished in outline form and in clear and simple terms so as to facilitate comprehension.

(4) Such notice shall not contain or be accompanied by any solicitation.

NEW SECTION

WAC 284-55-172 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1990.

(COMPANY NAME)

NOTICE OF CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT INSURANCE — 1990

Your health care benefits provided by the federal Medicare program will change beginning January 1, 1990. Additional change will occur on medical benefits in following years. The major changes are summarized below. These changes will affect hospital, medical, and other services and supplies provided under Medicare. Because of these changes your Medicare supplement coverage provided by ... (company name) ... will change, also.

The following outline briefly describes the modifications to Medicare and in your Medicare supplement coverage. Please read carefully!

(A brief description of the revisions to Medicare Parts A & B with a parallel description of supplemental benefits with subsequent changes, including dollar amounts, provided by the Medicare supplement coverage in substantially the following format.)

<u>MEDICARE BENEFITS COVERAGE</u>	Effective January 1, 1990, Medicare Will Pay Per Calendar Year	<u>YOUR MEDICARE SUPPLEMENT</u>	Effective January 1, 1990, Your Coverage Will Pay Per Calendar Year
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MEDICARE PART A: SERVICES AND SUPPLIES

Unlimited number of hospital days after (\$564) deductible

POSTHOSPITAL SKILLED NURSING CARE

There is no prior confinement requirement for this benefit

First 8 days — All but (\$....) a day

9th through 150th day — 100% of costs

Beyond 150 days — Nothing

MEDICARE PART B: SERVICES AND SUPPLIES

80% of allowable charges (after \$75.00 deductible)	80% of allowable charges (after \$75.00 deductible until an annual Medicare Catastrophic Limit* is met. 100% of allowable charges for the remainder of the calendar year. The limit in 1990 is \$1370 and will be adjusted on an annual basis.
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PRESCRIPTION DRUGS

<u>Inpatient prescription drugs.</u> 80% of allowable charges for immunosuppressive therapy drugs during the first year following covered transplant.	<u>Inpatient prescription drugs.</u> 80% of allowable charges for home intravenous (IV) therapy drugs and 50% of allowable charges for immunosuppressive drugs after \$550.00 (in 1990) calendar year deductible is met.
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* Expenses that you must pay out-of-pocket and that count toward the Part B Medicare Catastrophic Limit include: The Part B deductible and copayment charges and the Part B blood deductible charges.

(ANY ADDITIONAL BENEFITS)

(Describe any coverage provisions changing due to Medicare modifications.)

(Include information about premium adjustments that may be necessary due to changes in Medicare benefits or when premium information will be sent.)

This chart summarizing the changes in your Medicare benefits and in your Medicare supplement insurance provided by ... (company) ... , only briefly describes such benefits. For information on your Medicare benefits contact your Social Security Office or the Health Care Financing Administration. For information on your Medicare supplement (policy) contact: ... (company name... or name of agent) (address) (phone number).

NEW SECTION

WAC 284-55-177 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1991.

(COMPANY NAME)

NOTICE OF CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT INSURANCE — 1991

Your health care benefits provided by the federal Medicare program will change beginning January 1, 1991. Additional change will occur on medical benefits in following years. The major changes are summarized below. These changes will affect hospital, medical, and other services and supplies provided under Medicare. Because of these changes your Medicare supplement coverage provided by ... (company name) ... will change, also. The following outline briefly describes the modifications in Medicare and in your Medicare supplement coverage. Please read carefully!

(A brief description of the revisions to Medicare Parts A & B with a parallel description of supplemental benefits with subsequent changes, including dollar amounts, provided by the Medicare supplement coverage in substantially the following format.)

<u>MEDICARE BENEFITS COVERAGE</u>		<u>YOUR MEDICARE SUPPLEMENT</u>	
Medicare Now Pays Per Calendar Year	Effective January 1, 1991, Medicare Will Pay Per Calendar Year	Your Coverage Now Pays Per Calendar Year	Effective January 1, 1991, Your Coverage Will Pay Per Calendar Year

MEDICARE PART A: SERVICES AND SUPPLIES

Unlimited number of hospital days after (\$.....) deductible

POSTHOSPITAL SKILLED NURSING CARE

There is no prior confinement requirement for this benefit

First 8 days - All but (\$.....) a day

9th through 150th day — 100% of costs

Beyond 150 days - Nothing

MEDICARE PART B: SERVICES AND SUPPLIES

80% of allowable charges (after \$75.00 deductible) until an annual Medicare Catastrophic	80% of allowable charges (after \$75.00 deductible) until an annual Medicare Catastrophic Limit* is
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MEDICARE BENEFITS COVERAGE

Medicare Now Pays Per Calendar Year

Effective January 1, 1991, Medicare Will Pay Per Calendar Year

YOUR MEDICARE SUPPLEMENT

Your Coverage Now Pays Per Calendar Year

Effective January 1, 1991, Your Coverage Will Pay Per Calendar Year

Limit* is met. 100% of allowable charges for the remainder of the calendar year. The limit in 1990 is \$1370 and will be annually.	met. 100% of allowable charges for the remainder of the calendar year. The limit in 1991 is (\$.....) and will be adjusted annually.
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PRESCRIPTION DRUGS

Inpatient prescription drugs. 80% of allowable charges for home IV therapy drugs and 50% of allowable charges for immunosuppressive drugs, after a \$550 calendar year deductible is met.	Same as 1990 and 50% of allowable charges for all other outpatient prescription drugs, after \$600 calendar year deductible is met.
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* Expenses that you must pay out-of-pocket and that count toward the Part B Medicare Catastrophic Limit include: The Part B deductible and copayment charges and the Part B blood deductible charges.

(ANY ADDITIONAL BENEFITS)

(Describe any coverage provisions changing due to Medicare modifications.)

(Include information about premium adjustments that may be necessary due to changes in Medicare benefits or when premium information will be sent.)

This chart summarizing the changes in your Medicare benefits and in your Medicare supplement insurance provided by ... (company) ... , only briefly describes such benefits. For information on your Medicare benefits contact your Social Security Office or the Health Care Financing Administration. For information on your Medicare supplement (policy) contact: ... (company name... or name of agent) (address) (phone number).

NEW SECTION

WAC 255-55-205 MEDICARE SUPPLEMENT LOSS RATIO EXPERIENCE FORM REQUIRED. The form provided at WAC 284-55-210 shall be filed with the commissioner annually not later than June 30th of each calendar year beginning June 30, 1990. The form is to be filed in addition to the NAIC experience exhibit and not in lieu thereof.

The following instructions must be followed when completing the form:

- (1) The data shall be furnished in the same format and order as that shown at WAC 284-55-210;
- (2) The name of the insurer must be clearly shown at the top of each page;
- (3) Separate data must be shown for each policy form number and for each policy duration of each form;
- (4) The current approved rate schedule for each policy form number shall be attached to the experience form and shall show the policy form number for purposes of identification;

(5) Incurred losses shall include claims paid and the change in claim reserves and liabilities. A list of items that are not to be included in incurred losses is provided at WAC 284-55-115(4);

(6) The loss ratio shall be the ratio of incurred losses to earned premium;

(7) The experience form shall be certified by an officer of the insurer;

(8) Complete data is required for each policy form on both a national basis and for policies sold in the state of Washington;

(9) Policy reserves shall include:

(a) Active life reserves;

(b) Contingency and additional reserves;

(c) Increased reserves which may be required by the commissioner.

NEW SECTION

WAC 284-55-210 FORM OF MEDICARE SUPPLEMENT LOSS RATIO EXPERIENCE. The following form of Medicare Supplement Loss Ratio Experience shall be used by all insurers:

MEDICARE SUPPLEMENT LOSS RATIO EXPERIENCE
(SUMMARIZED BY POLICY YEAR)

Experience reported for January 1 to December 31 of 19_____

To be filed on or before June 30

of the _____

Address (City, State, and Zip Code) _____

NAIC Group Code _____ NAIC Company Code _____ CIC Code _____

National Experience

<u>Form No.</u>	<u>No. of Contracts in Force</u>	<u>Policy Duration</u>	<u>Incurred Losses</u>	<u>Earned Premiums</u>	<u>Loss Ratio</u>	<u>Unearned Premium Reserve</u>	<u>Policy Reserves</u>	<u>Claim Reserves</u>
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Washington Experience

<u>Form No.</u>	<u>No. of Contracts in Force</u>	<u>Policy Duration</u>	<u>Incurred Losses</u>	<u>Earned Premiums</u>	<u>Loss Ratio</u>	<u>Unearned Premium Reserve</u>	<u>Policy Reserves</u>	<u>Claim Reserves</u>
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I hereby certify that I have supervised the preparation of this experience exhibit, that it is complete and accurate to the best of my knowledge, and it is in compliance with RCW 48-66-150, WAC 284-55-115 and WAC 284-55-150.

Signature of Officer

Date

Name and Title of Officer

Prepared by

Phone Number

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 284-55-170 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1990.

WAC 284-55-175 FORM OF ANNUAL ADJUSTMENT NOTICE—POLICY CHANGES EFFECTIVE JANUARY 1, 1991.

WSR 89-11-097
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—May 24, 1989]

The Washington State Human Rights Commission will hold its next regular commission meeting in Spokane. The meeting on June 21 will be held at the Sheraton-Spokane, Gifford Pinchot Room, North 322 Spokane Falls Court, Spokane, beginning at 7:00 p.m. and will be a training and work session. The regular business meeting will be held at the Eastern Washington University Spokane Center, Fourth Floor Mall, West 705 First, Spokane, beginning at 9:00 a.m. on June 22. The topic of discussion for the month of June will be AIDS. The commission will also focus on Housing as a topic for the year.

WSR 89-11-098
RULES COORDINATOR
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed May 24, 1989]

In accordance with RCW 34.05.310, the rules coordinator for the Department of Social and Health Services is Linda Zacharias, 3rd Floor, Office Building 2, Mailstop OB-33H, Olympia, Washington 98504, phone (206) 753-2377 or 234-2377 scan.

WSR 89-11-099
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistant)
 [Filed May 24, 1989]

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 Social Security number, amending WAC 388-49-320;

that the agency will at 10:00 a.m., Wednesday, June 28, 1989, in the 12th and Franklin, OB-2, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 29, 1989.

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

The specific statute these rules are intended to implement is chapter 74.04 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 28, 1989.

Correspondence concerning this notice and proposed rules shown below 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 June 14, 1989. The meeting site is in a location which is barrier free.

Dated: May 22, 1989
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
 Re: Amending WAC 388-49-320.

Purpose of the Rule Change: To amend the food stamp program requirements regarding Social Security numbers.

Reason this Rule is Necessary: To implement food and nutrition service (FNS) Administrative Notice 89-34, improve clarity, and eliminate duplication.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: Households refusing to provide information needed to validate a Social Security number are ineligible for the food stamp program; subsection (8) is deleted because it duplicates subsection (4); and other changes are to improve clarity.

Person Responsible for Drafting and Implementation of the Rule: Randy Francom, Community Services Program Manager, Division of Income Assistance, Mailstop OB-31C, 234-4918 scan.

This rule is necessary as a result of FNS Administration Notice 89-34.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-320 SOCIAL SECURITY NUMBER. (1) Categorically eligible households, ((as)) defined ((m)) under WAC 388-49-180, are not subject to the provisions of this section.

(2) Prior to certification, a person applying for or participating in the food stamp program shall:

(a) Provide ((his or her)) the Social Security number or numbers (SSN)((:)) for each member of the household; or

(b) Apply for and provide verification of SSN application if number is unknown or has not been issued.

(3) The department shall inform households:

(a) Where to apply for an SSN((:));

(b) What information is needed((:)); and

(c) Failure to apply for or provide an SSN shall result in the disqualification of the person for whom the SSN is not obtained.

(4) The department shall disqualify any person failing to provide or apply for an SSN. The disqualification shall continue until the person provides ((a)) an SSN.

(5) The department shall allow the person to participate for one month in addition to the month of application if a household member can show good cause why ((a)) an SSN application has not been completed in a timely manner. The following criteria shall determine good cause:

(a) Good cause shall exist when:

((a)) (i) Documentary evidence or collateral information verifies the person has ((applied)) attempted to apply for an SSN; ((or)) and ((tb)) (ii) The person has made every effort to supply Social Security Administration with necessary information((and)).

~~((c))~~ (b) Good cause does not include delays due to illness, lack of transportation, or temporary absence.

(6) The department shall make every effort to assist the household member to obtain documents necessary for SSN application.

(7) The department shall determine good cause for failure to apply monthly to allow ~~((persons))~~ the household member to continue on the food stamp program.

~~(8) ((Disqualified persons may become eligible when they provide their SSN.~~

~~(9))~~ The department shall not delay certification of an eligible household for verification of an SSN.

~~(9) The department shall determine the whole household to be ineligible if, after being notified an SSN was returned by the Social Security Administration (SSA) as not validated, the household refuses to provide the:~~

~~(a) Correct information; or~~

~~(b) Information SSA needs to verify the SSN.~~

WSR 89-11-100

ADOPTED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2799—Filed May 24, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

This action is taken pursuant to Notice No. WSR 89-08-046 filed with the code reviser on March 31, 1989. 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 74.09.120 and 74.46.800 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 May 22, 1989.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-210 SCOPE OF FIELD AUDITS.

(1) Auditors will review the contractor's recordkeeping and accounting practices and, where appropriate, make written recommendations for improvements.

(2) The audit will result in a schedule summarizing adjustments to the contractor's cost report whether such adjustments eliminate costs reported or include costs not reported. These adjustments shall include an explanation for the adjustment, the general ledger account or account group, and the dollar amount. Auditors will examine the contractor's financial and statistical records to verify that:

(a) Supporting records are in agreement with reported data;

(b) Only those assets, liabilities, and revenue and expense items the department has specified as allowable have been included by the contractor in computing the costs of services provided under its contract;

(c) Allowable costs have been accurately determined and are necessary, ordinary, and related to patient care;

(d) Related organizations and beneficial ownerships or interests have been correctly disclosed;

(e) Recipient trust funds have been properly maintained; and

(f) The contractor is otherwise in compliance with provisions of this chapter and chapter 74.46 RCW.

(3) In determining allowable costs for each contractor for each cost report year selected for field audit, auditors shall consider and include in their adjustments, as appropriate, all lid adjustments and other desk review adjustments previously made to the reported costs being audited, that is, made to such costs for the purpose of establishing a contractor's July 1 Medicaid rate following the cost report period under audit.

(4) Auditors will prepare draft audit narratives and summaries and provide them to the contractor before final narratives and summaries are prepared.

AMENDATORY SECTION (Amending Order 2573, filed 12/23/87)

WAC 388-96-221 PRELIMINARY SETTLEMENT. (1) In the proposed preliminary settlement submitted ~~((pursuant to))~~ under WAC 388-96-220(2), a contractor shall compare the prospective rates at which the contractor was paid during the report period, weighted by the number of patient days reported for the period each rate was in effect, to the contractor's allowable costs for the reporting period. The contractor shall take into account all authorized shifting, cost savings, and upper limits to rates on a cost center basis.

(2) Within one hundred twenty days after a proposed preliminary settlement is received, the department shall:

(a) Review proposed preliminary settlement for accuracy, and

(b) Either accept or reject the proposal of the contractor. If accepted, the proposed preliminary settlement shall become the preliminary settlement report. If rejected, the department shall issue, by cost center, a preliminary settlement report fully substantiating disallowed costs, refunds, or underpayments due and adjustments to the proposed preliminary settlement.

(3) A contractor shall have thirty days after receipt of a preliminary settlement report to contest such report ~~((pursuant to))~~ under WAC 388-96-901 and 388-96-904. Upon expiration of the thirty-day period, the department shall not review or adjust a preliminary settlement report.

(4) If no audit is scheduled by the department or if a scheduled audit is not performed within two years of the scheduled date, the department shall perform the preliminary settlement review described in this section with the following exceptions:

(a) For cost centers, the department shall use desk-reviewed costs as the contractor allowable costs for the reporting period;

(b) The department shall calculate the variable portion of return on investment as calculated in the prospective rate;

(c) The department shall base the financing allowance portion of return on investment on audited costs in compliance with provisions contained in this chapter. If audited costs are not available, the department shall use the financing allowance used for rate setting. If an audited financing allowance is later determined, the department shall revise the final settlement to reflect audited financing allowance if payment is changed by \$1,000 or more; and

(d) When a complete audit was not performed and audited information is needed for purposes of calculating return on investment, the department may do a partial audit of current or prior year cost report.

(5) Beginning with preliminary settlements for report year 1988, if the department intends to field audit a facility's reported costs, the department shall issue the facility's preliminary settlement report based upon reported costs. If the department does not intend to field audit a facility's reported costs, the department shall issue the facility's preliminary settlement report based upon desk-reviewed costs utilizing the procedure under subsection (4) of this section.

(6) If the facility prevents, hinders, or otherwise delays completion of a full field audit, that facility's preliminary settlement issued on reported costs may be reopened to substitute desk-reviewed costs.

WSR 89-11-101
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2800—Filed May 24, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-49-450 Income—Earned.
Amd WAC 388-49-470 Income—Exclusions.

This action is taken pursuant to Notice No. WSR 89-08-100 filed with the code reviser on April 5, 1989. 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 May 22, 1989.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2762, filed 2/13/89)

WAC 388-49-450 INCOME—EARNED. (1) The department shall consider the following as earned income:

(a) Wages and salaries;
(b) Gross income from self-employment, including total gain from the sale of any capital goods or equipment related to the business, and excluding the cost of doing business. Self-employment income includes:

(i) Income from rental property if a household member is managing the property an average of twenty hours or more a week; and

(ii) Payments from a roomer; and

(iii) Payments from a boarder except for child foster care payments.

(c) Training allowances from vocational and rehabilitative programs:

(i) Recognized by federal, state, or local governments; and

(ii) Are not a reimbursement.

(d) Payments under Title I of the Domestic Volunteer Service Act;

(e) Advance on wages;

(f) Earnings by persons nineteen years of age and older from on-the-job training programs under JTPA;

(g) State and federal work study funds;

(h) ~~((EIC received regularly;~~

~~((i))~~ Money from the sale of blood or blood plasma; and

~~((f))~~ (i) Military basic allowance for quarters and basic allowance for subsistence in lieu of provided housing and/or food.

(2) The department shall verify gross nonexempt earned income except for expedited service households:

(a) Prior to initial certification;

(b) At reapplication if amount has changed more than twenty-five dollars; and

(c) On a monthly basis for households subject to monthly reporting.

AMENDATORY SECTION (Amending Order 2716, filed 10/19/88)

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.

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

- (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.
- (w) Earned income credit.
 - (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 89-11-102
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2801—Filed May 24, 1989]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-22-030 Definitions.
 Amd ch. 388-29 WAC Standards—Eligibility.

This action is taken pursuant to Notice No. WSR 89-08-099 filed with the code reviser on April 5, 1989. 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 May 22, 1989.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1521, filed 7/9/80)

WAC 388-22-030 DEFINITIONS. This section ~~((is a compilation of the))~~ contains definitions of words and phrases extensively used in the department's rules concerning the financial aid programs. ~~((Their collection in one section tends to ensure a more exact understanding of the word or concept and to avoid repetition of the definition))~~ This section provides a central location for definitions while eliminating the need to repeat the same in each WAC chapter. Related definitions ~~((have been))~~ are grouped under the key word.

For ~~((definitions of terms used in the))~~ medical assistance—Title XIX and medical services (fully state financed) ~~((programs))~~ program definitions, see chapter 388-80 WAC. For ~~((definitions of terms used in the))~~ food stamp program definitions, see chapter ~~((388-54))~~ 388-49 WAC.

(1) "Adequate consideration" means ~~((that))~~ the reasonable value of the goods or services received in exchange for ~~((the))~~ transferred property approximates the reasonable value of the property transferred.

(2) "Adult" means a person eighteen years of age or older.

(3) ~~((“Apartment” means two or more rooms with cooking and sleeping facilities which is a unit of a larger structure.~~

~~((4))~~ "Applicant" ~~((shall))~~ means any ~~((person or))~~ member~~((s))~~ of ~~((a family))~~ an assistance unit by ~~((whom))~~ or for whom a request for assistance has been made.

~~((5))~~ (4) "Application" means a written request for financial assistance or a written or oral request for medical or social service, provided by the department of social and health services, made by a person in ~~((his/her))~~ the person's own behalf or in behalf of another person.

~~((6))~~ (5) "Assistance unit" means a person or ~~((members))~~ group of ~~((a family unit who are eligible))~~ persons required to be included ~~((in a single categorical grant))~~ together when determining eligibility for an assistance program.

~~((7))~~ (6) "Authorization" means an official approval of a departmental action~~((:))~~:

(a) "Authorization date" means the date the prescribed form authorizing assistance ~~((for a new, reopened or reinstated case))~~ is signed.

(b) "Authorization of grant" means attesting the applicant's eligibility for assistance ~~((in an amount as determined by his circumstances and department standards))~~ and giving authority to make payment accordingly.

~~((8))~~ (7) "Automobile" means a motorized vehicle.

~~((9))~~ (8) "Board and room" means a living arrangement ~~((in which an individual))~~ where a person purchases ~~((his))~~ food, shelter, and household maintenance ~~((requirements))~~ from one vendor.

~~((10))~~ (9) "Boarding home" means ~~((any))~~ a place ~~((in which one or more))~~ where a person~~((s))~~ purchases ~~((his))~~ food, shelter, and household maintenance ~~((requirements))~~ on a board and room basis.

~~((11))~~ (10) "CFR" means the code of federal regulations ~~((and is a codification of the general and permanent rules published in the federal register))~~ established by the ~~((executive departments and agencies of the))~~ federal government.

~~((12))~~ (11) "Cash savings" means money which is not classified as income.

~~((13))~~ (12) "Certification date" means the date the worker certifies changes in a ~~((recipient's circumstances))~~ client's case and authorizes ~~((an action affecting))~~ a change in grant.

~~((14))~~ (13) "Child" or "minor child" means a person under 18 years of age.

~~((15))~~ (14) "Chore services" ~~((are those tasks specifically related to))~~ means household, yard, and/or personal care services which assist a person in ~~((his/her))~~ the person's own home.

~~((16))~~ (15) "Client" means an applicant and/or recipient of financial, medical and/or social services.

~~((17))~~ (16) "Continuing assistance" means payments to persons who ~~((presumably will be))~~ are eligible for and receive~~((, from the date of authorization,))~~ regular monthly grants on a prepayment basis. ~~((Continuing assistance includes federal aid and continuing general assistance grants to unemployable persons.))~~

(17) "Dependent child" means a child who is not self-supporting, married, or a member of the armed forces of the United States. Receiving public assistance does not constitute self-support.

(18) "Disability." (See WAC 388-93-025.)

(19) "Disaster assistance" means a financial grant or temporary housing ~~((awarded))~~ for eligible victims of ~~((a gubernatorially proclaimed and/or presidentially))~~ an emergency or major disaster as declared ~~((emergency))~~ by the governor or ~~((major disaster))~~ president.

(20) "Effective date" means the date eligibility for a grant begins ~~((or eligibility))~~, changes, or ends.

(21) "Encumbrances" means any mortgage, claim, lien, charge or other legally enforceable liability, such as past due taxes, ~~((attaching))~~ attached to and binding ~~((upon))~~ on property.

(22) "Entitlement" means any form of benefit, such as compensation, insurance, pension retirement, military, bonus, allotment, allowance payable in cash or ~~((its equivalent in which an applicant/recipient))~~ in-kind in which a client may have a claim or ~~((interests recognized by law))~~ interest.

(23) "Equity" means quick-sale value less ~~((legally enforceable))~~ encumbrances.

(24) "Estate" means all real and personal property ~~((owned by))~~ that a deceased person has a right or interest as of the date of ~~((his))~~ death.

(25) "Exception to policy" means ~~((approval))~~ a waiver by the secretary's designee to ~~((waive))~~ a ~~((rule~~

in Title 388 WAC) department policy for a specific client ((who is)) experiencing an undue hardship ((as a result)) because of ((that rule)) the policy. ((Such a)) The waiver may not be contrary to law.

(26) "Fair hearing" means an administrative proceeding ((by which the department hears)) to hear and ((decides the)) decide a client appeal of ((an applicant/recipient from an)) a department action or decision ((of the department)).

(27) "Federal aid" means the assistance grant programs ((for which funds are received)) funded in part by ((the state from)) the ((U.S.)) United States Government.

(28) "Food stamp program(:)" means the program administered by the department in cooperation with the U.S. Department of Agriculture ((under which)) to certify eligible households ((are certified)) to receive food coupons ((to be)) used to buy food.

(29) "Fraud."

(a) For financial aid programs, fraud means a deliberate, intentional and willful act with the specific purpose of deceiving the department with respect to any material fact, condition or circumstance affecting eligibility or need(:).

(b) ((For definition of)) "Food stamp fraud(:)" ((see)) is defined in chapter ((388-54)) 388-49 WAC.

(30) "Funeral" means the ((proper preparation and)) care of the remains of a deceased person with ((needed facilities and)), appropriate ((memorial)) services including necessary costs of, needed facilities, a lot or cremation, and ((all services related to the interment and)) the customary memorial marking of a grave.

(31) "General assistance(=~~continuing~~-(GAU))" means state-funded assistance to ((unemployable)) eligible pregnant or incapacitated persons who are not eligible for or not receiving federal aid assistance.

(32) ((~~"General assistance-noncontinuing"~~-(GAN)) is temporary assistance for persons who are not eligible for or receiving federal aid assistance:

((33)) "Grant" means an entitlement awarded to ((an applicant/recipient)) a client and paid ((in the form of a)) by state warrants redeemable at par.

(a) "Grant adjustment" means postpayment of the difference between the amount ((for which the recipient)) a client was eligible for in a given period and the amount already paid.

(b) "Initial grant" means the payment due from date of eligibility to the ((payment)) date of the first regular grant.

(c) "Minimum grant" means ((one dollar)) ten dollars, unless a court decision requires payment of a smaller amount, or the grant would have exceeded ten dollars prior to applying a mandatory overpayment deduction.

(d) "One-time grant" means ((one)) a payment supplementing or replacing a regular grant.

(e) "Regular grant" means the monthly prepayment of assistance on a continuing basis.

((34)) (33) "Grantee" means the person or persons to or for whom assistance is paid(:)

(35) "Homemaker services" are services provided by an employee of the agency to individuals and families in

their own homes or in special group situations outside their homes which will help individuals overcome specific and temporary barriers to maintaining, strengthening and safeguarding their functioning in the home).

((36)) (34) "House" means a separate structure of one or more rooms.

((37)) (35) "Household maintenance" means the requirements for space heating, water heating, cooking, lights, ((and)) refrigeration, household supplies, garbage ((and)), sewage disposal, and water.

((38)) (36) "Income" means any appreciable gain in real or personal property (cash or in-kind) received by ((an applicant/recipient on or after the first of)) a client during the month ((in)) for which eligibility is determined, and ((which)) that can be applied toward ((meeting)) the ((requirement)) needs of the ((applicant and his dependents, either directly or by conversion into money or its equivalent)) assistance unit.

(a) "Cash income" means income in the form of money, bank notes, checks or any other readily liquidated form ((paid and received as money)).

(b) "Earned income" means income in cash or in-kind earned as wages, salary, commissions or profit from activities in which the individual is engaged as a self-employed person or as an employee.

(c) "Exempt income" means net income which is not deducted from the cost of requirements to determine need.

(d) "Income(=) in-kind" means income in the form of a requirement which contributes appreciably toward meeting the need for the requirement. Income(=) in-kind shall be evaluated in terms of its cash equivalent ((in accordance with)) under WAC 388-28-600.

(e) "Net income" means gross income less cost of producing or maintaining the income.

(f) "Nonexempt income" means net income which is deducted from the cost of requirements to determine need.

(g) "Recurrent income" means income which can be predicted to occur at regular intervals.

((39)) (37) "Incapacity" (see WAC ((388-24-060)) 388-24-065 for AFDC and WAC 388-37-030 and 388-37-032 for GA-U.

((40)) (38) "Inquiry" means a request for information about the department and/or the services offered by the department.

((41)) (39) "Institution" means a treatment facility within which an individual receives professional care specific to that facility(:).

(a) "Institution-medical" provides medical, nursing or convalescent care by professional personnel.

(b) "Institution-private" is operated by nongovernmental authority by private interests.

(c) "Institution-public" is supported by public funds and administered by a governmental agency.

(d) "Institutional services" are those items and services furnished to individuals in a particular institution.

(e) "Nursing home" means a public facility or private licensed facility certified by the department to provide skilled nursing and/or intermediate care.

((42)) (40) "Joint account" means a numbered account within a financial institution which is registered to

two or more parties and is accessible to each party for withdrawal of a cash resource (see WAC ~~((388-28-430 (2)(b)(ii)))~~ 388-28-430 (2)(a)).

~~((43))~~ (41) "Living in own home" means a living arrangement ~~((not involving))~~ other than a boarding ~~((and rooming, or care in a))~~ home, hospital, nursing home, or other institution.

~~((44))~~ (42) "Marketable securities" means stocks, bonds, mortgages, and all other forms of negotiable securities.

~~((45))~~ (43) "Minor" ~~((or "minor child"))~~ means a person under eighteen years of age.

~~((46))~~ (44) "Need" is the difference between the ~~((applicant's or recipient's))~~ assistance unit's financial requirements ~~((for the assistance unit as measured))~~, by ~~((the))~~ departmental standards ~~((of the department))~~, and the value of all ~~((nonexempt resources and))~~ nonexempt net income and resources received by or available to the assistance unit.

~~((47))~~ (45) "Need under normal conditions of living" means the Washington state gross median income adjusted for family size as promulgated by the secretary of HEW, under the authority granted by Title XX of the Social Security Act minus other income during a period of time when not receiving public assistance.

~~((48))~~ (46) "Overpayment" means any assistance paid to ~~((a person-))~~ an assistance unit ~~((who is not eligible))~~ where:

(a) Eligibility for the payment did not exist; or
(b) Assistance paid ~~((to an eligible person (assistance unit)))~~ was in excess of need.

~~((49))~~ (47) "Payee" means the person in whose name a warrant or check is issued.

~~((50))~~ (48) "Permanent and total disability" means ~~((that the individual has some permanent physical/mental impairment disease or loss that substantially precludes him/her from engaging in a useful occupation within his/her competence to perform such as holding a substantially gainful job or homemaking (see WAC 388-93-025)))~~ the inability to do any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to result in death or which has lasted or is expected to last for at least twelve consecutive months.

~~((51))~~ (49) "Property" means all resources and/or income possessed by ~~((an applicant or a recipient))~~ a client.

(a) "Personal property" means any form of property which is not real property.

(b) "Real property" is land, buildings thereon and fixtures permanently attached to such buildings. Growing crops are included. Any structure used as a dwelling shall be considered as real property.

(c) "Transfer of property" means a conveyance of title to, or any interest in, property from one party to another through a bill of sale, deed, or any other instrument conveying the interest in property.

(d) "Used and useful property" means property which currently serves a practical purpose for ~~((an applicant/recipient))~~ a client.

~~((52))~~ (50) "Protective payment" means a ~~((cash public assistance))~~ grant payment to an individual ~~((in))~~

on behalf of an eligible recipient ~~((who, without good cause, refuses to cooperate with the office of support enforcement; who is certified to the work incentive (WIN) program; and refuses to participate in it; or who refuses to accept a bona fide offer of employment; or who demonstrates an inability to manage his/her grant funds; or the mismanagement of a caretaker relative's grant funds is such that the funds have not been nor are they currently being used in the best interest of the child)).~~

~~((53))~~ (51) "Psychiatric facility" means an institution ~~((which is))~~ legally qualified to administer psychiatric inpatient treatment.

~~((54))~~ (52) "Public assistance" means public aid to persons in need thereof for any cause including services, medical care, assistance grants, disbursing orders, and work relief ~~((, general assistance and federal aid assistance)).~~

~~((55))~~ (53) "Recipient" means any person within an assistance unit receiving assistance ~~((and in addition those dependents whose needs are included in the recipient's assistance)).~~

~~((56))~~ (54) "Reinstate" means an authorization to resume payment of a grant from the category in which payment was previously suspended.

~~((57))~~ (55) "Requirement" means an item of maintenance or a service recognized by the department as essential to the welfare of an individual.

(a) "Additional requirement" means a requirement which is essential for some clients under specified conditions. See WAC 388-29-150 through 388-29-270.

(b) "Basic requirements" means the needs essential to all persons ~~((=))~~; food, clothing, personal maintenance and necessary incidentals, shelter and household maintenance.

~~((58))~~ (56) "Resource" means ~~((any))~~ an asset, tangible or intangible, owned by or available to ~~((an applicant when he/she applies for assistance))~~ a client which can be applied toward meeting financial need, either directly or by conversion into money or its equivalent. Any ~~((property))~~ resource obtained on or after the first of the month ~~((within))~~ in which eligibility is determined is called "income~~((;))~~" ~~((except for nonrecurring lump sum payments as specified in WAC 388-28-440)).~~

(a) "Exempt resource" is a resource which by ~~((law or rule of the department does))~~ policy is not ~~((make the owner ineligible, nor is its value used))~~ considered in computing financial need.

(b) "Nonexempt resource" means a resource which is not exempt ~~((by law or policy of the department))~~, and the value of which is used to determine financial need.

~~((59))~~ (57) "Restitution" means repayment to the state of assistance paid contrary to law.

~~((60))~~ (58) "Separate property" means real or personal property which was acquired by either spouse before marriage, or as a result of gift or inheritance, or was acquired and paid for entirely out of income from separate property.

~~((61))~~ (59) "Statements in support of application" means any form~~((s))~~ or document~~((s))~~ required under department regulations.

~~((62))~~ (60) "Suspension" means a temporary discontinuance of a grant payment.

~~((63))~~ (61) "Terminate" means discontinuance of payment or ~~((termination of))~~ suspension status.

~~((64))~~ (62) "Transfer" means reassignment of a case record from one CSO to another ~~((which includes all administrative functions necessary to recompute and adjust a grant))~~ in accordance with a ~~((recipient's permanent))~~ client's change of residence.

~~((65))~~ (63) "Unmarried parents" means a man and a woman not legally married who are the natural parents of the same child.

~~((66))~~ (64) "Value" means the worth of an item in money or goods at a certain time.

(a) "Ceiling value" means the limitation established by the department on the gross market value of nonexempt property.

(b) "Fair market value" means the price at which a seller willing, but not required to sell, might sell to a purchaser, willing but not required to purchase.

(c) "Quick-sale value" or "forced-sale value" is the value at which property can be converted into cash almost immediately, and without waiting for "the best offer."

~~((67))~~ (65) "Vendor payment" means an authorized payment to an individual, corporation or agency for goods furnished or services rendered to an individual eligible for public assistance.

~~((68))~~ (66) "Vocational training" means an organized curriculum in a school ~~((or))~~, training unit, or ~~((an organized))~~ training program under recognized sponsorship with a specific vocational training objective.

~~((69))~~ (67) "Warrant" means the state treasurer's warrant issued in payment of a grant.

~~((70))~~ (68) "Warrant register" means the ~~((list(s)))~~ list of warrants issued specifying payee's name, amount of payment, warrant number, and for each AFDC payment ~~((of))~~ the number of matchable persons whose need is being met by the grant.

(a) "Regular warrant register" means the list of regular grants paid.

(b) "Supplemental warrant register" means the list of initial, adjusting and one-time grants paid~~((:~~

~~(71) "Work incentive program" or "WIN" means a program authorized by the Social Security Act to facilitate the placement of AFDC recipients in the work force through employment or employment training incentive positions. It is jointly administered by the department of social and health services (DSHS) and the department of employment security (DES).~~

~~(a) "Registration" means the process whereby an AFDC applicant/recipient signs a completed registration card.~~

~~(b) "Certification" means a written statement by DSHS to DES that requested self-support services are provided or arranged for a specific participant and that the individual is ready for employment or training, or that no self-support services are needed and that the individual is at the time ready for employment and training.~~

~~(c) "Deregistration" means the removal of an individual from the WIN program upon the administrative decision of DES).~~

AMENDATORY SECTION (Amending Order 2677, filed 9/1/88)

WAC 388-29-001 DEFINITIONS. (1) "Assistance unit" means a person or ~~((members of a family eligible))~~ group of persons required to be included ~~((in a single categorical grant))~~ together when determining eligibility for an assistance program.

(2) "Board and room" means a living arrangement in which an individual purchases ~~((their))~~ food, shelter, and household maintenance requirements from a single vendor.

(3) "Boarding home" means any place where one or more persons purchases ~~((their))~~ food, shelter, and household maintenance requirements from a single vendor.

(4) "Consolidated standards of need" means combining individual requirement amounts into a single dollar value.

(5) "Household maintenance" means the requirements for space heating, water heating, cooking, lights, refrigeration, household supplies, garbage pickup, sewage disposal, and water.

(6) "Life estate" means the right to use property for the duration of a specific person's life time.

(7) "Living in own home" means a living arrangement not involving boarding and rooming or care in a hospital, nursing home, or another institution.

(8) "Maximum" means no incremental increase in the payment standard for additional members of an assistance unit beyond a designated size.

(9) "Medical institution" means an institution where professional personnel provide medical, nursing, or convalescent care.

(10) "Need" means the difference between the payment standard and the applicant's or recipient's available income, if any.

(11) "Payment standard" means the amount to which the applicant's or recipient's available income and resources are compared in determining financial eligibility.

(12) "Rateable reduction" means the percentage difference between the need standard and the payment standard.

(13) "Requirement" means an item or service recognized by the department as essential to the welfare of an individual.

(a) "Additional requirement" means a requirement which is essential to some clients under specified conditions.

(b) "Basic requirements" means food, clothing, shelter, transportation, household maintenance, personal maintenance, and necessary incidentals.

(14) "Standards of need" or "need standard" means the income required by an applicant or recipient to maintain a minimum and adequate level of living.

AMENDATORY SECTION (Amending Order 2215, filed 3/13/85)

WAC 388-29-020 STANDARDS OF ASSISTANCE—~~((FAMILY))~~ GRANT RELATIONSHIPS. (1) ~~((The law specifies who is eligible to receive assistance in his or her own right. The law does not always~~

~~specify, except in general terms, which other persons may be included in the grant made to the primary person:)) The department ((, therefore, defines those who in addition to the primary person may have their requirements computed with the requirements of the primary applicant. Such family groupings are called^a)) shall determine which persons to include in an assistance unit((s)).((^a))~~

~~(2) When creating the assistance unit, the ((persons whose needs are included in the need of the primary applicant are those)) department shall consider:~~

~~(a) Household members for whose support the applicant is legally responsible; and~~

~~(b) Categorical program requirements.~~

~~((2)) (3) ((If an individual is)) The department shall not include a person receiving benefits under Title XVI of the Social Security Act((, such individual shall not be regarded as a member of a family or)) in an aid to families with dependent children or family independence program assistance unit ((for purposes of determining eligibility and amount of an aid to families with dependent children grant)).~~

WSR 89-11-103

PUBLIC NOTICE

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed May 24, 1989]

LAKELAND VILLAGE RESIDENTIAL HABILITATION CENTER, Post Office Box 200, Salnave Road, Medical Lake, Washington has been determined to be out of compliance with federal requirements for Medicaid certification as an intermediate care facility for the mentally retarded. In accord with federal regulation 42 CFR 442.118, the Washington State Department of Social and Health Services is imposing a denial of payments for any new admissions effective June 22, 1989, as an alternative to terminating the facility's provider agreement. The denial of payments for new admissions is imposed because Lakeland Village failed to meet the requirements for the condition of participation, active treatment services, specified in 42 CFR 483.440. The effect of this sanction is to prohibit Medicaid payments for any individual admitted to Lakeland Village on or after June 22, 1989. The denial of payments for new admissions will remain in effect until May 31, 1990, or until Lakeland Village is able to achieve compliance with all certification requirements.

You may call Denny McKee at (206) 586-2454 if you have questions regarding this notice.

WSR 89-11-104

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed May 24, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 27, 1989.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 27, 1989.

Dated: May 24, 1989

By: Joseph R. Blum
Director

STATEMENT OF PURPOSE

Title: WAC 220-57-160 Columbia River.

Description of Purpose: Modify personal use rules.

Statutory Authority: RCW 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: There are anticipated harvestable numbers of chinook and coho salmon available beginning in August at Buoy 10. A reduction in the harvest rate through Labor Day will prevent overharvest and provide for the economic well-being of the fishing industry. An increase in the harvest rate after Labor Day is consistent with anticipated pre-Labor Day escapement to spawning areas.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Gene DiDonato, 115 General Administration Building, Olympia, WA, 753-5012; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are proposed by the Washington State Department of Fisheries.

Comments: No public hearing is scheduled.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 89-12, filed 3/16/89)

WAC 220-57-160 COLUMBIA RIVER. (1) Bag Limit D - June 1 through December 31: Downstream from Chief Joseph Dam to Rocky Reach Dam. The following are closed waters:

(a) Chief Joseph Dam - waters between the upstream line of Chief Joseph Dam to a line perpendicular to the thread of the stream from a point 400 feet downstream from the west end of the tailrace deck.

(b) Wells Dam - waters between the upstream line of Wells Dam and a point 400 feet below the spawning channel discharge stream.

(2) Rocky Reach Dam to Priest Rapids Dam: Bag Limit D - June 1 through September 15; Bag Limit A September 16 through December 31. The following are closed waters: Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and points 400 feet downstream.

(3) Priest Rapids Dam to the Vernita Bridge: Bag Limit D - June 1 through August 15; Bag Limit A - August 16 through October 31; Bag Limit C - November 1 through December 31. The following are closed waters:

(a) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and a point 400 feet downstream.

(b) Jackson (Moran) Creek - waters out to midstream between markers located approximately 500 feet both upstream and downstream of the mouth.

(4) Vernita Bridge to old Hanford townsite wooden power line towers; Bag Limit D - June 16 through August 15; Bag Limit A - August 16 through October 22.

(5) Old Hanford townsite wooden power line towers to Highway 395 Bridge connecting Pasco and Kennewick: Bag Limit D - June 1 through August 15; Bag Limit A - August 16 through December 31.

(6) Highway 395 Bridge connecting Pasco and Kennewick to the Interstate 5 Bridge: Bag Limit A - January 1 through March 15; Bag Limit C - March 16 through March 31; Bag Limit D - June 16 through July 31; Bag Limit A - August 1 through December 31.

The following waters are closed to fishing for food fish at all times:

(a) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(b) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(c) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(d) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(e) Bonneville Dam - waters between the upstream line of Bonneville Dam and a point 600 feet below the fish ladder at the new Bonneville Dam powerhouse.

(7) Interstate 5 Bridge to the Megler-Astoria Bridge: Bag Limit A - January 1 through March 31; Bag Limit D - May 16 through July 31; Bag Limit A - August 1 through December 31. During the month of September, it is unlawful to fish for or possess salmon taken for personal use in those waters of the Columbia River extending to midstream between a line projected perpendicular to the stream flow from Abernathy Point Light to a line projected perpendicular to the stream flow from a boundary marker east of the mouth of Abernathy Creek.

(8) Megler-Astoria Bridge to the Buoy 10 Line: Bag Limit ((★) F - August ((+6)) 14 through ((March 31, except that during the period August 16 through September 30 size and bag limit regulations shall conform with the most recent ocean fishing regulations for adjacent waters of Punch Card Area +)) September 4, 1989. Special Bag Limit of three salmon - September 5, 1989, through March 31, 1990. Chinook salmon must not be less than 24 inches in length and coho salmon must be not less than 16 inches in length and there is no size limit for other salmon.

(9) North Jetty (mouth of Columbia River): Open to angling from the bank only while fishing from the south side of the jetty concurrent with the Buoy 10 fishery. Bag limit and gear requirement will be identical with those in the Buoy 10 fishery.

WSR 89-11-105
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed May 24, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 27, 1989.

The authority under which these rules are proposed is RCW 75.08.070 and 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 27, 1989.

Dated: May 23, 1989

By: Joseph R. Blum
Director

STATEMENT OF PURPOSE

Title: WAC 220-44-050 Coastal bottomfish catch limits.

Description of Purpose: Modify rules for commercial bottomfish catch.

Statutory Authority: RCW 75.08.070 and 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: The rate of catch of the deepwater complex has exceeded expectations, and additional restrictions are needed to provide for the economic well-being of the coastal fishing fleet and protect the bottomfish resource. This proposal is made at the recommendation of the Pacific Fisheries Management Council.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, WA, 586-2429; Implementation: Mark Pedersen, 115 General Administration Building, Olympia, WA, 753-6716; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, WA, 753-6585.

These rules are proposed by the Washington State Department of Fisheries.

Comments: No public hearing is scheduled.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect on 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 89-07, filed 2/24/89)

WAC 220-44-050 COASTAL BOTTOMFISH CATCH LIMITS. It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow rockfish (*Sebastes entomelas*) - ~~((30,000))~~ 10,000 pounds per vessel trip per calendar week, defined as Wednesday through the following Tuesday except that a fisherman having made a 1989 declaration of intent may make one landing of not more than 20,000 pounds biweekly, defined as Wednesday through the second Tuesday following. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds per calendar week.

(2) Shortbelly rockfish (*Sebastes jordani*) ~~((and idiot rockfish (*Sebastes spp.*)))~~ - no maximum poundage per vessel trip; no minimum size.

(3) Pacific Ocean perch (*Sebastes alutus*) - No restriction on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 percent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) All other species of rockfish (*Sebastes spp.*) - 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than 7,500 pounds may be yellowtail rockfish (*Sebastes flavidus*), except that a fisherman having made a 1989 declaration of intent may make

either one landing of no more than 50,000 pounds of all other species combined per vessel trip biweekly, defined as Wednesday through the second Tuesday following, of which no more than 15,000 pounds may be yellowtail rockfish, or two landings of not more than 12,500 pounds of all other species in any one calendar week of which not more than 3,750 pounds in any one landing may be yellowtail rockfish. (~~All previous declaration forms have expired and it is unlawful for any vessel to make other than one vessel trip per week unless a new declaration form has been completed as provided for in this subsection. The 1989 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop such fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume.~~) It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

~~((The date of first landing will determine the beginning of biweekly periodicity. Biweekly periodicity will restart after a landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.))~~

~~(5) ((Sablefish:)) Deepwater Complex - Sablefish, Dover Sole, Arrowtooth Flounder, and Thornyhead (or Idiot) Rockfish (Sebastes spp.) - 30,000 pounds of the deepwater complex per vessel trip per calendar week, defined as Wednesday through the following Tuesday except that a fisherman having made a 1989 declaration of intent, may make either one landing of no more than 60,000 pounds of the deepwater complex per vessel trip biweekly, defined as Wednesday through the second Tuesday following or two landings of not more than 15,000 pounds of the deepwater complex in any one calendar week. It is unlawful for any vessel to make more than one landing in excess of 4,000 pounds of the deepwater complex per calendar week (including no more than 1,000 pounds of sablefish; see below) if no declaration to land the deepwater complex twice weekly has been made.~~

~~(a) Sablefish taken from trawl vessels - ((No trip limit.)) No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent ((45)) 25 percent or less of the total combined round weight of ((sablefish, dover sole, arrowtooth flounder, and thornyhead rockfish)) the deepwater complex on board ((t)). To convert from round weight to dressed weight multiply the dressed weight by 1.75((t)). Minimum size 22 inches in length, unless dressed in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental catch less than the minimum size of ((45)) 1,000 pounds or 25 percent of the total combined round weight ((of sablefish, dover sole, arrowtooth flounder and thornyhead rockfish)) the deepwater complex, not to exceed 5,000 pounds per trip.~~

~~(b) Sablefish taken from nontrawl vessels - No trip limit. Minimum size 22 inches in length, unless dressed, in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Nontrawl vessels are allowed an incidental catch less than the minimum size of 1,500 pounds, round weight, ((or three percent of the total round weight of sablefish on board, whichever is greater.)) per trip.~~

~~(6) 1989 Declarations of Intent - All previous 1989 declaration forms remain in effect. If no declaration had been made, to make other than one vessel trip per week and land in excess of the minimum amounts as provided for in this section, a new declaration form must be completed as provided for in this subsection. The 1989 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which such fishing will commence and must~~

be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly with the department in the above manner. The declaration to stop such fishing and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. The date of first landing will determine the beginning of biweekly periodicity. Biweekly periodicity will restart after a landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

~~(7) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.~~

~~((7)) (8) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.~~

WSR 89-11-106

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-39—Filed May 24, 1989]

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 as of May 22, the hatchery has on hand 1,348 adults from the Carson stock release and 130 fish from the Klickitat stock release. The need for Carson stock fish has been met. The Department of Fisheries is still not comfortable that our total need for approximately 500 Klickitat stock fish will be met. Consequently, protective measures are still needed for this stock of fish. All of the Carson fish were marked with the removal of the left ventral fin prior to being planted from the hatchery. The native Klickitat stock fish were not marked. This liberalization is enacted in order to provide additional sport fishing opportunity on the Carson stock. 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 May 24, 1989.

By Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-31500Q **KLICKITAT RIVER.** Notwithstanding the provisions of WAC 220-57-315:

(1) Effective immediately through May 31, 1989, two fish bag limit, four days per week, Thursday through Sunday only, in those waters from the mouth of the Klickitat River upstream to Fisher Hill Bridge. Except, only chinook salmon that have a missing (clipped) ventral fin, with a healed scar in the location of the missing fin may be retained or possessed.

(2) Effective May 25 through July 31, 1989 Bag Limit A seven days a week, in those waters of the Klickitat River downstream from markers at the downstream end of the Klickitat River Salmon Hatchery to a point 400 feet above the Number 5 fishway. Except, all chinook salmon over 24 inches in length must have a missing (clipped) ventral fin, with a healed scar in the location of the missing fin.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-31500P **KLICKITAT RIVER.** (89-35)

WSR 89-11-107

PROPOSED RULES

OFFICE OF FINANCIAL MANAGEMENT

[Filed May 24, 1989]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Financial Management intends to adopt, amend, or repeal rules concerning the adoption of a new chapter to Title 82 WAC:

- New ch. 82-30 WAC County indigent defense costs.
- New WAC 82-30-010 Purpose.
- New WAC 82-30-020 Definitions.
- New WAC 82-30-030 Request for reimbursement.
- New WAC 82-30-040 Reimbursement rates.
- New WAC 82-30-050 Department financial responsibility.
- New WAC 82-30-060 Implied consent to audit.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 30, 1989.

The authority under which these rules are proposed is RCW 43.41.110.

The specific statute these rules are intended to implement is RCW 9.94A.175.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 27, 1989.

Dated: May 24, 1989
By: Len McComb
Director

STATEMENT OF PURPOSE

Title and Purpose of Rule: Adopting chapter 82-30 WAC, County indigent defense costs; WAC 82-30-010, Purpose; 82-30-020, Definitions; 82-30-030, Request for reimbursement; 82-30-040, Reimbursement rates;

82-30-050, Department financial responsibility; and 82-30-060, Implied consent to audit.

Statutory Authority: RCW 43.41.110.

Statute Implemented: RCW 9.94A.175.

Summary of Rule and Reason for Proposed Rule: Requires counties to adopt standards for the delivery of public defense services pursuant to chapter 409, Laws of 1989. Requires counties to submit to the department its request for reimbursement. Requires the director to set the rate of reimbursement based on the average per case cost of all county indigent defense costs. The purpose of this adoption is to provide procedures for the reimbursement of counties by the state Department of Corrections for indigent defense costs incurred for offenders who are detained solely for violating a condition of postrelease supervision.

Person Responsible for Drafting: Margaret Vonheeder; Implementing and Enforcement: Len McComb.

Person or Organization Proposing the Rule: Office of Financial Management.

Agency Comments and Recommendations: None.

The adoption of this rule is not necessitated by federal law or federal or state court action.

The amendment of this rule will have no economic impact on small businesses.

NEW SECTION

WAC 82-30-010 **PURPOSE.** It is the purpose of this chapter to identify the procedures for reimbursing counties for the cost of legal defense services provided indigent offenders detained solely for violating a condition of postrelease supervision.

NEW SECTION

WAC 82-30-020 **DEFINITIONS.** As used in this chapter, the following words shall have the following meanings:

- (1) "Department" shall mean the department of corrections.
- (2) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee.
- (3) "Director" shall mean the director of the office of financial management or the director's designee.
- (4) "Offender" shall mean a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110.
- (5) "Indigent" shall have the same meaning as set forth in chapter 409, Laws of 1989.

NEW SECTION

WAC 82-30-030 **REQUEST FOR REIMBURSEMENT.** (1) A county requesting reimbursement, under this chapter, of costs incurred in the legal defense of an indigent offender must have adopted standards for the delivery of public defense services pursuant to chapter 409, Laws of 1989. The county shall submit to the department a copy of such standards or an affidavit swearing that such standards have been adopted.

(2) The county shall submit to the department with its request for reimbursement an affidavit swearing that the offender has been determined by the court to be indigent pursuant to chapter 409, Laws of 1989.

(3) The county shall submit documentation on such forms as may be prescribed by the department indicating the offender's name, the dates service was provided, and the amount of reimbursement requested.

(4) All requests for reimbursement and required documentation shall be filed with the Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Olympia, Washington 98504.

(5) All such requests should be filed within thirty days after the costs for which reimbursement is requested were incurred, but in no event later than ten days after the close of the state fiscal biennium during which such costs were incurred.

NEW SECTION

WAC 82-30-040 REIMBURSEMENT RATES. (1) Reimbursement shall be restricted to fully documented defense costs for indigent offenders.

(2) The director shall set the rate of reimbursement based on the average per case cost of all county indigent defense costs. The director shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of contribution by the indigent offender receiving the services.

NEW SECTION

WAC 82-30-050 DEPARTMENT FINANCIAL RESPONSIBILITY. (1) Defense costs of any county in connection with hearings conducted pursuant to RCW 9.94A.175 for offenders who are detained by the county solely for violating a condition of postrelease supervision shall be the financial responsibility of the department and shall be reimbursed by the department in accordance with this chapter upon receipt and verification by the department of the county's request.

(2) Such reimbursement shall be made to the extent funds allotted by the department for such purpose are available. If the costs of reimbursement to counties exceed the available funds, the secretary shall request the legislature to appropriate additional funds to enable the department to make full reimbursement.

NEW SECTION

WAC 82-30-060 IMPLIED CONSENT TO AUDIT. By submitting a request for reimbursement under this chapter, the requesting county agrees to maintain for a period of five years after the date of the request records which would support such request, and to make such records available for review or audit by the department or the director.

**WSR 89-11-108
PROPOSED RULES
DEPARTMENT OF CORRECTIONS
[Filed May 24, 1989]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning assault benefits for employees of the Department of Corrections, adopting chapter 137-78 WAC;

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 30, 1989.

The authority under which these rules are proposed is RCW 72.01.090.

The specific statute these rules are intended to implement is RCW 72.09.240.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 27, 1989.

Dated: May 24, 1989
By: Joseph D. Lehman
Deputy Secretary

STATEMENT OF PURPOSE

Title: Chapter 137-78 WAC.

Description of Purpose: To implement RCW 72.09-240 regarding procedures for the payment of assault benefits to employees of the Department of Corrections.

Statutory Authority: RCW 72.01.090.

Statute the Rule is Intended to Implement: RCW 72.09.240.

Summary of Rules: Set forth eligibility requirements for employees of the Department of Corrections who are victims of an assault by an offender, provide an application process for those eligible employees who have a claim and an appeal process if benefits are denied, and provide for a coordination of timeloss and assault benefits. This WAC clarifies eligibility for assault benefits and sets out procedures and limitations to implement RCW 72.09.240.

Agency Personnel Responsible for Drafting: Department of Corrections, Office of Contracts and Regulations, P.O. Box 9699, Mailstop FN-61, Olympia, Washington 98504, Gary Banning, Administrator, phone (206) 753-5770, 234-5770 scan; Implementing and Enforcement: Department of Corrections, Office of Employee Services, P.O. Box 9699, Mailstop FN-61, Olympia, Washington 98504, Doug Tanabe, Chief, phone (206) 753-0388, 234-0388 scan.

Person/Agency Proposing Rule: Washington State Department of Corrections.

Comments and Recommendations: None.

Rule Change Necessary as a Result of Federal Law or State Action: No.

Small Business Impact Statement: There is no small business impact statement.

**Chapter 137-78 WAC
EMPLOYEE ASSAULT BENEFITS**

WAC

- | | |
|------------|--|
| 137-78-010 | Definitions. |
| 137-78-020 | Eligibility. |
| 137-78-030 | Application process. |
| 137-78-040 | Conditions of reimbursement. |
| 137-78-050 | Medical reports. |
| 137-78-060 | Denial of application for assault benefits. |
| 137-78-070 | Appeal from denial of assault benefits/overpayments. |

NEW SECTION

WAC 137-78-010 DEFINITIONS. For the purposes of this chapter the following words shall have the following meanings:

- (1) "Assault" means an intentional touching, striking, cutting, or shooting of a person or the body of another.
- (2) "Assault benefits" means reimbursement to employees of some of their costs attributable to being the victim of an offender assault.
- (3) "Chief, office of employee services" means the individual who is appointed by the secretary to head the office of employee services or his/her designee.
- (4) "Department" means the department of corrections.
- (5) "Employee" means any individual who is appointed by the secretary, and who serves under the supervision and authority of the department. The term "employee" shall not include an individual performing personal services under contract or offenders.
- (6) "Doctor" means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic; chiropractic; drugless therapeutics; podiatry; dentistry; optometry.
- (7) "Offender" means any person in the custody of or subject to the jurisdiction of the department of corrections.
- (8) "Secretary" means the secretary of the department of corrections or the secretary's designee.

NEW SECTION

WAC 137-78-020 ELIGIBILITY. Employees who apply to the department may be eligible for assault benefits if the secretary finds that each of the following has occurred:

(1) An offender has assaulted the employee and as a result thereof the employee has sustained injuries which have required the employee to miss one or more days of work;

(2) The assault is not attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment;

(3) The assault occurred while the employee was in the performance of his/her official duties; and

(4) The employee has made application for compensation under Title 51 RCW.

NEW SECTION

WAC 137-78-030 APPLICATION PROCESS. Employees who meet the requirements of WAC 137-78-020 and elect to apply for assault benefits shall submit a signed application for assault benefits and a properly completed report of personal injury form (DOC 3 133 (x)), together with the certificate of the doctor that attended him or her, to his or her supervisor within ten working days of the occurrence of the assault or, if the application could not be reasonably submitted within that period, within ten working days of the time when application could reasonably have been made. Applications shall be reviewed through the appropriate division command. The division director shall forward the application, with appropriate recommendations, to the office of employee services. The chief of the office of employee services shall grant or deny the request for assault benefits within ten working days after written notification from the employee or the department of labor and industries the employee's application for compensation under Title 51 RCW has been approved, but may extend that time to gather additional information.

NEW SECTION

WAC 137-78-040 CONDITIONS OF REIMBURSEMENT.
(1) Assault benefits authorized the employee by the secretary under this chapter shall not continue longer than the date of termination of time-loss benefits by the department of labor and industries or three hundred sixty-five consecutive days from the date of the injury, whichever date is earlier, and shall be limited to the following:

(a) For each workday missed due to assault for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay pursuant to RCW 72.09.240 and this chapter; and

(b) In respect to workdays missed due to assault for which the employee shall be reimbursed compensation under chapter 51.32 RCW, the employee shall receive full pay, less any industrial insurance payments for time loss during the period in which assault benefits are received.

(2) As the intent of this chapter is to reimburse the employee the difference of salary compensation paid by the department of labor and industries and the full pay the employee would have received but for the time loss from the injury sustained as a result of an inmate assault, the employee shall not be entitled to receive greater than one hundred percent of his or her base salary as a result of payments by the department of labor and industries and the department unless such overpayment is the result of the employee's election to use accumulated vacation leave, holiday leave, compensatory time off, or exchange time.

(3) Employees granted assault benefits shall accrue full annual leave, sick leave, and insurance benefits during the time period they are approved to receive assault benefits.

(4)(a) Employees applying to the department for assault benefits may elect to use accrued sick leave until such application is approved or denied, provided that the employee shall return any subsequent overpayment to the department.

(b) The employee's accumulated sick leave hours shall not be reduced for the workdays missed due to the assault, provided that the employee has returned any overpayments to the department.

(c) If the employee fails to return any overpayments to the department, sick leave hours charged to an employee who receives worker's compensation as a result of the time loss and assault benefits shall be proportionate to the overpayment by the department during the claim period.

(5) The employee shall not be entitled to assault benefits provided in this section for any workday for which the secretary finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(6) While the employee is receiving assault benefits authorized under this chapter, the employee shall continue to be classified as a state employee and receive full service credit.

(7) The employee shall only be entitled to assault benefits for absences which the chief of the office of employee services believes are justified.

(8) No employee eligible to receive or receiving benefits under this chapter shall be entitled to continue to receive benefits should the legislature revoke the reimbursement authorized under this chapter.

NEW SECTION

WAC 137-78-050 MEDICAL REPORTS. The employee shall, at the request and sole expense of the department, submit to an independent medical examination by a licensed physician or other licensed health care provider designated by the department to determine whether the employee may continue to receive assault benefits.

NEW SECTION

WAC 137-78-060 DENIAL OF APPLICATION FOR ASSAULT BENEFITS. If the employee's request for assault benefits is denied by the office of employee services, the employee may, within ten working days from the date of denial, file a petition with the office of employee services for reconsideration, stating the specific grounds upon which the application should be granted. The petition shall be in the format specified by the office of employee services. The petition shall be deemed to have been denied if not disposed of within twenty working days from the date the petition is filed.

NEW SECTION

WAC 137-78-070 APPEAL FROM DENIAL OF ASSAULT BENEFITS/OVERPAYMENTS. (1) If the employee's petition for assault benefits to the chief of the office of employee services is denied, the employee may appeal that decision to the secretary in accordance with chapter 34.05 RCW and this section. The employee shall file a written petition with the Office of the Secretary at 410 W. 5th, P.O. Box 9699, Olympia, Washington 98504, within thirty days after the denial of assault benefits or within ten days after disposition of the petition for reconsideration.

(2) If a dispute exists between the employee and department concerning the amount of any overpayment to be repaid the department, the employee may request a hearing in accordance with chapter 34.05 RCW and this section. The employee shall file a written petition with the Office of the Secretary at 410 W. 5th, P.O. Box 9699, Olympia, Washington 98504, within thirty days after the dispute arises.

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16-225-050	REP	89-11-092	16-316-315	AMD-P	89-07-074	82-30-020	NEW-P	89-11-107
16-228	AMD-C	89-06-006	16-316-315	AMD	89-11-078	82-30-030	NEW-P	89-11-107
16-228-162	AMD	89-07-006	16-316-350	AMD-P	89-07-074	82-30-040	NEW-P	89-11-107
16-228-164	NEW	89-07-006	16-316-350	AMD-E	89-09-013	82-30-050	NEW-P	89-11-107
16-228-165	REP	89-07-006	16-316-350	AMD	89-11-078	82-30-060	NEW-P	89-11-107
16-228-166	NEW	89-07-006	16-316-360	AMD-P	89-07-074	82-50-021	AMD	89-03-063
16-228-400	NEW-E	89-09-012	16-316-360	AMD	89-11-078	98-08-150	AMD-P	89-05-054
16-228-410	NEW-E	89-09-012	16-316-370	AMD-P	89-07-074	98-08-150	AMD	89-08-043
16-228-420	NEW-E	89-09-012	16-316-440	AMD-P	89-07-074	98-11-010	AMD-P	89-05-054
16-228-430	NEW-E	89-09-012	16-316-440	AMD	89-11-078	98-11-010	AMD	89-08-043
16-228-440	NEW-E	89-09-012	16-316-474	AMD-P	89-07-074	98-12-010	REP-P	89-05-054
16-228-450	NEW-E	89-09-012	16-316-474	AMD	89-11-078	98-12-010	REP	89-08-043
16-228-460	NEW-E	89-09-012	16-316-525	AMD-P	89-07-074	98-12-050	NEW-P	89-05-054
16-228-470	NEW-E	89-09-012	16-316-525	AMD	89-11-078	98-14-090	AMD-P	89-05-054
16-228-480	NEW-E	89-09-012	16-316-660	AMD-P	89-07-074	98-14-090	AMD	89-08-043
16-228-490	NEW-E	89-09-012	16-316-660	AMD	89-11-078	98-14-100	NEW-P	89-05-054
16-228-500	NEW-E	89-09-012	16-316-800	AMD-P	89-07-074	98-14-100	NEW	89-08-043
16-228-510	NEW-E	89-09-012	16-316-800	AMD	89-11-078	98-16-020	AMD-P	89-05-054
16-228-520	NEW-E	89-09-012	16-316-810	AMD-P	89-07-074	98-16-020	AMD	89-08-043
16-228-520	REP-E	89-09-017	16-316-810	AMD	89-11-078	98-20-010	REP-P	89-05-054
16-228-521	NEW-E	89-09-017	16-316-820	AMD-P	89-07-074	98-20-010	REP	89-08-043
16-230	NEW-C	89-04-056	16-316-820	AMD	89-11-078	98-20-020	AMD-P	89-05-054
16-230	NEW-C	89-07-051	16-400-007	AMD-P	89-05-040	98-20-020	AMD	89-08-043
16-230-800	NEW-P	89-03-065	16-400-007	AMD	89-08-040	98-40-020	AMD-P	89-05-054
16-230-800	NEW-P	89-11-093	16-400-010	AMD-P	89-05-040	98-40-020	AMD	89-08-043
16-230-805	NEW-P	89-03-065	16-400-010	AMD	89-08-040	98-40-030	AMD-P	89-05-054
16-230-805	NEW-P	89-11-093	16-400-040	AMD-P	89-05-040	98-40-030	AMD	89-08-043
16-230-810	NEW-P	89-03-065	16-400-040	AMD	89-08-040	98-40-040	AMD-P	89-05-054
16-230-810	NEW-P	89-11-093	16-400-050	REP-P	89-05-040	98-40-040	AMD	89-08-043
16-230-815	NEW-P	89-03-065	16-400-050	REP	89-08-040	98-40-050	AMD-P	89-05-054
16-230-815	NEW-P	89-11-093	16-400-100	AMD-P	89-05-040	98-40-050	AMD	89-08-043
16-230-820	NEW-P	89-03-065	16-400-100	AMD	89-08-040	98-40-070	AMD-P	89-05-054
16-230-820	NEW-P	89-11-093	16-400-150	AMD-P	89-05-040	98-40-070	AMD	89-08-043
16-230-825	NEW-P	89-03-065	16-400-150	AMD	89-08-040	98-40-080	AMD-P	89-05-054
16-230-825	NEW-P	89-11-093	16-400-210	AMD-P	89-05-040	98-40-080	AMD	89-08-043
16-230-830	NEW-P	89-03-065	16-400-210	AMD	89-08-040	98-70-010	AMD-P	89-03-032
16-230-830	NEW-P	89-11-093	16-400-270	AMD-P	89-05-040	98-70-010	AMD-E	89-03-033
16-230-835	NEW-P	89-11-093	16-400-270	AMD	89-08-040	98-70-010	AMD	89-06-074
16-230-840	NEW-P	89-11-093	16-403-142	AMD-P	89-09-011	131-28	AMD-C	89-09-056
16-230-845	NEW-P	89-11-093	16-403-190	AMD-P	89-09-011	131-28	AMD-C	89-11-079
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16-230-860	NEW-P	89-11-093	16-528-020	AMD	89-08-020	131-28-025	AMD-P	89-06-054
16-230-865	NEW-P	89-11-093	16-550-020	AMD-P	89-09-057	131-28-026	AMD-P	89-06-054
16-232-405	NEW-E	89-05-004	16-690-015	AMD-P	89-05-041	131-28-030	AMD-P	89-06-054
16-232-405	REP-E	89-08-006	16-690-015	AMD	89-08-039	131-28-040	AMD-P	89-06-054
16-232-415	NEW-E	89-05-004	16-750-950	NEW-P	89-11-071	131-28-045	AMD-P	89-06-054
16-232-415	REP-E	89-08-006	16-750-950	NEW-E	89-11-072	131-28-080	AMD-P	89-06-054
16-232-425	NEW-E	89-05-004	44-10-120	AMD	89-06-026	131-28-085	AMD-P	89-06-054
16-232-425	REP-E	89-08-006	44-10-300	NEW	89-06-025	131-28-090	AMD-P	89-06-054
16-232-435	NEW-E	89-05-004	44-10-310	NEW	89-06-025	132D-08-010	REP-P	89-07-061
16-232-435	REP-E	89-08-006	44-10-320	NEW	89-06-025	132D-08-010	REP	89-11-023
16-232-440	NEW-E	89-08-006	50-44-020	AMD-P	89-06-059	132D-08-015	REP-P	89-07-061
16-232-445	NEW-E	89-05-004	50-44-020	AMD	89-09-004	132D-08-015	REP	89-11-023
16-232-445	REP-E	89-08-006	51-12-102	AMD	89-04-043	132D-08-020	REP-P	89-07-061
16-232-450	NEW-E	89-08-006	51-12-206	AMD	89-04-043	132D-08-020	REP	89-11-023
16-232-455	NEW-E	89-05-004	51-12-219	AMD	89-04-043	132D-08-025	REP-P	89-07-061
16-232-455	REP-E	89-08-006	51-12-223	AMD	89-04-043	132D-08-025	REP	89-11-023
16-232-460	NEW-E	89-08-006	51-12-305	AMD	89-04-043	132D-10-003	REP-P	89-07-069
16-232-465	NEW-E	89-05-004	51-12-402	AMD	89-04-043	132D-10-003	REP	89-11-022
16-232-465	REP-E	89-08-006	51-12-411	AMD	89-04-043	132D-10-006	REP-P	89-07-069
16-232-470	NEW-E	89-08-006	51-12-426	AMD	89-04-043	132D-10-006	REP	89-11-022
16-232-480	NEW-E	89-08-006	51-12-503	AMD	89-04-043	132D-10-009	REP-P	89-07-069
16-232-490	NEW-E	89-08-006	51-12-601	AMD	89-04-043	132D-10-009	REP	89-11-022
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16-300-010	AMD-P	89-07-074	51-12-605	AMD	89-04-043	132D-10-012	REP	89-11-022
16-300-010	AMD	89-11-078	51-12-608	AMD	89-04-043	132D-10-015	REP-P	89-07-069
16-304-040	AMD-P	89-07-074	51-16-030	AMD	89-11-081	132D-10-015	REP	89-11-022
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132D-18-010	REP	89-11-024	132D-20-130	REP-P	89-05-012	132D-104-040	NEW	89-11-023
132D-18-020	REP-P	89-07-062	132D-20-130	REP-W	89-05-046	132D-122-010	NEW-P	89-05-006
132D-18-020	REP	89-11-024	132D-20-130	REP-P	89-07-070	132D-122-010	NEW	89-09-039
132D-18-030	REP-P	89-07-062	132D-20-130	REP	89-11-025	132D-122-020	NEW-P	89-05-006
132D-18-030	REP	89-11-024	132D-20-140	REP-P	89-05-012	132D-122-020	NEW	89-09-039
132D-18-040	REP-P	89-07-062	132D-20-140	REP-W	89-05-046	132D-122-030	NEW-P	89-05-006
132D-18-040	REP	89-11-024	132D-20-140	REP-P	89-07-070	132D-122-030	NEW	89-09-039
132D-18-050	REP-P	89-07-062	132D-20-140	REP	89-11-025	132D-140-010	NEW	89-06-012
132D-18-050	REP	89-11-024	132D-20-150	REP-P	89-05-012	132D-140-020	NEW	89-06-012
132D-18-060	REP-P	89-07-062	132D-20-150	REP-W	89-05-046	132D-140-030	NEW	89-06-012
132D-18-060	REP	89-11-024	132D-20-150	REP-P	89-07-070	132D-140-040	NEW	89-06-012
132D-18-070	REP-P	89-07-062	132D-20-150	REP	89-11-025	132D-140-050	NEW	89-06-012
132D-18-070	REP	89-11-024	132D-20-160	REP-P	89-05-012	132D-140-060	NEW	89-06-012
132D-18-080	REP-P	89-07-062	132D-20-160	REP-W	89-05-046	132D-140-070	NEW	89-06-012
132D-18-080	REP	89-11-024	132D-20-160	REP-P	89-07-070	132D-140-080	NEW	89-06-012
132D-18-090	REP-P	89-07-062	132D-20-160	REP	89-11-025	132D-276-010	NEW-P	89-07-062
132D-18-090	REP	89-11-024	132D-20-170	REP-P	89-05-012	132D-276-010	NEW	89-11-024
132D-18-100	REP-P	89-07-062	132D-20-170	REP-W	89-05-046	132D-276-020	NEW-P	89-07-062
132D-18-100	REP	89-11-024	132D-20-170	REP-P	89-07-070	132D-276-020	NEW	89-11-024
132D-18-110	REP-P	89-07-062	132D-20-170	REP	89-11-025	132D-276-030	NEW-P	89-07-062
132D-18-110	REP	89-11-024	132D-20-180	REP-P	89-05-012	132D-276-030	NEW	89-11-024
132D-18-120	REP-P	89-07-062	132D-20-180	REP-W	89-05-046	132D-276-040	NEW-P	89-07-062
132D-18-120	REP	89-11-024	132D-20-180	REP-P	89-07-070	132D-276-040	NEW	89-11-024
132D-18-130	REP-P	89-07-062	132D-20-180	REP	89-11-025	132D-276-050	NEW-P	89-07-062
132D-18-130	REP	89-11-024	132D-20-190	REP-P	89-05-012	132D-276-050	NEW	89-11-024
132D-18-140	REP-P	89-07-062	132D-20-190	REP-W	89-05-046	132D-276-060	NEW-P	89-07-062
132D-18-140	REP	89-11-024	132D-20-190	REP-P	89-07-070	132D-276-060	NEW	89-11-024
132D-18-150	REP-P	89-07-062	132D-20-190	REP	89-11-025	132D-276-070	NEW-P	89-07-062
132D-18-150	REP	89-11-024	132D-20-200	REP-P	89-05-012	132D-276-070	NEW	89-11-024
132D-20-010	REP-P	89-05-012	132D-20-200	REP-W	89-05-046	132D-276-080	NEW-P	89-07-062
132D-20-010	REP-W	89-05-046	132D-20-200	REP-P	89-07-070	132D-276-080	NEW	89-11-024
132D-20-010	REP-P	89-07-070	132D-20-200	REP	89-11-025	132D-276-090	NEW-P	89-07-062
132D-20-010	REP	89-11-025	132D-20-210	REP-P	89-05-012	132D-276-090	NEW	89-11-024
132D-20-020	REP-P	89-05-012	132D-20-210	REP-W	89-05-046	132D-276-100	NEW-P	89-07-062
132D-20-020	REP-W	89-05-046	132D-20-210	REP-P	89-07-070	132D-276-100	NEW	89-11-024
132D-20-020	REP-P	89-07-070	132D-20-210	REP	89-11-025	132D-276-110	NEW-P	89-07-062
132D-20-020	REP	89-11-025	132D-20-220	REP-P	89-05-012	132D-276-110	NEW	89-11-024
132D-20-030	REP-P	89-05-012	132D-20-220	REP-W	89-05-046	132D-276-120	NEW-P	89-07-062
132D-20-030	REP-W	89-05-046	132D-20-220	REP-P	89-07-070	132D-276-120	NEW	89-11-024
132D-20-030	REP-P	89-07-070	132D-20-220	REP	89-11-025	132D-276-130	NEW-P	89-07-062
132D-20-030	REP	89-11-025	132D-20-230	REP-P	89-05-012	132D-276-130	NEW	89-11-024
132D-20-040	REP-P	89-05-012	132D-20-230	REP-W	89-05-046	132D-276-140	NEW-P	89-07-062
132D-20-040	REP-W	89-05-046	132D-20-230	REP-P	89-07-070	132D-276-140	NEW	89-11-024
132D-20-040	REP-P	89-07-070	132D-20-230	REP	89-11-025	132D-280-010	NEW-P	89-07-063
132D-20-040	REP	89-11-025	132D-20-240	REP-P	89-05-012	132D-280-010	NEW	89-11-044
132D-20-050	REP-P	89-05-012	132D-20-240	REP-W	89-05-046	132D-280-020	NEW-P	89-07-063
132D-20-050	REP-W	89-05-046	132D-20-240	REP-P	89-07-070	132D-280-020	NEW	89-11-044
132D-20-050	REP-P	89-07-070	132D-20-240	REP	89-11-025	132D-280-025	NEW-P	89-07-063
132D-20-050	REP	89-11-025	132D-20-250	REP-P	89-05-012	132D-280-025	NEW	89-11-044
132D-20-060	REP-P	89-05-012	132D-20-250	REP-W	89-05-046	132D-280-030	NEW-P	89-07-063
132D-20-060	REP-W	89-05-046	132D-20-250	REP-P	89-07-070	132D-280-030	NEW	89-11-044
132D-20-060	REP-P	89-07-070	132D-20-260	REP	89-11-025	132D-280-035	NEW-P	89-07-063
132D-20-060	REP	89-11-025	132D-20-260	REP-P	89-05-012	132D-280-035	NEW	89-11-044
132D-20-070	REP-P	89-05-012	132D-20-260	REP-W	89-05-046	132D-280-040	NEW-P	89-07-063
132D-20-070	REP-W	89-05-046	132D-20-260	REP-P	89-07-070	132D-280-040	NEW	89-11-044
132D-20-070	REP-P	89-07-070	132D-20-260	REP	89-11-025	132D-300-010	NEW-P	89-07-058
132D-20-070	REP	89-11-025	132D-20-270	REP-P	89-05-012	132D-300-010	NEW	89-11-038
132D-20-080	REP-P	89-05-012	132D-20-270	REP-W	89-05-046	132D-300-020	NEW-P	89-07-058
132D-20-080	REP-W	89-05-046	132D-20-270	REP-P	89-07-070	132D-300-020	NEW	89-11-038
132D-20-080	REP-P	89-07-070	132D-20-270	REP	89-11-025	132D-300-030	NEW-P	89-07-058
132D-20-080	REP	89-11-025	132D-20-280	REP-P	89-05-012	132D-300-030	NEW	89-11-038
132D-20-090	REP-P	89-05-012	132D-20-280	REP-W	89-05-046	132D-325-010	NEW-P	89-05-048
132D-20-090	REP-W	89-05-046	132D-20-280	REP-P	89-07-070	132D-325-010	NEW	89-09-042
132D-20-090	REP-P	89-07-070	132D-20-280	REP	89-11-025	132D-350-010	NEW-P	89-07-064
132D-20-090	REP	89-11-025	132D-20-290	REP-P	89-05-012	132D-350-010	NEW	89-11-026
132D-20-100	REP-P	89-05-012	132D-20-290	REP-W	89-05-046	132D-350-020	NEW-P	89-07-064
132D-20-100	REP-W	89-05-046	132D-20-290	REP-P	89-07-070	132D-350-020	NEW	89-11-026
132D-20-100	REP-P	89-07-070	132D-20-290	REP	89-11-025	132D-350-030	NEW-P	89-07-064
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132D-20-110	REP-W	89-05-046	132D-104-010	NEW-P	89-07-061	132D-350-040	NEW	89-11-026
132D-20-110	REP-P	89-07-070	132D-104-010	NEW	89-11-023	132D-350-050	NEW-P	89-07-064
132D-20-110	REP	89-11-025	132D-104-020	NEW-P	89-07-061	132D-350-050	NEW	89-11-026
132D-20-120	REP-P	89-05-012	132D-104-020	NEW	89-11-023	132F-120-090	AMD-P	89-08-069
132D-20-120	REP-W	89-05-046	132D-104-030	NEW-P	89-07-061	132I-120-315	AMD-P	89-04-039
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132I-120-405	AMD-P	89-04-039	137-25-040	NEW-E	89-06-010	137-56-200	AMD-P	89-02-058
132I-120-405	AMD	89-08-016	137-28-006	AMD	89-04-032	137-56-200	AMD-C	89-07-083
132I-120-410	AMD-P	89-04-039	137-28-025	AMD	89-04-032	137-56-210	AMD-P	89-02-058
132I-120-410	AMD	89-08-016	137-28-030	AMD	89-04-032	137-56-210	AMD-C	89-07-083
132I-120-425	AMD-P	89-04-039	137-28-035	AMD	89-04-032	137-56-220	AMD-P	89-02-058
132I-120-425	AMD	89-08-016	137-28-080	AMD	89-04-032	137-56-220	AMD-C	89-07-083
132I-120-430	AMD-P	89-04-039	137-28-090	AMD	89-04-032	137-56-230	AMD-P	89-02-058
132I-120-430	AMD	89-08-016	137-28-094	NEW	89-04-032	137-56-230	AMD-C	89-07-083
132I-136-010	REP-P	89-08-015	137-28-097	AMD	89-04-032	137-56-240	AMD-P	89-02-058
132I-136-010	REP	89-11-091	137-28-107	NEW	89-04-032	137-56-240	AMD-C	89-07-083
132I-136-020	REP-P	89-08-015	137-36-020	AMD-E	89-04-029	137-56-250	AMD-P	89-02-058
132I-136-020	REP	89-11-091	137-36-030	AMD-E	89-04-029	137-56-250	AMD-C	89-07-083
132I-136-030	REP-P	89-08-015	137-36-040	AMD-E	89-04-029	137-70-040	AMD-P	89-07-025
132I-136-030	REP	89-11-091	137-44-010	NEW-P	89-11-029	137-78-010	NEW-P	89-11-108
132I-136-040	REP-P	89-08-015	137-44-020	NEW-P	89-11-029	137-78-020	NEW-P	89-11-108
132I-136-040	REP	89-11-091	137-44-030	NEW-P	89-11-029	137-78-030	NEW-P	89-11-108
132I-136-050	REP-P	89-08-015	137-44-040	NEW-P	89-11-029	137-78-040	NEW-P	89-11-108
132I-136-050	REP	89-11-091	137-44-050	NEW-P	89-11-029	137-78-050	NEW-P	89-11-108
132I-136-060	REP-P	89-08-015	137-44-060	NEW-P	89-11-029	137-78-060	NEW-P	89-11-108
132I-136-060	REP	89-11-091	137-44-070	NEW-P	89-11-029	137-78-070	NEW-P	89-11-108
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132I-136-080	REP	89-11-091	137-44-110	NEW-P	89-11-029	143-06-990	REP	89-05-007
132I-136-100	NEW-P	89-08-015	137-44-120	NEW-P	89-11-029	154-04-040	REP-P	89-07-090
132I-136-100	NEW	89-11-091	137-44-130	NEW-P	89-11-029	154-04-040	REP-E	89-11-008
132I-136-110	NEW-P	89-08-015	137-44-140	NEW-P	89-11-029	154-04-040	REP	89-11-010
132I-136-110	NEW	89-11-091	137-44-150	NEW-P	89-11-029	154-04-060	REP-P	89-07-090
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132I-136-160	NEW-P	89-08-015	137-44-240	NEW-P	89-11-029	154-12-010	AMD-P	89-07-029
132I-136-160	NEW	89-11-091	137-44-250	NEW-P	89-11-029	154-12-010	AMD-E	89-11-008
132I-136-170	NEW-P	89-08-015	137-44-260	NEW-P	89-11-029	154-12-010	AMD	89-11-010
132I-136-170	NEW	89-11-091	137-56-010	AMD-P	89-02-058	154-12-020	AMD-P	89-07-090
132N-276-070	AMD-P	89-04-035	137-56-010	AMD-C	89-07-083	154-12-020	AMD-E	89-11-008
132N-276-080	AMD-P	89-04-035	137-56-015	AMD-P	89-02-058	154-12-020	AMD	89-11-010
132N-276-110	AMD-P	89-04-035	137-56-015	AMD-C	89-07-083	154-12-030	AMD-P	89-07-090
132N-276-130	AMD-P	89-04-035	137-56-030	AMD-P	89-02-058	154-12-030	AMD-E	89-11-008
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132Q-04-035	AMD	89-07-068	137-56-050	AMD-P	89-02-058	154-12-040	AMD	89-11-010
132Y-300-001	NEW	89-04-008	137-56-050	AMD-C	89-07-083	154-12-050	AMD-P	89-07-090
132Y-300-002	NEW	89-04-008	137-56-060	AMD-P	89-02-058	154-12-050	AMD-E	89-11-008
132Y-300-003	NEW	89-04-008	137-56-060	AMD-C	89-07-083	154-12-050	AMD	89-11-010
132Y-300-004	NEW	89-04-008	137-56-070	AMD-P	89-02-058	154-12-060	REP-P	89-07-090
132Y-310-010	NEW-P	89-08-023	137-56-070	AMD-C	89-07-083	154-12-060	REP-E	89-11-008
132Y-310-020	NEW-P	89-08-023	137-56-080	AMD-P	89-02-058	154-12-060	REP	89-11-010
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132Y-320-040	NEW-P	89-08-022	137-56-100	AMD-P	89-02-058	154-12-075	NEW	89-11-010
132Y-320-050	NEW-P	89-08-022	137-56-100	AMD-C	89-07-083	154-12-080	AMD-P	89-07-090
132Y-320-060	NEW-P	89-08-022	137-56-110	AMD-P	89-02-058	154-12-080	AMD-E	89-11-008
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132Y-320-110	NEW-P	89-08-022	137-56-140	AMD-C	89-07-083	154-12-086	NEW-P	89-07-090
132Y-320-120	NEW-P	89-08-022	137-56-150	AMD-P	89-02-058	154-12-086	NEW-E	89-11-008
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137-25-020	NEW-E	89-06-010	137-56-180	AMD-P	89-02-058	154-12-090	AMD-E	89-11-008
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154-16-020	REP-E	89-11-008	173-50-180	NEW-P	89-04-052	173-303-610	AMD	89-02-059
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154-20-010	REP	89-11-010	173-50-200	NEW-P	89-04-052	173-303-805	AMD	89-02-059
154-20-020	REP-P	89-07-090	173-50-200	NEW	89-10-001	173-303-806	AMD	89-02-059
154-20-020	REP-E	89-11-008	173-50-210	NEW-P	89-04-052	173-303-830	AMD	89-02-059
154-20-020	REP	89-11-010	173-50-210	NEW	89-10-001	173-303-9903	AMD	89-02-059
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154-24-010	AMD-E	89-11-008	173-98-020	NEW-P	89-11-082	173-303-9905	AMD	89-02-059
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154-32-010	AMD	89-11-010	173-98-060	NEW-P	89-11-082	173-313-020	NEW-P	89-11-086
154-32-020	AMD-P	89-07-090	173-98-070	NEW-P	89-11-082	173-313-030	NEW-E	89-06-060
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173-19-2505	AMD-P	89-09-076	173-223-015	REP-P	89-07-088	173-315-010	NEW-P	89-11-087
173-19-2512	AMD	89-03-009	173-223-020	REP-P	89-07-088	173-315-020	NEW-E	89-06-061
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173-50-030	NEW	89-10-001	173-223-090	AMD-E	89-06-053	173-318-030	NEW-E	89-09-005
173-50-040	NEW-P	89-04-052	173-223-090	REP-P	89-07-088	173-318-040	NEW-E	89-09-005
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173-435-040	AMD	89-02-055	192-12-180	AMD	89-03-069	220-33-005	AMD-P	89-06-032
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180-26-055	AMD-E	89-06-017	204-65-010	AMD-P	89-09-024	220-47-312	AMD-P	89-09-080
180-26-055	AMD	89-08-085	204-65-020	AMD-E	89-09-023	220-47-313	AMD-P	89-09-080
180-29-300	NEW-P	89-05-067	204-65-020	AMD-P	89-09-024	220-47-401	AMD-P	89-09-080
180-29-300	NEW-E	89-06-019	204-65-030	AMD-E	89-09-023	220-47-411	AMD-P	89-09-080
180-29-300	NEW	89-08-087	204-65-030	AMD-P	89-09-024	220-47-412	AMD-P	89-09-080
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180-51-025	AMD-C	89-08-080	204-65-040	AMD-P	89-09-024	220-47-414	AMD-P	89-09-080
180-59	NEW-C	89-05-061	204-65-050	AMD-E	89-09-023	220-48-015	AMD-P	89-10-068
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180-59-015	NEW	89-09-044	204-65-060	AMD-P	89-09-024	220-48-062	AMD-P	89-10-068
180-59-020	NEW	89-09-044	204-76-99001	AMD-P	89-09-025	220-49-017	AMD-P	89-10-068
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220-57-265	AMD	89-07-060	220-57-265	AMD	89-07-060
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232-28-61713	NEW	89-04-037	248-16-213	AMD	89-09-034	248-31-110	REP-P	89-07-023
232-28-61715	NEW-E	89-04-009	248-16-215	AMD	89-09-034	248-31-115	NEW-P	89-07-023
232-28-61716	NEW-E	89-03-028	248-16-216	NEW	89-09-034	248-31-120	REP-P	89-07-023
232-28-61716	REP-E	89-05-002	248-16-222	AMD	89-09-034	248-31-125	NEW-P	89-07-023
232-28-61717	NEW-E	89-04-011	248-16-223	AMD	89-09-034	248-31-130	REP-P	89-07-023
232-28-61717	NEW-P	89-06-080	248-16-226	AMD	89-09-034	248-31-135	NEW-P	89-07-023
232-28-61717	NEW-E	89-10-025	248-16-227	REP	89-09-034	248-31-140	REP-P	89-07-023
232-28-61717	NEW	89-10-026	248-16-228	REP	89-09-034	248-31-155	NEW-P	89-07-023
232-28-61718	NEW-E	89-04-010	248-16-229	NEW	89-09-034	248-31-150	REP-P	89-07-023
232-28-61719	NEW-E	89-05-002	248-16-230	AMD	89-09-034	248-31-165	NEW-P	89-07-023
232-28-61720	NEW-P	89-06-080	248-16-235	AMD	89-09-034	248-31-160	REP-P	89-07-023
232-28-61720	NEW	89-10-026	248-16-300	NEW	89-09-034	248-31-175	NEW-P	89-07-023
232-28-61721	NEW-P	89-06-080	248-16-900	AMD	89-09-034	248-31-185	NEW-P	89-07-023
232-28-61721	NEW	89-10-026	248-17-020	AMD-P	89-10-069	248-36-005	NEW-P	89-07-023
232-28-61722	NEW-P	89-06-081	248-17-020	AMD-E	89-10-071	248-36-015	NEW-P	89-07-023
232-28-61722	NEW	89-10-027	248-17-213	AMD-P	89-10-069	248-36-025	NEW-P	89-07-023
232-28-61723	NEW-P	89-06-082	248-17-213	AMD-E	89-10-071	248-36-035	NEW-P	89-07-023
232-28-61724	NEW-E	89-06-042	248-17-260	AMD-P	89-10-069	248-36-045	NEW-P	89-07-023
232-28-61725	NEW-E	89-08-011	248-17-260	AMD-E	89-10-071	248-36-055	NEW-P	89-07-023
232-28-61726	NEW-E	89-08-032	248-27	AMD-P	89-07-023	248-36-065	NEW-P	89-07-023
232-28-61727	NEW-E	89-11-052	248-27-001	REP-P	89-07-023	248-36-077	NEW-P	89-07-023
232-28-710	REP	89-06-002	248-27-002	REP-P	89-07-023	248-36-085	NEW-P	89-07-023
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248-14-285	AMD	89-08-054	248-27-095	NEW-P	89-07-023	248-124-99001	REP	89-10-023
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248-144-110	REP	89-11-058	251-04-040	AMD-P	89-09-063	260-34-050	AMD-W	89-07-027
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248-144-120	REP	89-11-058	251-07-100	NEW-C	89-09-061	260-34-060	AMD-P	89-08-090
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248-144-121	NEW	89-11-058	251-08-110	AMD	89-08-003	260-34-070	AMD-W	89-07-027
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248-144-140	REP	89-11-058	251-10-090	NEW-C	89-05-043	260-34-090	AMD-W	89-07-027
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248-144-180	REP	89-11-058	251-17-090	AMD-C	89-05-043	260-36-040	AMD-P	89-08-070
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308-53-170	AMD-P	89-06-070	308-120-305	AMD-P	89-06-072	308-190-080	NEW-P	89-10-077
308-53-170	AMD	89-10-030	308-120-810	NEW-P	89-06-072	308-190-090	NEW-P	89-10-077
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