

# Washington State Register

JULY 17, 1996

OLYMPIA, WASHINGTON

ISSUE 96-14



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filed not later than July 3, 1996

## 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 34.05 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 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 (360) 753-7470.

## REPUBLICATION OF OFFICIAL DOCUMENTS

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of July 1996 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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.

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# WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504-0552, pursuant to RCW 34.08.020. Subscription rate is \$189.00 per year, sales tax included, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

POSTMASTER: SEND ADDRESS CHANGES TO:

WASHINGTON STATE REGISTER  
Code Reviser's Office  
Legislative Building  
P.O. Box 40552  
Olympia, WA 98504-0552

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

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Inquiry that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section 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 with a section's material.

### 2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 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 (~~lined out 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**.

### 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) 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.

### 4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one days after the rules and the agency order adopting them are filed with the code reviser's office. This effective date may be delayed or advanced and such an 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 unless a later date is provided by the agency. They remain effective for a maximum of one hundred twenty days from the date of filing.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

### 5. 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].

## 1995 - 1996

### DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996
96-01	Nov 22	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 23
96-02	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 17	Feb 6
96-03	Dec 27, 1995	Jan 10, 1996	Jan 24	Feb 7	Feb 27
96-04	Jan 10	Jan 24	Feb 7	Feb 21	Mar 12
96-05	Jan 24	Feb 7	Feb 21	Mar 6	Mar 26
96-06	Feb 7	Feb 21	Mar 6	Mar 20	Apr 9
96-07	Feb 21	Mar 6	Mar 20	Apr 3	Apr 23
96-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
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96-10	Apr 3	Apr 17	May 1	May 15	Jun 4
96-11	Apr 24	May 8	May 22	Jun 5	Jun 25
96-12	May 8	May 22	Jun 5	Jun 19	Jul 9
96-13	May 22	Jun 5	Jun 19	Jul 3	Jul 23
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96-15	Jun 26	Jul 10	Jul 24	Aug 7	Aug 27
96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
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96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1997

<sup>1</sup>All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

<sup>2</sup>A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. 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.

<sup>3</sup>At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

## **REGULATORY FAIRNESS ACT**

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

### **Small Business Economic Impact Statements (SBEIS)**

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

### **Mitigation**

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

### **When is an SBEIS Required?**

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

### **When is an SBEIS Not Required?**

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

There is less than minor economic impact on business;

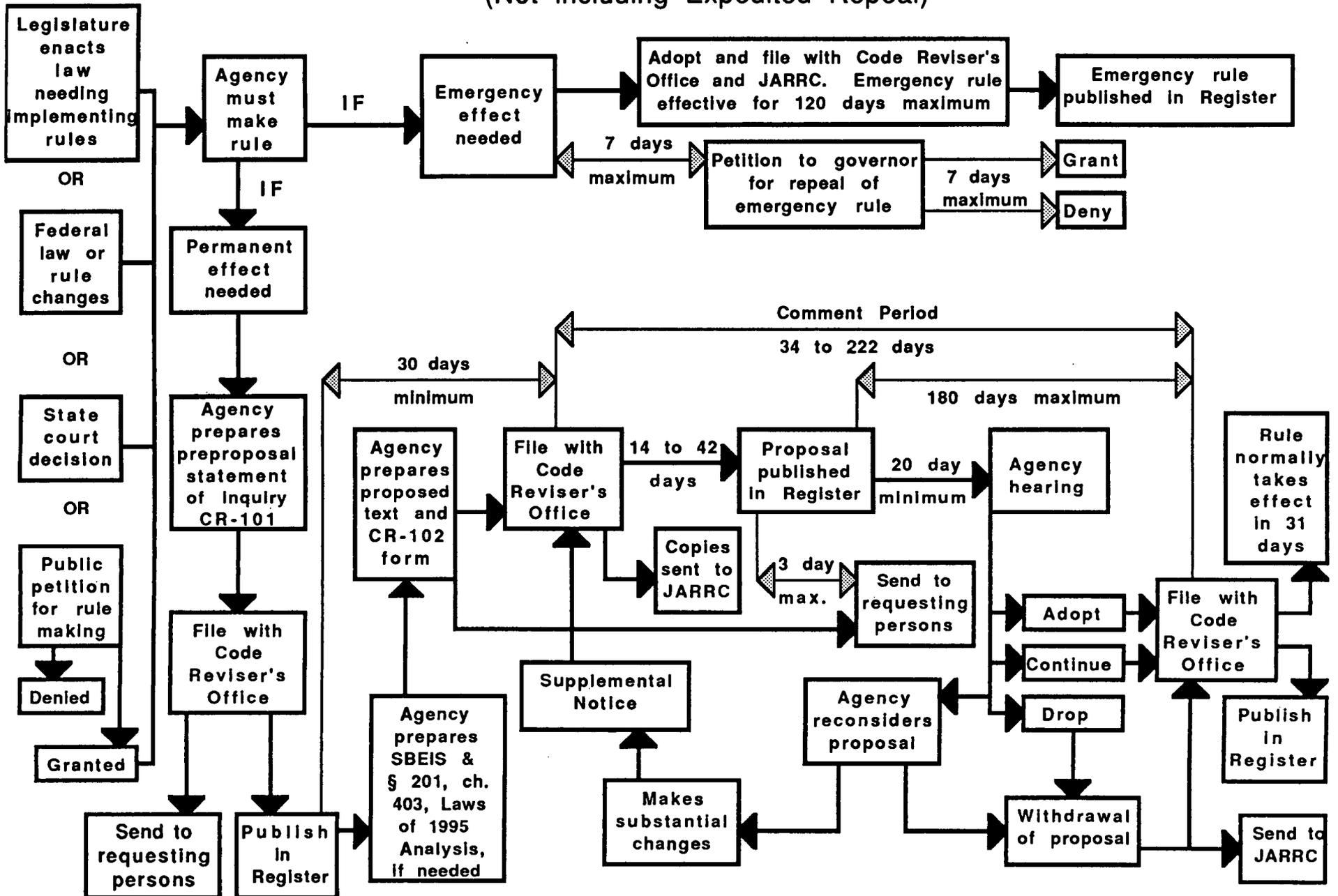
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS

(Not including Expedited Repeal)



**WSR 96-14-002**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Institutions)

[Filed June 19, 1996, 4:15 p.m.]

Subject of Possible Rule Making: Recovery of cost of hospitalization from persons adjudged criminally insane, WAC 275-16-085 Other pertinent factors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.20B.335.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To accomplish the goal of RCW 43.20B.335 which is to allow individuals having judgments for damages from the criminally insane person to recover those obligations prior to the state of Washington recovering the costs of hospitalization.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study; and the proposed rule adopts the language contained in the statute as required by the legislature.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen Hansen, Program Manager, Office of Financial Recovery, P.O. Box 9501, Olympia, WA 98507-9501, (360) 753-1325, FAX (360) 586-8794; or Gerald L. Pike, Claims Officer, Office of Financial Recovery, P.O. Box 9501, Olympia, WA 98507-9501, (360) 586-3404, FAX (360) 586-8794.

June 19, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistant Unit

**WSR 96-14-020**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SOUTHWEST AIR POLLUTION**  
**CONTROL AUTHORITY**

[Filed June 21, 1996, 1:10 p.m.]

Subject of Possible Rule Making: SWAPCA 490 - Emission Standards and Controls for Sources Emitting Volatile Organic Compounds.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141 and 70.94.331.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Language clarification and to change the applicability section of the rule to include areas within SWAPCA jurisdiction that are part of a maintenance plan in addition to the nonattainment areas. These changes are necessary to support the adopted Vancouver Ozone Maintenance Plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: This SWAPCA rule is substantially the same as chapter 173-490 WAC.

Process for Developing New Rule: Rule changes were recognized as necessary as part of the process preparing the Vancouver Ozone Maintenance Plan. A citizens Technical Advisory Committee (TAC) was formed to make recommen-

dations to SWAPCA for the Ozone Maintenance Plan. The proposed changes are necessary to implement the adopted Ozone Maintenance Plan.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Mairose, Chief Engineer, at (360) 574-3058, ext. 30, for more information.

June 19, 1996

Robert D. Elliott  
Executive Director

**WSR 96-14-021**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SOUTHWEST AIR POLLUTION**  
**CONTROL AUTHORITY**

[Filed June 21, 1996, 1:12 p.m.]

Subject of Possible Rule Making: SWAPCA 491 - Emission Standards and Controls for Sources Emitting Gasoline Vapors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141 and 70.94.331.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Language clarification, updating to remove out-of-date compliance schedule milestones, provide consistency with SWAPCA 490 (chapter 173-490 WAC) for Stage I throughput values for Clark County and consistent with federal requirements. Changes are necessary to support adopted Vancouver Ozone Maintenance Plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington Department of Ecology, this rule is substantially the same as chapter 173-491 WAC except that Stage I for Clark County is applicable at 200,000 gallons annual throughput instead of 360,000 gallons.

Process for Developing New Rule: Rule changes were recognized as necessary as part of the process of preparing the Vancouver Ozone Maintenance Plan. A citizens Technical Advisory Committee (TAC) was formed to make recommendations to SWAPCA for the Ozone Maintenance Plan. The proposed changes are necessary to implement the adopted Ozone Maintenance Plan.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Mairose, Chief Engineer, at (360) 574-3058, ext. 30, for more information.

June 19, 1996

Robert D. Elliott  
Executive Director

**WSR 96-14-022**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SOUTHWEST AIR POLLUTION**  
**CONTROL AUTHORITY**

[Filed June 21, 1996, 1:13 p.m.]

Subject of Possible Rule Making: SWAPCA 492 - Oxygenated Fuels.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.94.141 and 70.94.331.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule will be changed to be applicable only when necessary as provided under the Vancouver Carbon Monoxide Maintenance Plan as a contingency measure. This change will result in less regulation for oxygenated fuels.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Rule changes were recognized as necessary as part of the process of preparing the Vancouver Carbon Monoxide Maintenance Plan. A citizens Technical Advisory Committee (TAC) was formed to make recommendations to SWAPCA for the Carbon Monoxide Maintenance Plan. This change is necessary to support the adopted Carbon Monoxide Maintenance Plan.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Paul Mairose, Chief Engineer, at (360) 574-3058, ext. 30, for more information.

June 19, 1996  
Robert D. Elliott  
Executive Director

**WSR 96-14-033**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF TRANSPORTATION**

[Filed June 26, 1996, 8:11 a.m.]

Subject of Possible Rule Making: Regional transportation planning and regional transportation planning organizations (RTPOs).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.80.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule would provide a framework for state-wide and regional consistency in the performance and development of the regional transportation planning process. These rules would clarify the implementation chapter 47.80 RCW and reduce conflict in the planning process within regional transportation planning organizations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Federal Highway Administration (FHWA) also establishes rules regarding transportation planning for both states and for metropolitan areas of 50,000 population or more. This proposed WAC would coordinate local transportation planning efforts within these urban areas and also provide guidelines to rural areas that are consistent and compatible with federal legislation. The Washington State Department of Transportation works closely with FHWA in administering the federal transportation rules.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mike Partridge at the Washington State Department of Transportation, Transportation Building,

P.O. Box 47370, Olympia, WA 98504-7370, phone (360) 705-7964, FAX (360) 705-6813.

June 25, 1996  
John F. Conrad  
for S. A. Moon  
Deputy Secretary  
for Operations

**WSR 96-14-034**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

[Filed June 26, 1996, 9:26 a.m.]

Subject of Possible Rule Making: Disabled person special parking privileges.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.16.381.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This is a periodic review update of the rules with relation to amendments of the authorizing statutes and adopted rules. Any proposed rules may address the definition of "licensed physician," validation period for temporary placards issued upon visual verification of disability, outdated sections pertaining to procedures used to implement placards, and other issues.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack L. Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831, TDD (360) 664-8885; or Sandi Britton, License Service Manager, P.O. Box 9909, Olympia, WA 98507-9909, phone (360) 902-3811. Comments are requested by August 17, 1996.

June 25, 1996  
Nancy D. Kelly, Administrator  
Title and Registration Services

**WSR 96-14-043**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed June 26, 1996, 4:10 p.m.]

Subject of Possible Rule Making: Chapter 246-790 WAC, Special supplemental food program for women, infants, and children (WIC), the sanctions section is changed to comply with regulatory reform, the hearing process is changed to remove a step left from when the program resided in the Department of Social and Health Services, and language is changed throughout to provide more clarity and consistency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.70.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Revisions need to be made to this rule to comply with the provisions of regulatory

reform and to streamline the hearing process available to those affected by the rule. Other changes in language and terminology need to be made to make the rule consistent and easier to understand. With the rule easier to understand, compliance will be easier for those affected.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture establishes the federal regulations which give guidance and substance to the operation of the WIC program at the state level. The United States Department of Agriculture regional offices must review and approve state level operations.

Process for Developing New Rule: Mass mailings of proposed revision language to all contracted WIC retailers, their owners or corporate offices, the Retailer Advisory Committee, the Washington Food Industries, and other interested or affected parties.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Susan Evans, Public Health Nutrition Services WIC Program, P.O. Box 47886, Olympia, WA 98504-7886, Voice (360) 586-6739, FAX (360) 586-3890, Email — sme0303 @ hub.doh.wa.gov.

June 26, 1996  
Bruce Miyahara  
Secretary  
by Bobbie Berkowitz

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: 7 CFR 273.9 (d)(6)(v) and (vi) require establishment and annual review and adjustment of utility allowances. These utility allowances are updated to reflect current costs and are used as income deductions to calculate food stamp benefits.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Department of Agriculture's food and consumer service must approve updated utility allowances prior to the rule's effective date.

Process for Developing New Rule: Internal (management) and external (field staff) review process whereby draft material is distributed for review and comment. All comments are taken into consideration before the final rule is issued.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joan Wirth, Program Manager, Food Stamp Program Section, Division of Income Assistance, Mailstop 45400, phone (360) 438-8324, FAX (360) 438-8258.

June 27, 1996  
Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**WSR 96-14-052**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Filed June 27, 1996, 11:12 a.m.]

On May 21, 1996, the Department of Ecology signed a Preproposal Statement of Inquiry with regards to "monitoring, record-keeping, and reporting requirements for insignificant emissions units at sources of air pollution subject to chapter 173-401 WAC. This Preproposal Statement of Inquiry was published in WSR 96-11-134, page 9. The text of the item said that this rule making would be curtailed if the Department of Ecology and the other litigants won a court case that was in front of the United States Ninth Circuit Court of Appeals. On June 17, 1996, the court did in fact rule in favor of ecology and the other litigants. Therefore ecology no longer intends to pursue this rule making.

W. Thomas Todd  
Air Quality Program

**WSR 96-14-054**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)  
[Filed June 27, 1996, 3:15 p.m.]

Subject of Possible Rule Making: Food stamp program utility allowances, WAC 388-49-505.

**WSR 96-14-068**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

(Board of Optometry)  
[Filed June 28, 1996, 12:40 p.m.]

Subject of Possible Rule Making: General housekeeping and amendments to update and clarify rules relating to continuing optometric education. These changes will allow the inclusion of coursework provided through the Internet, CD-ROM, diskette and videoconferencing. The board of optometry will also be permitted more time to review proposed coursework for continuing education.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Current optometry continuing education rules do not address courses offered electronically through Internet, CD-ROM or diskette. References to coursework within specific category continuing education are unclear resulting in some licensees earning more than the maximum allowed credits in a single category bringing the overall total below the required number of hours. Deadlines for submitting coursework to the board of optometry do not allow sufficient time for board review.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Public meetings on May 17, and September 13, 1996. Mailings to interested persons.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before

publication by contacting Judy Haenke, P.O. Box 47863, Olympia, WA 98504-7863, (360) 753-4614, FAX (360) 586-0745. Public Meeting: September 13, 1996, Seattle Airport Hilton, Peninsula West Room, 17620 Pacific Highway South, Seattle, WA 98188-0962, at 1:30 p.m.

June 18, 1996  
D. H. Williams  
Executive Director  
Health Professions  
Section Four

**WSR 96-14-076**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed July 1, 1996, 9:40 a.m.]

Subject of Possible Rule Making: WAC 204-91A-140 Towing businesses—Fees, amendments to allow more room for vehicle storage.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.37.005, 46.55.050, 46.61.567.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The proposed amendments to this chapter will allow the towing industry to store more vehicles in their present impound yards. The changes will also bring the rule into line with standard vehicle lengths.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. Carol Morton, Washington State Patrol, Equipment Review Unit, P.O. Box 42635, Olympia, WA 98504-2635, (360) 412-8934.

June 28, 1996  
Annette M. Sandberg  
Chief

**AMENDATORY SECTION** (Amending WSR 89-21-044, filed 10/13/89, effective 11/13/89)

**WAC 204-91A-140 Fees.** (1) All towing fees shall be based on a flat, hourly rate only and shall apply without regard for the hour of day, day of the week or whether the service was performed on a Saturday, Sunday, or holiday. The hourly rate for each class of truck shall be the only charge for services performed for initial tows and secondary tows performed during business hours. Charges for secondary tows performed during nonbusiness hours, on weekends or holidays, if different from the hourly rate, shall be negotiated and agreed upon with the vehicle owner/agent before the tow is made.

(2) The chief of the state patrol shall, prior to October 15 of each year, establish maximum hourly towing rates for each class of tow truck and maximum daily storage rates that tow operators may charge for services performed as a result of state patrol calls. The maximum rates shall be determined after consulting with members of the towing industry, review of current private towing rates, and such other economic factors as the chief may deem appropriate.

When signed by the chief (or his/her designee) and the tow operator, a contractual agreement to charge no more

than the maximum rates shall become part of the operator's letter of appointment. The tow operator may, however, adopt a rate schedule charging less than the maximum rates established by the chief.

The hourly rate shall:

(a) Be the only basis used to compute total charges for towing services.

(b) Apply when the call is made by the state patrol, for whatever reason, including but not limited to accidents, incidents, disableds, and impound requests.

(c) Include all ancillary activities such as, but not limited to, removal of glass and debris from the roadway and any other area referred to as the "scene or incident," necessary winching, dolly service, drive line removal, installing chains on the tow truck, installation of portable lights, vehicle hookup for towing or transporting, tire replacement (on vehicle to be towed) and standby time.

(d) Be considered to include one person (the driver) per truck. Any charges for additional labor and/or ancillary vehicles (trailers, pickups, etc.), for removing debris, cargo, etc., must have prior authorization from the legal or registered owner/agent, or a member of the patrol at the scene.

(e) Be computed from the actual time the truck departs in response to a call until it returns to the starting location or it begins responding to another call minus any down time.\* The hourly rate shall be applied to the resulting net time and, after the first hour, shall be rounded to the nearest fifteen minutes. The operator may charge the hourly rate for the first hour or any portion thereof. After the first hour, no more than one-quarter of the hourly rate may be charged for each fifteen minutes of tow or service work performed.

\*Down time includes coffee or meal breaks, personal errands by the operator, and/or any mechanical failure on the truck or equipment.

(3) The basic storage fee:

(a) Shall be calculated on a twenty-four-hour basis and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area; and

(b) Shall be the same for all three and four-wheel vehicles less than (~~twenty-five~~) twenty feet in length; and

(c) For vehicles or combinations exceeding (~~twenty-five~~) twenty feet shall be computed by multiplying each (~~twenty-five~~) twenty feet of vehicle length, or any portion thereof, by the basic storage fee;

(d) For two-wheel motorcycles shall be one-half the basic storage fee for three and four-wheel vehicles.

(4) After hours release fee. If an operator or employee is already present, for other reasons, at the storage facility after business hours when a customer arrives, the vehicle and/or property shall be released as if it were during business hours. No "after hours fee" may be assessed. If the operator or employee is called to the place of business specifically for the purpose of releasing the vehicle and/or property, an "after hours fee," equivalent to one-half of the maximum Class "A" hourly rate, may be assessed.

(5) Any tow operator who charges the general public (i.e., private citizens) rates lower than those identified in the contractual agreement for services listed below shall charge the same lower rate for similar services performed as a result of state patrol originated calls.

(a) Roadside mechanical service, including fuel transfer, tire and belt changes, etc.;

- (b) Disabled vehicle tow/transportation;
- (c) Storage;
- (d) After hours release fees.

Any such price requirement shall not be imposed for unoccupied vehicle situations in which the owner/operator has had no prior contact with either the state patrol or the tow operator.

**WSR 96-14-077**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed July 1, 1996, 9:47 a.m.]

**Subject of Possible Rule Making:** Chapter 204-10 WAC, Equipment standards, adopt new section to define hands-free, wireless communications systems as enacted under chapter 34, Laws of 1996.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 46.37.005 and 46.37.480.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Recent legislation allows motorists to drive vehicles equipped with wireless communications systems. This rule defines acceptable standards for those systems.

**Process for Developing New Rule:** Surveyed communications industry for input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ms. C. Morton, Washington State Patrol, Equipment Review Unit, P.O. Box 42635, Olympia, WA 98504-2635, (360) 412-8934.

June 28, 1996  
 Annette M. Sandberg  
 Chief

**NEW SECTION**

**WAC 204-10-045 Wireless communications systems.** Hands-free, wireless communication systems may be used by motorists while driving a motor vehicle. Listening devices that include an earpiece shall cover only one ear. Wireless communication systems must be approved by the Washington state patrol equipment review unit.

**WSR 96-14-079**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed July 1, 1996, 9:46 a.m.]

**Subject of Possible Rule Making:** New section WAC 458-20-263 Wind energy and solar electric generating facilities sales and use tax exemption.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 82.32.300 and chapter 166, Laws of 1996.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The adoption of this new rule is necessary to implement and administer chapter 166, Laws of 1996 (HB 2290).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

**Process for Developing New Rule:** Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments should be submitted by the public meeting date to ensure full consideration, but will be accepted until August 20, 1996. Written comments on and/or requests for copies of the rule may be directed to Rachel Le Mieux, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, phone (360) 586-0332, FAX (360) 664-0693.

**Location and Date of Public Meeting:** On August 6, 1996, at 9:30 a.m., Evergreen Plaza Building, 711 Capitol Way, Second Floor Conference Room, Olympia, WA 98501.

**Assistance for Persons with Disabilities:** Contact Sandra Yuen by July 29, 1996, TDD 1-800-451-7985 or (360) 753-3217.

July 1, 1996  
 Claire Hesselholt  
 Policy Counsel

**WSR 96-14-095**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF LICENSING**

[Filed July 2, 1996, 1:20 p.m.]

**Subject of Possible Rule Making:** Add a new section to chapter 308-104 WAC to detail address of record change procedures and amend WAC 308-102-006 to update agency contact information.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 46.20.205 (as amended by section 4, chapter 30, Laws of 1996) and 46.01.110.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Adopt provisions of new legislation and update outdated information.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

**Process for Developing New Rule:** Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Clark Holloway at (360) 902-3846, FAX (360) 586-8351, TDD (360) 664-8885, or write to the Department of Licensing, P.O. Box 9030, Olympia, WA 98507-9030.

July 2, 1996  
 Ken Mark  
 Assistant Director

**PREPROPOSAL**

**WSR 96-14-096**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed July 2, 1996, 1:21 p.m.]

**Subject of Possible Rule Making:** Definition of extended area service, the commission proposes to amend WAC 480-120-405(2) to update the definition of mandatory calling by deleting reference to "seven digit" calling, to allow the use of ten digits for local calling when doing so is technically necessary. Docket No. UT-960687.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 80.04.010.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** Ten digit local dialing will be required in some circumstances because of the addition of area codes. Updating the definition of mandatory calling by deleting reference to "seven digit" calling will accommodate new number plans required by the expanded us [use] of telecommunications services in the region.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** None.

**Process for Developing New Rule:** Agency study; and discussions have been held between commission staff and many affected telecommunications companies regarding the need for this change.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Written comments from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. UT-960687, no later than July 26, 1996. All commenters are asked to file an original and ten copies of their written comments. Inquiries and comments should be addressed to the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 753-6451, FAX (360) 586-1150.

July 2, 1996  
 Terrence Stapleton  
 for Steve King  
 Acting Secretary

**WSR 96-14-097**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed July 2, 1996, 1:24 p.m.]

**Subject of Possible Rule Making:** Petroleum pipeline companies, adopting federal rules by reference to bring state rules into conformity with existing federal rules. Docket No. UG-960810.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** The commission has been requested by the United States Department of Transportation, Office of Pipeline Safety (OPS) to assume jurisdiction for safety regulation of hazardous liquids pipeline common carriers. The commission proposes to amend chapter 480-75 WAC by adopting federal hazardous liquids pipeline safety standards, 49 CFR

Part 195, and the drug and alcohol testing regulations, Part 199, currently in effect.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The commission has been certified by OPS to assume responsibility for intrastate hazardous liquids pipeline safety, and therefore is required to incorporate federal pipeline safety standards into its safety regulations in order to maintain certification under the Pipeline Safety Law, 49 U.S.C. § 60101, et seq., to participate in the federal pipeline safety program.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The United States Department of Transportation, Office of Pipeline Safety is charged by the federal law to regulate hazardous liquids pipeline safety, and has certified the commission to assume that responsibility for intrastate pipeline transportation.

**Process for Developing New Rule:** Agency study; and the commission will call for written comments, and may provide the opportunity for additional written comments. The commission will schedule an informal workshop with interested persons in a manner designed to develop consensus on any rule proposal.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, (360) 753-6451, FAX (360) 586-1150.

**Written Comments:** Written comments from persons interested in the subject matter of this proposed rule making may be filed with the commission secretary, referencing Docket No. UG-960810, not later than July 26, 1996. All commenters are asked to file an original and ten copies of their written comments. The commission also requests comments be provided on a 3 1/2 inch, high-density disk, in WordPerfect version 5.1, 6.0 or 6.1, labeled with the commenter's name and type of software used. Interested persons may also file additional written comments and attend and participate in any workshops, to be announced by written notice to all commenters and to other persons specifically asking to receive notice in this rule-making proceeding.

**Notice of Workshop:** A workshop will be held at 9:00 a.m., August 8, 1996, in the Main Hearing Room of the Commission's Headquarters Office, 1300 South Evergreen Park Drive S.W., Olympia, WA.

July 2, 1996  
 Terrence Stapleton  
 for Steve King  
 Acting Secretary

**WSR 96-14-100**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Public Assistance)  
 (Aging and Adult Services Administration)  
 (Residential Care Services)  
 [Filed July 2, 1996, 2:43 p.m.]

Subject of Possible Rule Making: Nursing home licensing, chapter 388-97 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.51.007, 18.51.010, 18.51.050, 18.51.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule would clarify long-standing department policy not to issue a nursing home license to more than one licensee per building. The reason for the rule is to ensure that each licensee is clearly accountable for the health and safety of residents cared for under that license. Further, the rule is intended to ensure compliance with federal and state laws prohibiting Medicaid discrimination. Two licensees per building may blur the lines of accountability between the licensees, and create difficulties for the department in treating each licensee fairly with regard to many issues, including its license history, and its Medicaid payment rates.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: No other federal or state agencies have any direct regulatory authority over Washington state nursing home licensing.

Process for Developing New Rule: Comments will be solicited from stakeholders, consumer advocates, interest groups, nursing home providers, state ombudsman, and interested public citizens (see attached list [no information supplied by agency]).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. A letter soliciting comments will be mailed to all nursing homes and to other interested parties (see above). Interested parties may submit verbal or written comments, concerns and recommendations to AASA at any time prior to the filing of the notice of proposed rule making. At the time the notice of proposed rule making is filed, interested parties will be notified of the scheduled hearing to adopt rules and how to submit comments for consideration. Contact person for the rule development process will be Fay Helmon, Policy and Program Development, Residential Care Services, P.O. Box 45600, Olympia, WA 98501, phone (360) 438-8978, FAX (360) 438-7903, TDD 407-0212 or 1-800-737-7931.

July 2, 1996  
 Merry A. Kogut, Supervisor  
 Rules and Policies Assistance Unit

**WSR 96-14-103**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SECRETARY OF STATE**

[Filed July 2, 1996, 3:38 p.m.]

Subject of Possible Rule Making: Amend and recodify rules relating to elections, including the citizens' commission for salaries of elected officials, voter registration, candidate filing, ballots, absentee ballots, mail ballot elections, polling place operation, counting center procedures, and the verification of signatures on referendum and initiative petitions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29.36.150, 29.04.080, 29.04.210, 29.79.200.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on elections are needed to (1) simplify, streamline, and organize election administration procedures; (2) make administrative code reflect legislation enacted since rules were adopted or last amended; and (3) recodify existing rules into a new codification structure.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sheryl Moss, Program Coordinator, (360) 664-3653, FAX (360) 664-3657, P.O. Box 40232, Olympia, WA 98504-0232; or John C. Mullinax, Elections Examiner, (360) 664-3654, FAX (360) 664-3657.

July 2, 1996  
 Donald F. Whiting  
 Assistant Secretary of State

**WSR 96-14-104**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed July 3, 1996, 8:20 a.m.]

Subject of Possible Rule Making: Revising C-4 form filed by political committees and candidates.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.17.090 (1)(k) and [42.17].370(1).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: As part of the campaign disclosure reporting process, political committees (including PACs) and candidates itemize expenditures of over \$50 as part of the C-4 campaign disclosure report. One of the types of PAC expenditures that is becoming more popular since the passage of contribution limits in I-134 is independent expenditures that support or oppose a candidate for state or local office. There is no special reporting of these independent expenditures by PACs. They only appear as part of a PAC's overall C-4 report. There are approximately 400 business and union PACs that may choose to make independent expenditures in lieu of or in addition to directly giving to candidates. One of the purposes of the disclosure law is to allow voters to learn before an election how much money an individual, business, union or PAC is spending to influence an election. In order to facilitate tracking of PAC independent expenditures by the public and the Public Disclosure Commission, the commission has adopted an

emergency rule modifying the C-4 form and requiring PACs to indicate on the front of the form whether the report contains any independent expenditures supporting or opposing a state or local office candidate. Absent sufficient justification for not making this revision a permanent part of the C-4 form, the commission intends to modify the form accordingly.

Process for Developing New Rule: Interested persons are invited to submit written comments by August 16, 1996, to Vicki Rippie, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Public Disclosure Commission Assistant Director Vicki Rippie, 711 Capitol Way, Room 403, P.O. Box 40908, Olympia, WA 98504, or (360) 586-4838. A public hearing on the proposed change will likely occur on Tuesday, September 24, 1996. Public testimony is welcome at that time, or written comment may be submitted by September 13 for consideration at the hearing.

July 2, 1996  
Melissa Warheit  
Executive Director

**WSR 96-14-107**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed July 3, 1996, 10:05 a.m.]

Subject of Possible Rule Making: Whether or not the Washington State Department of Agriculture should pursue rule making to establish a market pool in the market area, as provided for in RCW 15.35.110.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.35.110.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department needs to ascertain whether current conditions are conducive to proceeding with the development of rules to establish a milk marketing program in Washington state after the department files referendum results with the Office of the Secretary of State. Also taken into consideration will be additional concept of a two-state milk marketing program, which would include both Oregon and Washington.

Process for Developing New Rule: An open public meeting will be scheduled to meet with industry organization representatives and other persons wishing to participate in the process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dannie McQueen, Administrative Regulations Manager, Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, (360) 902-1809.

July 1, 1996  
Jim Jesernig  
Director

**WSR 96-14-113**

**PREPROPOSAL STATEMENT OF INQUIRY  
WASHINGTON STATE PATROL**

[Filed July 3, 1996, 10:37 a.m.]

Subject of Possible Rule Making: Commercial motor vehicle regulations, transportation requirements. Amend WAC 446-65-010 to set harvest dates in Washington state for agricultural transporters.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.32.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Authority for Title 49 Code of Federal Regulations (CFR) has been transferred to the state level. This amendment will set harvest dates for agricultural transporters.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Captain Timothy Erickson, Washington State Patrol, Commercial Vehicle Division, P.O. Box 42614, Olympia, WA 98504-2614, (360) 753-0350, FAX (360) 586-8233.

July 3, 1996  
Annette M. Sandberg  
Chief

**AMENDATORY SECTION** (Amending WSR 95-13-080, filed 6/20/95, effective 7/21/95)

**WAC 446-65-010 Transportation requirements.** (1) The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations, for motor carriers used in intrastate or interstate commerce, in their entirety: Parts 390 General, 391 Qualification of drivers, 392 Driving of motor vehicles, 393 Parts and accessories necessary for safe operation, 395 Hours of service of drivers, 396 Inspection, repair, and maintenance, 397 Transportation of hazardous materials; driving and parking rules, provided, however, motor carriers operating vehicles with a gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating solely intrastate, and not used to transport hazardous materials in a quantity requiring placarding, are exempt from Parts 390 General, 391 Qualifications of drivers, 392 Driving of motor vehicles, 395 Hours of service, and 396 Inspection, repair, and maintenance.

(2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined as starting February 1 and ending November 30 of each year.

(3) Copies of Title 49 CFR, parts 390 through 397, now in force are on file at the code reviser's office, Olympia and at the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation commission offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

**WSR 96-14-114**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**WASHINGTON STATE PATROL**

[Filed July 3, 1996, 10:40 a.m.]

Subject of Possible Rule Making: WAC 446-10-090  
 Charge for public records.

Statutes Authorizing the Agency to Adopt Rules on this  
 Subject: RCW 42.17.250, 42.17.300.

Reasons Why Rules on this Subject may be Needed and  
 What They Might Accomplish: Update rule to cover  
 expenses for copying of all public records, including photo-  
 graphs, audio tapes, diagrams, and other items. The rule will  
 also require prepayment for all items.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt  
 the new rule and formulation of the proposed rule before  
 publication by contacting Ms. Susan Wagner, Washington  
 State Patrol, Public Disclosure Officer, 621 Woodland  
 Square Loop, 2nd Floor, Lacey, WA 98504-2611, (360) 438-  
 5833, FAX (360) 407-0172.

July 3, 1996  
 Annette M. Sandberg  
 Chief

AMENDATORY SECTION (Amending WSR 90-10-097,  
 filed 5/2/90, effective 6/2/90)

**WAC 446-10-090 Charge for public records.** No fee  
 shall be charged for the inspection of public records. The  
 department shall charge a fee of (~~ten~~) fifteen cents per  
 page of copy for providing copies of written public records  
 and for use of the department copy and duplicating equip-  
 ment, and actual costs for postage, mailing and (~~UPS~~)  
shipping services. The department may charge the actual  
cost for providing copies of public records, including  
duplications of photographs, audio tapes, video tapes,  
diagrams and/or drawings of collision scenes. These charges  
 are the amounts necessary to reimburse the department for  
 its actual costs incident to such copying and mailing.

Payment for the copying of public records must be  
received by the department before any documents will be  
sent to the requester. Only company checks, money orders,  
or personal checks will be accepted as payment. No cash  
shall be allowed.

**WSR 96-14-117**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 3, 1996, 10:47 a.m.]

Subject of Possible Rule Making: Chapter 296-99  
 WAC, Safety standards for grain handling facilities.

Statutes Authorizing the Agency to Adopt Rules on this  
 Subject: RCW 49.17.010 and [49.17].050.

Reasons Why Rules on this Subject may be Needed and  
 What They Might Accomplish: The department is required  
 to adopt rules identical to or at-least-as-effective-as the  
 federal Occupational Safety and Health Administration  
 (OSHA) rules as required by the OSHA/WISHA state plan  
 agreement. Amendments will be proposed to the grain

handling facilities standard to define and address employee  
 entry into potentially hazardous flat grain storage structures  
 to be identical to or at-least-as-effective-as the federal final  
 rule, as published in Federal Register Volume 61, Number  
 47, dated March 8, 1996.

Other Federal and State Agencies that Regulate this  
 Subject and the Process Coordinating the Rule with These  
 Agencies: No other state or federal agencies are known that  
 regulate this subject.

Process for Developing New Rule: The department  
 must adopt rules identical or at-least-as-effective-as OSHA  
 rules as required by the OSHA/WISHA state plan agreement.

Interested parties can participate in the decision to adopt  
 the new rule and formulation of the proposed rule before  
 publication by contacting Merle Larson, Industrial Safety  
 Engineer, Department of Labor and Industries, Consultation  
 and Compliance Services Division, P.O. Box 44620, Olym-  
 pia, WA 98504-4620, phone (360) 902-5519, FAX (360)  
 902-5529.

July 3, 1996  
 Mark O. Brown  
 Director

**WSR 96-14-118**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 3, 1996, 10:49 a.m.]

Subject of Possible Rule Making: Hazard communica-  
 tion, WAC 296-62-05413 (7)(d).

Statutes Authorizing the Agency to Adopt Rules on this  
 Subject: RCW 49.17.010 and [49.17].050.

Reasons Why Rules on this Subject may be Needed and  
 What They Might Accomplish: OSHA letter dated February  
 20, 1996, identified WAC 296-62-05413(7)(d) as not at-  
 least-as-effective-as the federal standard as published in  
 Federal Register Volume 59, Number 245, dated December  
 12, 1994. Amendments required will clarify the obligation  
 of wholesale distributors (of hazardous materials) to provide  
 material safety data sheets to employers to be identical to the  
 federal standard.

Other Federal and State Agencies that Regulate this  
 Subject and the Process Coordinating the Rule with These  
 Agencies: No other state or federal agencies are known that  
 regulate this subject.

Process for Developing New Rule: The department  
 must adopt rules identical or at-least-as-effective-as OSHA  
 rules as required by the OSHA/WISHA state plan agreement.

Interested parties can participate in the decision to adopt  
 the new rule and formulation of the proposed rule before  
 publication by contacting Merle Larson, Industrial Safety  
 Engineer, Department of Labor and Industries, Consultation  
 and Compliance Division, P.O. Box 44620, Olympia, WA  
 98504-4620, phone (360) 902-5519, FAX (360) 902-5529.

July 3, 1996  
 Mark O. Brown  
 Director

July 3, 1996  
Evan Jacoby  
Rules Coordinator

**WSR 96-14-119**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 3, 1996, 10:50 a.m.]

Subject of Possible Rule Making: Asbestos.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.26 RCW, Asbestos Certification Act (RCW 49.26.010) and 40 CFR, Part 763, EPA Model Accreditation Plan (Toxic Substance Control Act, Section 206 (b)(2)).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To add a WAC reference to WAC 296-65-015(13) to be consistent and require the same instructor/student ratio for worker and supervisor required hands-on-training courses.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The federal Environmental Protection Agency also regulates this subject.

Process for Developing New Rule: The department must adopt rules identical to the federal Environmental Protection Agency rules as required by chapter 49.26 RCW and ESB 5397.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John Geppert, Asbestos Certification Program Coordinator, Policy and Technical Support, Department of Labor and Industries, P.O. Box 44650, Olympia, WA 98504-4650, phone (360) 902-5431, FAX (360) 902-5438.

July 3, 1996  
Mark O. Brown  
Director

**WSR 96-14-144**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed July 3, 1996, 11:41 a.m.]

Subject of Possible Rule Making: Sport fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 75.08.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The states of Oregon and Washington will be determining sturgeon management objectives which will require amending sturgeon harvest rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Coordination will occur with Oregon Department of Fish and Wildlife for sturgeon rules in the Columbia River.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rich Lincoln, Fish Management Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2325.

PREPROPOSAL

**WSR 96-13-107**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Aging and Adult Services Administration)  
 (Public Assistance)  
 [Filed June 19, 1996, 11:44 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-06-009.

**Title of Rule:** Chapter 388-15 WAC, Social services for families, children and adults.

**Purpose:** To editorially correct sections, clarify department's purpose and intent, to clarify task definitions, and incorporate training requirements.

**Statutory Authority for Adoption:** RCW 74.08.090, 74.09.520, 74.39A.100, 74.39.010, 74.39.030, section 5, chapter 302, Laws of 1996.

**Statute Being Implemented:** RCW 74.09.520, 74.39.005, 74.39A.110, 74.39A.170, section 5, chapter 302, Laws of 1996.

**Summary:** The amendments clarify and make editorial changes to correct WAC cross-reference citations and ensure the amended provisions reflect Department of Social and Health Services and legislative intent. WAC 388-15-196 is amended to include training requirements for in-home care providers. A new section is added to satisfy the legislature's directions in section 5, chapter 302, Laws of 1996, to establish termination procedures for in-home care providers. The new section also clarifies in-home care client responsibilities. Amendments to WAC 388-15-210 clarify the department's responsibilities in the chore program. The amendments clarify the definitions of long-term care services and expand and clarify the requirements for volunteer chore services. COPES eligibility is clarified and further defined in amendments to WAC 388-15-610. The amendments add the term "respite care services" to several sections to clarify their applicability.

**Reasons Supporting Proposal:** Update rules to conform with recent changes in law and clarify existing rule language.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Lois Wusterbarth, Aging and Adult Services Administration, Home and Community Services Division, (360) 493-2538.

**Name of Proponent:** Department of Social and Health Services, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** See Purpose, Summary, and Reasons Supporting Proposal above.

**Proposal Changes the Following Existing Rules:** See above.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

**Summary of Rule:** One of the goals of RCW 74.39.005 was to improve the quality of personal care services provided to clients. The Department of Social and Health Services (DSHS) is proposing a revision to chapter 388-15 WAC to reflect these goals. The amendments clarify and make

editorial changes to correct WAC cross-reference citations and ensure the amended provisions reflect DSHS and legislative intent.

WAC 388-15-196 is amended to include training requirements for in-home care providers. A new section is added to satisfy the legislature's direction in section 5, chapter 302, Laws of 1996, to establish termination procedures for in-home care providers. The new section also clarifies in-home care client responsibilities. Amendments to WAC 388-15-219 clarify the department's responsibilities in the chore program. The amendments clarify the definitions of long-term care and expand and clarify the requirements for volunteer chore services. COPES eligibility is clarified and further defined in amendments to WAC 388-15-610. The amendments add the term "respite care services" to several sections to clarify their applicability.

**Business Program Impact:** The rule change which will most directly affect small businesses is WAC 388-15-196. It requires long-term care training for in-home providers. In addition to enhancing quality of service, this training will become an entry level preparatory opportunity for further education in care giving.

Home care provider agencies must ensure that their employees who perform personal care services complete the initially required basic or modified caregiver course and the ten-hour continuing education classes each year. Much of the direct cost to provider agencies such as salaries during training, will be reimbursed by the department. The agencies will absorb some of the administrative impact of staff time in training.

**Business Fiscal Impact:** The department will be paying for the costs related to increased training costs. AASA will directly reimburse at \$4 per hour for each hour of training provided agency employees. Additionally, for the cost of paying the trainee while they are in training, there has been, for several years, \$.12 per hour in agency rates for training. As we are now paying directly for training, rather than take this \$.12 back, we expect the agencies to use this also for paying wages and administrative costs for staff in training.

Individual providers who complete the required courses will be reimbursed for their time training in at the same hourly rate they are paid for providing in-home services.

The department cannot and will not pay for training costs related to private pay clients. Since agencies will no doubt use the same staff for state funded and private pay clients, only training related to state clients will be reimbursed. This is accomplished through a cost allocation formula mandated by federal policy. Training for private pay clients is neither provided nor required.

**Small Business Impact—Conclusion:** In response to concerns of some agencies, we have extended the deadline for getting staff through this training. We have also agreed to credit some past training which some providers have received and have added a modified ten-hour option for providers meeting recognized previous training.

All home care provider agencies will have to adjust scheduling and track employee personnel records to assure compliance. We believe our proposed requirements are equitable and will not impact small businesses more than larger businesses.

A copy of the statement may be obtained by writing to Lois Wusterbarth, Program Manager, Aging and Adult

Services Administration, Home and Community Services Division, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 493-2538, or FAX (360) 438-8633.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on August 6, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 753-0625, by July 18, 1996.

Submit Written Comments to: Lois Wusterbarth, Program Manager, Aging and Adult Services Administration, Home and Community Services Division, Olympia, WA 98504-5600, FAX (360) 438-8633, phone (360) 493-2538, by July 25, 1996.

Date of Intended Adoption: August 7, 1996.

June 19, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 1640, filed 4/20/81)

**WAC 388-15-030 Rights of applicant for services.**

(1) Any individual has the right to request services from the department, make a service application and have his eligibility for services determined.

(2) Eligible individuals shall be given requested services, or other needed services, that are offered by the department, and included in the department's service plan, to meet the goal appropriate to his service need.

(3) Applicants or recipients may request a fair hearing concerning the denial, (~~reduction~~) change, suspension, or termination of a service, or failure to act upon a request for services with reasonable promptness. The form of the request shall comply with WAC 388-08-413.

(4) Services may not be provided prior to the date of application, nor if federal matching is to be received, provided prior to the date of determination of eligibility unless the determination is made within thirty days of the date of application and the individual was found to be eligible when service was initiated.

(5) Eligibility must be determined on an individual basis for each person in a family, unless specifically designated otherwise as in group eligibility.

(6) Adequate notice shall be given to applicants for or recipients of services to indicate that they have been found eligible or ineligible for services. Advance and adequate notice shall be given to a recipient of the department's planned action to (~~reduce~~) change, suspend, or terminate; such notices shall follow and be in accord with WAC ((388-33-376, 388-33-382, and 388-33-385)) 388-245-1000, 388-245-1400, 388-245-1410, 388-245-1500, 388-245-1700, 388-245-1710, 388-245-1720, and 388-245-1730.

(7) Service applications may be made by the individual, or others acting in his behalf, or may be the result of referral from another agency or member of the community. Where the individual is unable, too incompetent, or in a protective service case unwilling, to sign his own application, another responsible or appropriate individual may sign on his behalf, including a member of agency staff.

(8) Services may be only provided to accomplish the specific goals for the particular services as designated in the state service plan and rules.

(9) WAC ((~~388-33-377~~)) 388-245-1740 is incorporated by reference to determine the circumstances under which services will be continued pending a hearing when a recipient of services requests a fair hearing to appeal the department's planned action to reduce, suspend, or terminate services.

AMENDATORY SECTION (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-196 Home and community services—Minimum qualifications for care providers in home and community settings.** To protect the health and welfare of a long-term care service client receiving (~~home and community services~~) an AASA administered service, the adult client's (~~department paid~~) care provider shall:

(1) Be eighteen years of age or older;  
(2) Complete and submit a criminal history background inquiry form prescribed by the department;  
(3) Possess the following minimum standards of knowledge and experience:

(a) General knowledge of acceptable standards of performance, including the necessity to perform dependably, report punctually, maintain flexibility, and to demonstrate kindness and caring to the client;

(b) Knowledge of when and how to contact the client's representative and the client's case manager.

(4) Have the following required skills:

(a) Adequate skills to read, either directly or through an interpreter, understand and implement the client's service plan;

(b) Adequate communication skills to convey and understand either directly or through an interpreter information required to implement the client's written service plan and verbal instructions;

(c) Adequate skills to maintain provider records of services performed and payments received.

(5) Be able to:

(a) Understand specific directions for providing the care which the individual client requires;

(b) Observe the client for change in health status, including weakness, confusion, and loss of appetite;

(c) Identify problem situations and take appropriate action;

(d) Respond to emergencies without direct supervision;

(e) Perform authorized housework functions competently;

(f) Perform authorized direct personal care functions competently;

(g) Accept the client's individual differences and preferences when performing routine tasks; and

(h) Work independently and perform responsibly within the boundaries of the nonmedical personal care task limits.

(6)(a) Complete the department's fundamentals of caregiving training according to the following schedule:

(i) All in-home personal care providers hired on or after the effective date of this section shall successfully complete the department-designated fundamentals of caregiving

training within one hundred twenty days of employment, unless he or she meets the requirements in subsection (6)(c);

(ii) All in-home care providers hired prior to the effective date of this section successfully complete the department designated fundamentals of caregiving training prior to May 1, 1997, unless he or she meets the requirements in subsection (6)(c).

(b) Complete a minimum of ten hours of continuing education credits per calendar year, on topics relevant to caregiving:

(i) Topics include, but are not limited to:

- (A) Residents' rights;
- (B) Personal care (such as transfers or skin care);
- (C) Dementia;
- (D) Mental illness;
- (E) Developmental disabilities;
- (F) Depression;
- (G) Medication assistance;
- (H) Communication skills;
- (I) Alternatives to restraints; and
- (J) Activities for clients.

(ii) Caregivers are required to earn a certificate of completion to meet the requirement for continuing education credit and each hour of completed instruction will count as one hour of continuing education credit; and

(iii) The continuing education requirement begins the calendar year after the year in which the caregiver completes the fundamentals or modified fundamentals of caregiving training.

(c) A provider who is a registered or licensed practical nurse, a physical or occupational therapist, a certified nursing assistant, a Medicare-certified home health aide, or who has successfully completed department-approved adult family home training, or department-approved personal care training from an area agency on aging or their subcontractor, is exempt from the fundamentals of caregiving training in subsection (6)(a) of this section if the provider successfully completes the department designated modified fundamentals of caregiving training in accordance with the dates specified in subsection (6)(a) of this section. A provider who has successfully completed the division of developmental disabilities staff training as required by chapter 275-26 WAC is exempt from the fundamentals of caregiving training in subsection (6)(a) of this section as long as the provider continues to work for a division of developmental disabilities contracted agency. This exemption no longer applies if the provider leaves the DDD-contracted agency.

(d) The provider shall provide documentation upon request that the provider has met the education and training requirements.

(e) The department shall not continue to authorize reimbursement for services rendered by a care provider who does not meet the educational requirement in subsection (6) of this section.

#### NEW SECTION

**WAC 388-15-198 Home and community services—Client and provider responsibilities.** (1) A client receiving home and community services shall:

(a) Hire a qualified individual provider as described in WAC 388-15-196;

(b) Be present for all scheduled provider appointments or give twenty-four hour advance notification to the provider when the appointment cannot be kept; and

(c) Pay the provider department determined participation in the correct amount and on time each month as indicated on the client's award letter.

(2) Individual providers shall give to all parties listed in subsection (4) of this section written advance notice two weeks prior to terminating personal care services.

(3) Home care agencies shall have a written policy establishing procedures and timelines for providing reasonable notice when terminating services to clients.

(4) All provider shall give written notification of termination to the client or the client's legal representative, the department's designated case manager or social worker, and other persons or organizations who have requested notification when:

(a) The provider chooses to terminate employment; or

(b) The client fails to keep two or more scheduled appointments with the provider unless the client has provided advance notification of at least eight hours to the provider; or

(c) The client failed to pay the participation amount to the provider according to the department's calculation and schedule.

**AMENDATORY SECTION** (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-202 Long-term care services—Definitions.** The department shall use the definition in subsections (1) through (50) of this section for long-term care services. "Long-term care services" means the services administered directly or through contract by the aging and adult services administration of the department, including but not limited to nursing facility care and home and community services.

(1) "Aged person" means a person sixty-five years of age or older.

(2) "Agency provider" means a licensed home care agency or a licensed home health agency having a contract to provide long-term care personal care services to a client in the client's own home.

(3) "Application" means a written request for medical assistance or long-term care services submitted to the department by the applicant, the applicant's authorized representative, or, if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. The applicant shall submit the request on a form prescribed by the department.

(4) "Assessment" means an inventory and evaluation of abilities and needs.

(5) "Attendant care" means the chore personal care service provided to a grandfathered client needing full-time care due to the client's need for:

(a) Assistance with personal care; or

(b) Protective supervision due to confusion, forgetfulness, or lack of judgment. Protective supervision does not include responsibilities a legal guardian should assume such as management of property and financial affairs.

(6) "Authorization" means an official approval of a departmental action, for example, a determination of client

eligibility for service or payment for a client's long-term care services.

(7) "Available resources" is a term to describe a chore personal care client's assets accessible for use and conversion into money or its equivalent without significant depreciation in the property value.

(8) "Blind person" means a person determined blind as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

(9) "Categorically needy" means the financial status of a person as defined under WAC 388-503-0310.

(10) "Client" means an applicant for service or a person currently receiving services.

(11) "Community residence" means:

(a) The client's "own home" as defined in this section;

(b) Licensed adult family home under department contract;

(c) Licensed boarding home under department contract;

(d) Licensed children's foster home;

(e) Licensed group care facility, as defined in WAC 388-73-014(8); or

(f) Shared living arrangement as defined in this section.

(12) "Community spouse" means a person as described under WAC 388-513-1365 (1)(b).

(13) "Companionship" means the activity of a person in a client's own home to prevent the client's loneliness or to accompany the client outside the home for other than personal care services.

(14) "Contracted program" means services provided by a licensed and contracted home care agency or home health agency.

(15) "COPEs" means community options program entry system.

(16) "Department" means the state department of social and health services.

(17) "Direct personal care services" means verbal or physical assistance with tasks involving direct client care which are directly related to the client's handicapping condition. Such assistance is limited to allowable help with the tasks of ambulation, bathing, body care, dressing, eating, personal hygiene, positioning, self-medication, toileting, transfer, as defined under WAC 388-15-202 ~~((36))~~ (38)(a) through (e), (j) through (l), (n), and (o).

(18) "Disabled" means a person determined disabled as described under WAC 388-511-1105 by the division of disability determination services of the medical assistance administration.

(19) "Disabling condition" means a condition which prevents a person from self-performance of personal care tasks without assistance.

(20) "Estate recovery" means the department's activity in recouping funds after the client's death which were expended for long-term care services provided to the client during the client's lifetime per WAC 388-15-192.

~~((20))~~ (21) "Grandfathered client" means a chore personal care services client approved for either:

(a) Attendant care services provided under the chore personal care program when these services began before April 1, 1988; and

(b) Family care services provided under the chore personal care program when these services began before December 14, 1987; and

(c) The client was receiving the same services as of June 30, 1989.

~~((21) "Handicapping condition" means a condition which prevents a person from self-performance of personal care tasks without assistance.)~~

(22) "Home health agency" means a licensed:

(a) Agency or organization certified under Medicare to provide comprehensive health care on a part-time or intermittent basis to a patient in the patient's place of residence and reimbursed through the use of the client's medical identification card; or

(b) Home health agency, certified or not certified under Medicare, contracted and authorized to provide:

(i) Private duty nursing; or

(ii) Skilled nursing services under an approved Medicaid waiver program.

(23) "Household assistance" means assistance with incidental household tasks provided as an integral, but subordinate part of the personal care furnished directly to a client by and through the long-term care programs as described in this chapter. Household assistance is considered an integral part of personal care when such assistance is directly related to the client's medical or mental health condition, is reflected in the client's service plan, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks. Household assistance tasks include travel to medical services, essential shopping, meal preparation, laundry, housework, and wood supply.

(24) "Income" means "income" as defined under WAC 388-500-0005.

(25) "Individual provider" means a person employed by a community options program entry system (COPEs) or Medicaid personal care client when the person:

(a) Meets or exceeds the qualifications as defined under WAC 388-15-196;

(b) Has signed an agreement to provide personal care services to a client; and

(c) Has been authorized payment for the services provided in accordance with ~~((he))~~ the client's service plan.

(26) "Individual provider program (IPP)" means a method of chore personal care service delivery where the client employs and supervises the chore personal care service provider.

(27) "Institution" means an establishment which furnishes food, shelter, medically-related services, and medical care to four or more persons unrelated to the proprietor. "Institution" includes medical facilities, nursing facilities, and institutions for the mentally retarded, but does not include correctional institutions.

(28) "Institutional eligible client" means a person whose eligibility is determined under WAC 388-513-1315. "Institutionalized client" means the same as defined in WAC 388-513-1365(f).

(29) "Institutional spouse" means a person described under WAC 388-513-1365 (1)(e).

(30) "Medicaid" means the federal aid Title XIX program under which medical care is provided to:

(a) Categorically needy as defined under WAC 388-503-0310; and

(b) Medically needy as defined under WAC 388-503-0320.

(31) "Medical assistance" means the federal aid Title XIX program under which medical care is provided to the categorically needy as defined under WAC 388-503-0310 and 388-503-1105.

(32) "Medical institution" means as institution defined under WAC 388-500-0005.

(33) "Medically necessary" and "medical necessity" mean the same as defined under WAC 388-500-0005.

(34) "Medically oriented tasks" means direct personal care services and household assistance provided as an integral but subordinate part of the personal care and supervision furnished directly to a client.

(35) "Mental health professional" means a person defined under WAC 275-57-020(25).

(36) "Own home" means the client's present or intended place of residence:

(a) In a building the client rents and the rental is not contingent upon the purchase of personal care services as defined in this section; or

(b) In a building the client owns; or

(c) In a relative's established residence; or

(d) In the home of another where rent is not charged and residence is not contingent upon the purchase of personal care services as defined in this section.

(37) "Personal care aide" means a person meeting the department's qualification and training requirements and providing direct Medicaid personal care services to a client. The personal care aide may be an employee of a contracted agency provider or may be an individual provider employed by the Medicaid personal care client.

(38) "Personal care services" means both physical assistance and/or prompting and supervising the performance of direct personal care tasks and household tasks, as listed in subdivisions (a) through (q) of this subsection. Such services may be provided for clients who are functionally unable to perform all or part of such tasks or who are incapable of performing the tasks without specific instructions. Personal care services do not include assistance with tasks performed by a licensed health professional.

(a) "Ambulation" means assisting the client to move around. Ambulation includes supervising the client when walking alone or with the help of a mechanical device such as a walker if guided, assisting with difficult parts of walking such as climbing stairs, supervising the client if client is able to propel a wheelchair if guided, pushing of the wheelchair, and providing constant or standby physical assistance to the client if totally unable to walk alone or with a mechanical device.

(b) "Bathing" means assisting a client to wash. Bathing includes supervising the client able to bathe when guided, assisting the client with difficult tasks such as getting in or out of the tub or washing back, and completely bathing the client if totally unable to wash self.

(c) "Body care" means assisting the client with exercises, skin care including the application of nonprescribed ointments or lotions, ~~((or))~~ changing dry bandages or dressings when professional judgment is not required and pedicure to trim toenails and apply lotion to feet. "Body

care" excludes ~~((foot care beyond washing of feet and filing toenails;))~~;

(i) Foot care for clients who are diabetic or have poor circulation~~((;))~~; or

(ii) Changing bandages or dressings when sterile procedures are required except in adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services where these tasks must be delegated by a registered nurse in accordance with chapter 246-840 WAC. Provision of body care tasks is limited. The client must be able to supervise the provision of these tasks.

(d) "Dressing" means assistance with dressing and undressing. Dressing includes supervising and guiding client when client is dressing and undressing, assisting with difficult tasks such as tying shoes and buttoning, and completely dressing or undressing client when unable to participate in dressing or undressing self.

(e) "Eating" means assistance with eating. Eating includes supervising client when able to feed self if guided, assisting with difficult tasks such as cutting food or buttering bread, and feeding the client when unable to feed self.

(f) "Essential shopping" means assistance with shopping to meet the client's health care or nutritional needs. Limited to brief, occasional trips in the local area to shop for food, medical necessities, and household items required specifically for the health, maintenance, and well-being of the client. Essential shopping includes assisting when the client can participate in shopping and doing the shopping when the client is unable to participate.

(g) "Housework" means performing or helping the client perform those periodic tasks required to maintain the client in a safe and healthy environment. Activities performed include such things as cleaning the kitchen and bathroom, sweeping, vacuuming, mopping, cleaning the oven, and defrosting the freezer, shoveling snow. Washing inside windows and walls is allowed, but is limited to twice a year. Assistance with housework is limited to those areas of the home which are actually used by the client. This task is not a maid service and does not include yard care.

(h) "Laundry" means washing, drying, ironing, and mending clothes and linens used by the client or helping the client perform these tasks.

(i) "Meal preparation" means assistance with preparing meals. Meal preparation includes planning meals including special diets, assisting clients able to participate in meal preparation, preparing meals for clients unable to participate, and cleaning up after meals. This task may not be authorized to just plan meals or clean up after meals. The client must need assistance with actual meal preparation.

(j) "Personal hygiene" means assistance with care of hair, teeth, dentures, shaving, filing of nails, and other basic personal hygiene and grooming needs. Personal hygiene includes supervising the client when performing the tasks, assisting the client to care for the client's own appearance, and performing grooming tasks for the client when the client is unable to care for own appearance.

(k) "Positioning" means assisting the client to assume a desired position ~~((--Positioning includes))~~, assistance in positioning to prevent secondary disabilities, such as contractures and balance deficits or exercises to maintain the highest level of functioning which has already been attained and/or to prevent the decline in physical

functional level. (Range of motion ordered as part of a physical therapy treatment is not included.)

(l) "Self-medication" means assisting the client to self-administer medications prescribed by attending physician. Self-medication includes reminding the client of when it is time to take prescribed medication, handing the medication container to the client, and opening a container.

(m) "Supervision" means being available to:

(i) Help the client with personal care tasks that cannot be scheduled, ~~((including))~~ such as toileting, ambulation, transfer, positioning, some medication assistance; and

(ii) Provide protective supervision to a client who cannot be left alone because of impaired judgment.

(n) "Toileting" means assistance with bladder or bowel functions. Toileting includes guidance when the client is able to care for own toileting needs, helping client to and from the bathroom, assisting with bedpan routines, using incontinent briefs on client, and lifting client on and off the toilet. Toileting may include performing routine perineal care, colostomy care, or catheter care for the client when client is able to supervise the activities, except in the adult family homes or in licensed boarding homes contracting with DSHS to provide assisted living services where these tasks must be delegated by a registered nurse in accordance with chapter 246-840 WAC.

(o) "Transfer" means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising the client when able to transfer if guided, providing steadying, and helping the client when client assists in own transfer. Lifting the client when client is unable to assist in their own transfer requires specialized training.

(p) "Travel to medical services" means accompanying or transporting the client to a physician's office or clinic in the local area to obtain medical diagnosis or treatment.

(q) "Wood supply" means splitting, stacking, or carrying wood for the client when the client uses wood as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. The department shall not allow payment for a provider to use a chain saw or to fell trees.

(39) "Physician" means a doctor of medicine, osteopathy, or podiatry, as defined under WAC 388-500-0005.

(40) "Plan of care" means a "service plan" as described under WAC 388-15-205.

(41) "Property owned" means any real and personal property and other assets over which the client has any legal title or interest.

(42) "Provider" or "provider of service" means an institution, agency, or person:

(a) Having a signed department agreement to furnish long-term care client services; and

(b) Qualified and eligible to receive department payment.

(43) "Relative" means:

(a) For chore personal care service, a client's spouse, father, mother, son, or daughter;

(b) For Medicaid personal care service:

(i) "Legally responsible relative" means a spouse caring for a spouse or a biological, adoptive, or stepparent caring for a minor child.

(ii) "Nonresponsible relative" means a parent caring for an adult child and an adult child caring for a parent.

(44) "Service plan" means a plan for long-term care service delivery as described under WAC 388-15-205.

(45) "Shared living arrangement" for purposes of Medicaid personal care means an arrangement where ~~((two or more adults for purposes other than or in addition to the provision and receipt of care, reside together in one of the adult's\*))~~ a nonresponsible relative is the personal care provider and resides in the same residence((s)) with common facilities, such as living, cooking, and eating areas.

(46) "SSI-related" means a person who is aged, blind, or disabled.

(47) "Supervision" means a person available to a long-term care client as defined under WAC 388-15-202 (36)(m).

(48) "Supplemental Security Income (SSI)" means the federal program as described under WAC 388-500-0005.

(49) "Title XIX" is the portion of the federal Social Security Act which authorizes federal funding for medical assistance programs, e.g., nursing facility care, COPES, and Medicaid personal care home and community-based services.

(50) "Transfer of resources" means the same as defined under WAC 388-513-1365 (1)(g).

(51) "Unscheduled tasks" means ambulation, toileting, transfer, positioning, and unscheduled medication assistance as described in this chapter.

AMENDATORY SECTION (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-203 Long-term care services— Assessment of task self-performance and determination of required assistance.** (1) Purpose. The assessor as identified in subsection (2)(a) of this section shall:

(a) Identify client strengths to maximize current strengths and promote client independence;

(b) Evaluate physical health, functional and cognitive abilities, social resources and emotional and social functioning for service planning for long-term care;

(c) Identify client values and preferences for effective service planning based on the person's values and lifestyles; and

(d) Determine client's need for informal support, community support and services, and department paid services.

(2) Assessment responsibility.

(a) Department staff or designee while assessing need for case management shall perform the assessment.

(b) Except for adult protective service, the assessors shall perform a separate assessment for each client.

(c) The assessors shall document the assessment on a prescribed form.

(d) The assessors shall perform the assessment based on an in-person interview with the client.

(e) When ~~((administering))~~ performing the assessment, the assessors shall take into account the client's:

(i) Risk of and eligibility for nursing facility placement;

(ii) Health status, psychological/social/cognitive functioning, income and resources, and functional abilities;

(iii) Living situation; and

(iv) Availability of alternative resources providing needed assistance, including family, neighbors, friends, community programs, and volunteers.

(3) The adult client's functional ability to self-perform each personal care task and household task shall be determined using the following definitions of the assistance required:

(a) Ambulation:

(i) Independent. The client is mobile, with or without an assistive device, both inside and outside the household without the assistance of another person.

(ii) Minimal. The client is mobile inside without assistance but needs the assistance of another person outside; or the client needs occasional assistance of another person inside, and usually needs assistance of another person outside.

(iii) Substantial. The client is only mobile with regular assistance of another person both inside and outside.

(iv) Total. The client is not mobile.

(b) Bathing:

(i) Independent. The client can bathe self.

(ii) Minimal. The client requires oversight help or reminding only. The client can bathe without assistance or supervision, but must be reminded some of the time; or the client cannot get into the tub alone and physical help is limited to stand-by assist only.

(iii) Substantial. The client requires physical help in a large part of the bathing activity, for example, to lather, wash, and/or rinse own body or hair.

(iv) Total. The client is dependent on others to provide a complete bath.

(c) Body care:

(i) Independent. The client can apply ointment, lotion, change bandages or dressings, and perform exercises without assistance.

(ii) Minimal. The client requires oversight help or reminding only, or requires occasional assistance.

(iii) Substantial. The client requires limited physical help to apply ointment, lotion, or to perform dry bandage or dressing change.

(iv) Total. The client is dependent on others to perform all required body care.

(d) Dressing:

(i) Independent. The client can dress and undress without assistance or supervision.

(ii) Minimal. The client can dress and undress, but may need to be reminded or supervised to do so on some days; the client can assist dressing and undressing, but frequently or most of the time needs some physical assistance.

(iii) Substantial. The client always needs assistance to do parts of dressing and undressing.

(iv) Total. The client is dependent on others to do all dressing and undressing.

(e) Eating:

(i) Independent. The client can feed self, chew and swallow solid foods without difficulty, or can feed self by stomach tube or catheter.

(ii) Minimal. The client:

(A) Can feed self, chew and swallow foods, but needs reminding to maintain adequate intake;

(B) May need food cut up;

(C) Can feed self only if food is brought to the client.

(iii) Substantial. The client:

(A) Can feed self but needs standby assistance for occasional gagging, choking, or swallowing difficulty; or

(B) Needs reminders/assistance with adaptive feeding equipment; or

(C) Must be fed some or all food by mouth by another person.

(iv) Total. The client must be totally fed by another person and/or frequently gags or chokes due to difficulty in swallowing; or the client must be fed by another person by stomach tube or by venous access.

(f) Essential shopping:

(i) Independent. The client can drive and is licensed or the client is capable of using public transportation.

(ii) Minimal. The client can use available transportation and does not need assistance with shopping, but needs instructions or physical assistance to get to or from transportation vehicle.

(iii) Substantial. The client is dependent on being accompanied or helped by others to access community shops and needs assistance with shopping.

(iv) Total. The client is totally dependent on others to do essential shopping.

(g) Housework:

(i) Independent. The client can perform essential housework.

(ii) Minimal. The client needs assistance or needs cuing or supervision in self-performance of essential housework one or two times per month in client use areas.

(iii) Substantial. The client needs weekly assistance of another with essential housework in client use areas.

(iv) Total. The client is dependent on others to do all housework in client use areas.

(h) Laundry:

(i) Independent. The client is capable of using available laundry facilities.

(ii) Minimal. The client is physically capable of using laundry facilities, but requires cuing and/or supervision.

(iii) Substantial. The client is not able to use laundry facilities without physical assistance.

(iv) Total. The client is dependent upon others to do all laundry.

(i) Meal preparation:

(i) Independent. The client can prepare and cook required meals.

(ii) Minimal. The client requires some instruction or physical assistance to prepare meals.

(iii) Substantial. The client can participate but needs substantial assistance to prepare meals.

(iv) Total. The client cannot prepare or participate in preparation of meals.

(j) Personal hygiene:

(i) Independent. The client can manage personal hygiene and grooming tasks on a regular basis.

(ii) Minimal. The client can manage their personal hygiene and grooming but must be reminded or supervised at least some of the time; the client regularly requires some limited assistance with both personal hygiene and grooming.

(iii) Substantial. The client regularly requires assistance with personal hygiene and grooming and cooperates in the process.

PROPOSED

(iv) Total. The client is dependent on others to provide all personal hygiene and grooming.

(k) Positioning:

(i) Independent. The client can move to and from a lying position, position their body in bed, and get into and out of bed and chairs.

(ii) Minimal. The client can move to and from a lying position, turn from side to side, and position their body while in bed and chairs but requires assistance some of the time.

(iii) Substantial. The client needs occasional assistance to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(iv) Total. The client needs assistance most or all of the time to move to and from a lying position, turn from side to side, and position body while in bed and chairs.

(l) Self-medication:

(i) Independent. The client can take own medications or does not take medication.

(ii) Minimal. The client is physically able to take medications but requires another person to:

(A) Remind, monitor, or observe the taking of medications less than daily; or

(B) Open a container, lay out, or organize medications less than daily.

(iii) Substantial. The client can physically take medications, but requires another person to either remind, monitor, or observe the taking of medications daily; or the client can physically take medications if another person daily opens containers, lays out, organizes medications.

(iv) Total. The client cannot physically take medications and requires another person to assist and administer all medications.

(m) Toileting:

(i) Independent. The client can use the toilet without physical assistance or supervision; or the client can manage own closed drainage system if the system has a catheter or sheath; or the client uses and manages protective aids. The client may need grab bars or raised toilet seat.

(ii) Minimal. The client needs stand-by assistance for safety or encouragement. The client may need minimal physical assistance with parts of the task, such as clothing adjustment, washing hands, wiping, and cleansing. The client may need a protective garment and may or may not be aware of this need.

(iii) Substantial. The client cannot get to the toilet without assistance; or the client needs substantial physical assistance with part of the task; or the client needs someone else to manage care of a closed drainage system if it has a catheter or sheath. The client may or may not be aware of own needs.

(iv) Total. The client is physically unable to use toilet. Requires continual observation and total cleansing. The client may require protective garments or padding or linen changes. The client may or may not be aware of own needs.

(n) Transfer:

(i) Independent. The client can transfer without physical assistance.

(ii) Minimal. The client transfers without assistance most of the time, but needs assistance on occasion.

(iii) Substantial. The client can assist with own transfers, but frequently or most of the time needs assistance.

(iv) Total. The client transfers must be done by someone else.

(o) Travel to medical services:

(i) Independent. The client can drive and is licensed; or is capable of using available public transportation.

(ii) Minimal. The client cannot drive or can drive but should not; or public transportation is not available.

(iii) Substantial. The client requires physical assistance or supervision to both get into and out of a vehicle, but can use the transportation without assistance during the trip.

(iv) Total. The client is totally dependent on being accompanied or helped by others during the trip.

(p) Wood supply:

(i) Independent. The client does not rely on wood as the sole fuel source or is capable of splitting, stacking, or carrying wood for heating or cooking.

(ii) Minimal. The client can carry wood but needs occasional assistance with splitting or stacking wood.

(iii) Substantial. The client is not able to carry, split, or stack wood, but is able to use the wood supply once it is inside the residence.

(iv) Total. The client is dependent on another person to establish and maintain heat for cooking or residential heating.

(4) Scoring of functional abilities and supports.

(a) For each direct personal care service and household assistance task listed on the assessment form, the assessor shall determine:

(i) The client's ability to perform each activity;

(ii) Assistance available to the client through alternative resources, including families, friends, neighbors, community programs, and unpaid caregivers; and

(iii) Assistance needed from department programs after alternative resources have been taken into account.

(b) The assessor shall award points for each task based on the level of unmet need. The number of points allowable for each task are listed below under columns identified as 0=none, M=minimal, S=substantial, and T=total:

TASK	0	M	S	T
Eating				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Toileting	0	5	10	15
Ambulation	0	4	7	10
Transfer	0	1	3	5
Positioning	0	1	3	5
Body care	0	5	10	15
Personal hygiene	0	1	3	5
Dressing	0	4	7	10
Bathing	0	4	7	10
Self-medication	0	2	4	6
Travel to medical services	0	1	2	3
Essential shopping				
With client	0	5	10	15
or				
For client	0	1	3	5

Meal preparation				
Breakfast	0	4	7	10
Light meal	0	4	7	10
Main meal	0	5	10	15
Laundry				
Facilities in home	0	1	2	3
or				
Facilities out of home	0	3	5	7
Housework	0	1	2	3
Wood supply	0	3	5	7

(c) The assessor shall add together the points awarded for each task to obtain the total score for the applicant or client.

(5) Hour computation. The assessor shall:

(a) Convert the total score into maximum hours per month which may be authorized using the scoring conversion chart.

Scoring Conversion Chart

MAXIMUM		MAXIMUM		MAXIMUM	
Score	Hours	Score	Hours	Score	Hours
1 - 4	5	60 - 64	44	120 - 124	83
5 - 9	8	65 - 69	47	125 - 129	87
10 - 14	11	70 - 74	51	130 - 134	90
15 - 19	14	75 - 79	54	135 - 139	93
20 - 24	18	80 - 84	57	140 - 144	97
25 - 29	21	85 - 89	60	145 - 149	100
30 - 34	24	90 - 94	64	150 - 154	103
35 - 39	28	95 - 99	67	155 - 159	106
40 - 44	31	100 - 104	70	160 - 164	110
45 - 49	34	105 - 109	74	165 - 169	113
50 - 54	37	110 - 114	77	170 and	
55 - 59	41	115 - 119	80	Above	116

(b) Recognize conversion hours show client need, and may not reflect department-paid hours as determined by program standards.

(6) The assessor shall determine the client's additional hours of supervision needed:

(a) Due to impaired judgment; and

(b) For standby assistance necessary for unscheduled tasks defined under WAC 388-15-202(50); and

(c) Recognize supervision hours show client need, and may not reflect department paid hours as determined by program standards.

(7) Department staff or the department's designee shall authorize services to correspond with the client's assessed need according to eligibility criteria for aging and adult services administration programs or the eligibility criteria for the division authorizing the service. The department or the department's designee shall notify the client of the right to contest a denial or reduction of services.

(8) Department staff or the department designee shall be responsible for representing the department at any hearing involving the assessment or decisions made relating to such assessment.

AMENDATORY SECTION (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-204 Home and community services—Reassessment.** (1) The assessor shall perform a ~~(an interim reassessment or)~~ full reassessment based on an in-person interview of the client's strengths, physical health, functional and cognitive abilities, social resources, emotional and social functioning, preferences, need for informal and community support and services, and need for department paid services:

(a) As required by the program standards in which the client has been authorized services; and

(b) When deemed necessary because of a change in the client's condition or situation.

(2) The department or the department's designee shall continue, deny, or alter services to correspond with the client's present need. The department shall notify the client of the right to contest a denial or reduction of services.

AMENDATORY SECTION (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-206 Volunteer chore services.** ~~((The department shall refer))~~ Referral shall be made to the volunteer chore service program when an applicant for Medicaid personal care, COPEs or chore personal care services ~~((to the volunteer chore service program when the applicant))~~ is:

(1) Eighteen years of age or older; and

(2) At risk of being placed in a residential care facility;

and

(3) Not receiving Medicaid personal care, COPEs or chore personal care services because the applicant:

(a) Does not meet the eligibility ((criteria for chore personal care services)) requirements; or

~~((2))~~ (b) Is on the waiting list for chore personal care services; or

(c) Is eligible for five ((hours)) or less ((per month)) hours of chore personal care services per month; or

~~((3))~~ (d) Declines Medicaid personal care, COPEs or chore personal care services because of income participation or estate recovery; or

(e) Needs ((help)) assistance with ((household)) tasks ((only or tasks that are)) not available in the Medicaid personal care, COPEs or chore personal care services program((, or both)).

(4) If a volunteer is not available for a client needing five or less hours, and there is no waiting list, chore personal care services can be authorized.

AMENDATORY SECTION (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-209 Chore personal care services—Eligibility.** A chore personal care eligible person shall:

(1) Be eighteen years of age and over;

(2) Be assessed under WAC ~~((388-150-203 [388-15-203]))~~ 388-15-203 through 388-15-205 and found at risk of placement in a long-term care facility as evidenced by:

(a) The need for assistance with one or more direct personal care tasks defined under WAC 388-15-202(16); and

(b) The lack of persons willing and able to provide unpaid assistance with the required personal care tasks.

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(3) Not be eligible for Medicaid personal care or community options program entry system (COPEs) services, and the person's needs cannot be met through Medicare home health or another program for which the person is eligible.

(4) Meet the following chore personal care service financial eligibility requirements:

(a) Have net household income as described in WAC 388-505-0590 (3) and (4) and WAC 388-511-1130 and 388-511-1140 not exceeding the sum of the cost of the client's chore personal care services and one hundred percent of the federal poverty level adjusted for family size; and

(b) Participate in the cost of chore personal care services as described under WAC 388-15-219; and

(c) Have financial resources as described under WAC 388-511-1150 and 388-511-1160 with a value not exceeding:

(i) Ten thousand dollars for a one-person family;

(ii) Fifteen thousand dollars for a two-person family;

(iii) A sum calculated by adding an additional one thousand dollars for each additional family member; and

(d) ~~(Has)~~ Be subject to transfer of resources penalties as described in WAC 388-513-1365; and

(e) Not be within a period of ineligibility due to assets transferred ((assets)) on or after ((July)) November 1, 1995 for less than fair market value as described under WAC 388-513-1365.

(5) Be deemed to meet the financial eligibility requirements set forth in subsection (4) if the person is an adult protective service client at risk of placement in a long-term care facility; and the chore personal care services are:

(a) An integral but subordinate part of the adult protective services plan; and

(b) Provided only until the situation necessitating the service has stabilized; and

(c) Limited to a maximum of ninety days during any twelve-month period; and

(d) Provided without regard to the client's income or resources.

(6) Be reassessed at least every eighteen months or more often as deemed necessary, per WAC 388-15-204.

AMENDATORY SECTION (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-219 Chore personal care service—Payment and client participation.** The department shall:

(1) Pay licensed and contracted home care agencies for in-home personal care services provided to eligible clients by the agencies' employees; or

(2) Pay an eligible client who shall pay the individual personal care provider, employed by the eligible client, for services provided in the client's own home; or

(3) Pay an eligible chore personal client's spouse for personal care services at a rate not to exceed the amount of a one-person standard for a continuing general assistance grant per WAC 388-250-135;

(4) Pay qualified providers at a rate not to exceed the amount in the most recently published rate schedule, contingent upon receipt of documentation that the authorized services were provided:

(5) Require a client to participate in the cost of chore personal care services as a necessary precondition to receiving chore personal care services paid for by the state.

~~((2))~~ (6) Calculate the participation in the cost of the client's services as follows:

(a) Allow the client and the client's at-home spouse to retain an amount equal to one hundred percent of the federal poverty level, adjusted for family size, as the home maintenance allowance.

(b) Exempt the following amounts from the client's and the client's at-home spouse's combined incomes:

(i) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational institution;

(ii) Earned income tax credit;

(iii) Other income exemptions as described under WAC 388-513-1340; and

(iv) Employment expenses:

(A) Personal work expenses in the form of self-employment taxes (FICA) and income taxes are deductible when paid;

(B) Payroll deductions required by law or as a condition of employment in the amounts actually withheld;

(C) The necessary cost of transportation to and from the place of employment by the most economical means, except rental cars; and

(D) Expenses necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished by the employer, and uniforms and clothing needed on the job and not suitable for wear away from the job.

(v) Employed disabled incentive exemption as defined under WAC 388-15-222;

(vi) Unearned income deductions required by law in the amounts actually withheld;

(vii) Spousal income allocated and actually paid as participation in the cost of the spouse's community options program entry system (COPEs) services; and

(viii) Amounts paid for:

(A) Medical expenses not subject to third-party payment; and

(B) Health insurance premiums, coinsurance, or deductible charges.

~~((3))~~ (7) Consider the remaining income as the client participation amount for chore services except for those persons whose participation is established under WAC 388-15-222.

(8) Not require clients to participate in the cost of chore personal care services as a precondition to receiving the service for up to ninety days when the chore personal care services are essential to, and a subordinate part of, the adult protective services plan.

AMENDATORY SECTION (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-610 COPEs—Eligibility.** A COPEs-eligible person shall:

(1) Be an aged, blind, or disabled client, as defined under WAC 388-511-1105 (1)(a), (b), and (c)(i) and (ii);

(2) Be eighteen years of age or older;

(3) Be assessed as defined under WAC 388-15-202 through 388-15-205; and

(4) Have medical problems or cognitive impairment and be unable to maintain or coordinate the treatment plan; and

(5) Is likely to need the level of care provided in a nursing facility as defined under WAC 388-97-005(20) within the next thirty days, but for the provision of COPES payments for home or community-based waiver services as defined under WAC 388-15-620;

~~((and))~~

(6) Require services that must be provided by or under the supervision of a registered nurse or a licensed practical nurse on a daily basis; or

(7) Require substantial or total assistance with two or more of the following critical self-care tasks as defined under WAC 388-15-202~~((36))~~(38) and 388-15-203(3):

(a) Eating;

(b) Toileting;

(c) Ambulation;

(d) Transfer;

(e) ~~((Body care))~~ Positioning;

(f) Bathing;

(g) Self-medication; or

~~((7))~~ (8)(a) Have cognitive supervision needs due to one or more of the following:

(i) Disorientation;

(ii) Memory impairment;

(iii) Impaired judgment; or

(iv) Wandering; and

(b) Require substantial or total assistance with one or more of the critical self-care tasks in subsection (6)(a) through (f) of this section; or

~~((8))~~ (9) Require minimal, substantial or total assistance in three or more of the critical self-care tasks in subsection (6)(a) through (f) of this section; or

~~((9))~~ (10) Currently reside in a nursing facility, as defined under WAC 388-97-005(20), and be unable to return to and remain in the community without assistance with one or more of the services provided by the COPES program as defined under WAC 388-15-620; or

~~((10))~~ (11) Meet the definition of a person functionally or clinically eligible for nursing facility care as defined under WAC 388-97-235;

(12) Have a feasible written plan of care. The department shall ensure the plan:

(a) Is sufficient to safeguard the client's health and safety and the plan's costs, including the department's published COPES maintenance allowance; and

(b) Is less than ninety percent of the average state-wide nursing facility rate; and

~~((11))~~ (13) Prefer to receive home or community-based waiver services as described in the department's plan of care, as an alternative to department placement in a nursing facility;

~~((12))~~ (14)(a) Not be financially eligible for Medicaid personal care services; or

(b) Be financially eligible for Medicaid personal care services; however, the department determines the Medicaid personal care services are not sufficient in amount, duration, or scope to meet the person's needs.

~~((13))~~ (15) Have gross monthly income not exceeding three hundred percent of the Supplemental Security Income

(SSI) program, Title XVI federal grant excluding the supplementary state money payment (SSP) as described under WAC 388-500-0005;

~~((14))~~ (16) Have resources at or below the Medicaid standard as defined under WAC 388-513-1315 (1)(b) and (c) and 388-513-1350; and

~~((15))~~ (17) Meet the COPES waiver target group requirements as specified in the department's approved waiver request.

AMENDATORY SECTION (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-620 COPES—Services.** The department may authorize:

(1) One of the home and community-based services listed in subsection (2) through (4) of this section, and one or more of the home and community-based services listed in subsection (5) through (13) of this section when the department:

(a) Determines the service is necessary to prevent the client's institutionalization or enable an institutionalized client to return to the community; and

(b) Includes the service in the client's service plan.

(2) ~~((Congregate))~~ Adult residential care, enhanced adult residential care and assisted living services as defined under WAC ~~((388-15-560))~~ 388-110-005 through ~~((388-15-568 and adult residential care/assisted living as defined under WAC 388-15-900 through 388-15-955))~~ 388-110-280.

(3) Adult family home care as defined under WAC 388-15-551.

(4) Personal care service tasks as defined under WAC 388-15-202~~((36))~~ (38), which are performed in the client's own home.

(5) Environmental modifications when the minor physical adaptations to the client's own home:

(a) Are necessary to ensure the client's health, welfare, and safety; or

(b) Enable the client to function with greater independence in the home; and

(c) Are of direct medical or remedial benefit to the client; and

(d) Are in accord with applicable state or local building codes.

(6) Skilled nursing when the service is:

(a) Provided by a registered nurse or licensed practical nurse under the supervision of a registered nurse; and

(b) Beyond the amount, duration, or scope of Medicaid-reimbursed home health services as provided under WAC 388-86-045.

(7) Transportation service when the service:

(a) Provides the client access to community services and resources provided in accordance with a therapeutic goal in the client's plan of care; and

(b) Is not merely diversional in nature. The department shall ensure this service:

(i) Is in addition to the Medicaid brokered transportation to medical services; and

(ii) Does not replace the Medicaid brokered transportation in the client's plan of care.

(8) Personal emergency response system (PERS) when the service is necessary to enable a client to secure help in the event of an emergency and when the client:

(a) Lives alone, or is alone for significant parts of the day and has no regular care provider for extended periods of time; and

(b) Would otherwise require extensive department-paid routine supervision.

(9) Home health aide service tasks beyond the amount, duration, or scope of the Medicaid-reimbursed home health service provided under WAC 388-86-045. The department shall authorize this service in addition to those available under WAC 388-86-045. The aide may perform some incidental services, for example, meal preparation in conjunction with providing a health-related service. However, the client's need for an incidental service shall not be the sole purpose of the aide's visit. Health-related service tasks include assistance with ambulation and exercise, self-administered medications, and hands-on personal care.

(10) Adult day care or day health service provided in an adult day care or day health center when the client:

(a) Is ineligible for or is not receiving Medicaid state plan covered adult day health services sufficient in amount, duration or scope; and

(b) Is chronically ill or disabled, socially isolated and/or confused, or has mild to moderate dementia; and

(c) Requires adult day care or day health service including:

(i) Provision of personal care as defined under WAC 388-15-202(35);

(ii) Basic health monitoring with consultation from a registered nurse;

(iii) Therapeutic activities;

(iv) Supervision or protection for at least four hours a day but less than twenty-four hours a day in a group setting on a continuing, regularly scheduled basis;

(v) Provision of a meal, not replacing or substituting for a full day's nutritional regimen; and

(vi) Programming and activities designed to meet clients' physical, social, and emotional needs.

(11) Client training when the training need is identified in the comprehensive assessment as defined under WAC 388-15-203 (1) and (2); and, provided in accordance with a therapeutic goal in the client's service plan such as adjustment to a serious impairment, management of personal care needs, or development of skills to deal with care providers.

(12) Night support service when overnight assistance, supervision, and monitoring is required for a client:

(a) Unable to be alone at night due to the client's substantial care needs; or

(b) Whose physical or cognitive impairments result in sleep care needs that do not allow the primary care provider to sleep eight hours and receive at least five undisturbed hours of sleep during the eight-hour period; and

(c) Who has no family or other household members who can provide this service.

(13) Home delivered meals when:

(a) The client:

(i) Is homebound;

(ii) Is unable to prepare the meal; and

(iii) Has no other paid or unpaid person available to prepare the meal.

(b) Provision of one meal per day is more cost effective than having a department-paid personal care provider prepare the meal in the client's own home.

(14) The department may not authorize sterile procedures and administration of medications as COPES-paid personal care tasks, unless the provider is a licensed health practitioner or a member of the client's immediate family.

#### AMENDATORY SECTION (Amending Order 2570, filed 1/12/88)

#### **WAC 388-15-690 Respite care services—Definitions.**

Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section.

(1) "Adult" means a person ((18)) eighteen years of age or older.

(2) "Caregiver" means a spouse, relative, or friend who has primary responsibility for the care of a functionally disabled adult, who does not receive financial compensation for the care, and who is assessed as being at risk of placing the eligible participant in a long-term care facility if respite care is not available.

(3) "Continuous care" means assistance provided on a daily basis.

(4) "Dementing illness" means an illness characterized by the progressive loss of cognitive ability and increasing dependency on others for performance of the activities of daily living.

(5) "Department" means the department of social and health services.

(6) "Eligible participant" means an adult who:

(a) Needs substantially continuous care or supervision by reason of the person's functional disability; and

(b) Is assessed as requiring institutionalization in the absence of a caregiver assisted by home and community support services, including respite care.

(7) "Functionally disabled" includes requiring assistance in completing activities of daily living and community living skills. It also includes individuals with dementing illnesses or neurological disorders, including traumatic brain injury (TBI).

(8) "Institutionalization" means placement in a long-term care facility.

(9) "Respite care services" means relief care for families or other caregivers of disabled adults, eligibility for which shall be determined by the department by rule. The services provide temporary care or supervision of disabled adults in substitution for the caregiver. The term includes social day care.

(10) "Service provider" means an individual, agency, or organization under contract to the area agency on aging (AAA) or its subcontractor.

(11) "Sliding fee schedule" means a fee schedule developed by the department using the state median income, adjusted for family size, and used to determine share of the cost of respite care services. The amount of the cost of respite care services shared by the eligible participant is a percentage of the total cost of the service as determined by the schedule, graduated to full recovery of the cost of the service provided.

(12) "Social day care" means nonmedical services to persons who live with their families, cannot be left unsuper-

vised, and are at risk of being placed in a ~~((24))~~ twenty-four-hour care facility if their families do not receive some relief from constant care.

(13) "State median income" means that income amount established by the Department of Health and Human Services and adjusted to a calendar year basis where one-half of the state's population for a family of four has income above that amount and one-half of the state's population for a family of four has income below that amount.

(14) "Traumatic brain injury (TBI)" means an insult to the brain, not of a congenital nature or related to degenerative or aging processes. It may result from direct or indirect trauma, infection, anoxia, or vascular lesions. It may produce a diminished or altered state of consciousness, which results in impairment of cognitive abilities or physical functioning. It can also result in the disturbance of behavioral or emotional functioning. These impairments may be either temporary or permanent and cause partial or total functional disability or psychosocial maladjustment.

AMENDATORY SECTION (Amending Order 2570, filed 1/12/88)

**WAC 388-15-695 Respite care services—Caregiver eligibility.** To be eligible to receive respite care services, the caregiver shall:

- (1) Have primary responsibility for the care of a functionally disabled adult, including individuals with dementing illnesses, neurological disorders, or traumatic brain injury (TBI); and
- (2) Not receive financial compensation for the care; and
- (3) Be assessed as being at risk of placing the eligible participant in a long-term care facility if assistance by home and community support services, including respite care, is not available.

AMENDATORY SECTION (Amending Order 2570, filed 1/12/88)

**WAC 388-15-700 Respite care services—Distribution of cost.** (1) The department shall provide for participation by the eligible participant in the cost of respite care services.

(2) The department shall administer a sliding fee schedule, which shall be updated annually, to determine the eligible participant's share of the cost of respite care services.

(3) The department shall determine the eligible participant's income as follows:

- (a) If the caregiver and eligible participant are married, all monthly income received in either or both names shall be combined and one-half of the total shall be considered the participant's income.
- (b) If the caregiver is a friend or relative other than the spouse, only the monthly income received by the eligible participant in the participant's name shall be considered the participant's income.

(4) In determining the amount the eligible participant shall pay, the following shall apply:

- (a) The department shall not charge the participant if the participant's income is at or below ~~((40))~~ forty percent of the state median income.
- (b) The department shall charge a percentage of the cost of respite care calculated from the sliding fee schedule to

participants whose income is between ~~((40))~~ forty percent and ~~((99))~~ ninety-nine percent of the state median income.

(c) The department shall charge the full cost of respite care services if the participant's income is ~~((100))~~ one hundred percent or more of the state median income, as calculated from the sliding fee schedule.

(d) The department shall determine the full cost of respite care by the number of hours or days of service used and the rate of the service, as negotiated between the area agency on aging and the respite care service provider.

AMENDATORY SECTION (Amending Order 2570, filed 1/12/88)

**WAC 388-15-705 Respite care services—Rates of payment.** (1) The department shall not pay respite care service providers more than the rate paid to other service providers for the same level of care.

(2) The department shall pay Medicaid certified nursing homes providing respite care services the Medicaid rate approved for that facility. The rate paid to non-Medicaid certified nursing homes providing respite care services may not exceed the average Medicaid rate in that county. The eligible participant shall pay all charges for services not included in the Medicaid rate.

AMENDATORY SECTION (Amending Order 2570, filed 1/12/88)

**WAC 388-15-710 Respite care services—Service priorities.** (1) To ensure that respite care is made generally available, the department shall establish priorities for service. Requests for respite care which are of an emergent nature shall have first priority. A request for respite care shall be considered an emergency if the caregiver becomes ill or injured to the extent that the caregiver's ability to care for the disabled adult is impaired.

(2) In nonemergency situations, respite care shall be available on a first-come, first-served basis: *Provided*, That sufficient resources are available to fill the requests each month. If respite care cannot be provided when requested, a waiting list shall be used. If a cancellation occurs, respite care shall be made available to those on the waiting list according to the service priority categories shown in WAC 388-15-715.

AMENDATORY SECTION (Amending Order 2570, filed 1/12/88)

**WAC 388-15-715 Respite care services—Service priority categories.** (1) The following service priority categories shall be used when decisions must be made about who can receive services.

<u>Caregiver Situation</u>	<u>How Does Each Statement Correspond to Caregiver's Situation</u>	
	<u>YES</u>	<u>NO</u>
A. Caregiver has documented chronic health problems.	—	—
B. Caregiver provides substantial time and attention to other family members.	—	—

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C. Caregiver has provided care without prior use of a support system.

	PRIORITY CATEGORIES
Priority 1:	"Yes" to A, B, & C
Priority 2:	"Yes" to A & B; "No" to C
Priority 3:	"Yes" to A & C; "No" to B
Priority 4:	"Yes" to A; "No" to B & C
Priority 5:	"Yes" to B & C; "No" to A
Priority 6:	"Yes" to B; "No" to A & C
Priority 7:	"Yes" to C; "No" to A & B
Priority 8:	"No" to A, B, & C

(2) Prior use of a support system refers to a caregiver using another type of respite care program, other community-based programs, or receiving assistance from church, family, and friends during the period of time the caregiver is providing continuous care to the functionally disabled adult. A caregiver who meets conditions A, B, and C, under WAC 388-15-715, ranks as a Priority 1. A caregiver who meets conditions B and C only, under WAC 388-15-715, ranks as a priority 5. A caregiver with priority 1 has higher priority to receive respite care services than a caregiver with priority 5. For example:

- (a) PRIORITY 1
  - (i) A. - Has high blood pressure;
  - (ii) B. - Is caring for an infant; and
  - (iii) C. - Has not used some other assistance program during the period of caring for the disabled adult.
- (b) PRIORITY 5
  - (i) B. - Does spend time caring for other family members; and
  - (ii) C. - Has not used another support system during the period of caring for the disabled adult.

**AMENDATORY SECTION** (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-880 Medicaid personal care services—Payment procedures.** The department shall:

- (1) Pay for Medicaid personal care services provided in accordance with a client's approved plan of care, a sum not to exceed the Medicaid personal care rates as set forth in the most recent schedule of department-established and published rates.
- (2) Pay contracted congregate care facilities licensed under chapter 18.20 RCW and chapters 246-316 and 212-36 WAC for authorized personal care services.
- (3) Pay contracted adult family homes licensed under chapters 70.128 RCW and 388-76 WAC for authorized personal care services.
- (4) Pay for personal care services provided to an adult by home care agencies licensed under chapters 70.127 RCW and 248-36 WAC or by home health agencies licensed under chapters 70.126 RCW and 246-327 WAC. The department ~~((shall))~~:

(a) Shall make agency payments directly to the agency or through a factor.

(b) May authorize agency services when the adult client's service plan requires eighty-five or fewer hours personal care service per month.

(c) Shall ensure the contractor pays service providers performing Medicaid personal care services five dollars and fifteen cents or more per hour.

(5) Pay an individual personal care provider providing personal care when the provider:

(a) Meets or surpasses the department's minimum qualifications of knowledge and experience, skills, and abilities for individual personal care providers as defined under WAC 388-15-196. Family members who provide personal care services must meet the same standards as providers who are unrelated to the client;

(b) Has a department-approved individual personal care provider agreement and service payment authorization;

(c) Has been interviewed, hired, supervised, and retained by a client eligible for Medicaid personal care or the client's representative; and

(d) Has provided the authorized services defined under WAC 388-15-202 in accordance with the client's service plan.

(6) Pay for personal care services when authorized for a child and provided by:

(a) A foster parent or group care facility defined under WAC 388-73-014(8);

(b) An agency which meets the qualifications in subsection (4) of this section and is contracted by the division of children and family services or the division of developmental disabilities for services provided in:

- (i) A foster or group home; or
- (ii) The child's own home; or
- (iii) The home of a child's relative under a relative placement.

(c) An individual provider who meets the qualifications in subsection (5) of this section without regard to the number of hours of service.

(7) Not pay a Medicaid personal care client's spouse nor pay a Medicaid personal care eligible child's parent or step-parent, when the child is seventeen years of age or younger, for providing care to the client.

(8) Not make payment for services provided exceeding the department's authorization.

**AMENDATORY SECTION** (Amending Order 3904, filed 9/28/95, effective 10/29/95)

**WAC 388-15-890 Medicaid personal care services—Program limitations.** (1) Because Medicaid services are specific to the eligible client and based on medical necessity, the department shall not authorize Medicaid personal care services for:

- (a) Teaching, including teaching clients how to perform personal care tasks or other community living skills;
- (b) Personal care services provided over the telephone;
- (c) Services provided at a site other than the client's residence, unless authorized by the department in the written service plan;
- (d) Developing social, behavioral, recreational, communication, or other types of skills;
- (e) Companionship;

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(f) Travel to medical services, essential shopping, meal preparation, housework, laundry, wood supply, or supervision as defined under WAC 388-15-202, unless the client is assessed as needing assistance with one or more direct personal care tasks as described in WAC 388-15-202(~~((16))~~) (17), i.e., personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, ~~((or))~~ body care, or self-medication; or

(g) Assisting or supporting other household members not eligible for Medicaid personal care.

(2) The department shall adjust payment for services according to department established rates which take into account the provision of household tasks done at the same time for all of the household clients by a personal care provider, e.g., essential shopping, meal preparation, laundry, housework, wood supply, travel to medical services and supervision when:

(a) More than one client lives in the same household; ~~((and))~~ or

(b) The client is in a shared living arrangement.

(3) The department shall not authorize meal preparation, wood supply, laundry, ~~((or))~~ housework, or supervision as a Medicaid personal care task to clients who live in an adult family home, licensed boarding home, or childrens foster/group home.

(4) Personal care tasks do not include assistance requiring a licensed health professional.

**WSR 96-14-024**

**PROPOSED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Filed June 21, 1996, 1:37 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-10-041.

Title of Rule: WAC 12-18-020 Fees; and chapters 12-18, 12-19, 12-20, 12-24 and 12-40 WAC are being recodified in Title 468 WAC under the Department of Transportation.

Purpose: To reflect an increase in the pilot registration fee as authorized by the Washington state legislature.

Statutory Authority for Adoption: Chapter 47.68 RCW.

Statute Being Implemented: Chapter 47.68 RCW.

Summary: The Washington state legislature, in approving the transportation department supplemental budget (ESHB 2324) authorized an increase in the pilot registration fee from five to eight dollars. The rule making would change the numbers to reflect legislative action.

Reasons Supporting Proposal: The pilot registration fee is the sole source of funds for the aviation division's search and rescue and safety and education program. The fee increase, which is the first since 1982, will offset inflationary increases and allow some expansion of the program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bill Brubaker, Washington State Department of Transportation, Aviation (TB-25), (206) 764-4131.

Name of Proponent: Washington State Department of Transportation, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Since 1982 pilots have paid a \$5.00 annual registration fee as required by chapter 47.68 RCW. The rule outlines the fee schedule and directs they be placed in the search and rescue, education and safety account. The proposed rule reflects an increase in the fee from \$5.00 to \$8.00 annually and changes the fee schedule accordingly. The results of the rule making will be to place in Washington Administrative Code the new schedule which is to begin September 1, 1996. It is anticipated the increase in fees will generate \$80,000 additional dollars per biennium to support the program.

Proposal Changes the Following Existing Rules: Simply changes \$5.00 to \$8.00 and the dates of implementation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The new WAC changes only the fee and fee schedule dates in a program that is already underway and funded. The fee is required by RCW for all pilots.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Department of Transportation, Commission Board Room 1D2, Transportation Building, Olympia, Washington 98504, on August 13, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980, by August 9, 1996.

Submit Written Comments to: Bill Brubaker, FAX (206) 764-4001, by August 9, 1996.

Date of Intended Adoption: August 13, 1996.

June 20, 1996

S. A. Moon

Deputy Secretary  
for Operations

**AMENDATORY SECTION** (Amending Order 74, filed 12/13/82)

**WAC 12-18-020 Fees.** ~~((A fee of \$3.00 per year shall be paid for each pilot registration prior to December 31, 1982-))~~ A fee of ~~(((\$5.00))~~ \$8.00 per year shall be paid for each pilot registration after ~~((December 31, 1982))~~ August 31, 1996, without regard to the actual date of registration. Pilot registration fees will be deposited into the search and rescue, safety and education fund created under RCW 47.68.236.

These rules are being recodified from Title 12 WAC to Title 468 WAC as shown below:

<u>Old WAC Number</u>	<u>New WAC Number</u>	<u>Title</u>
12-18-001	468-210-001	Promulgation.
12-18-010	468-210-010	Pilot registration required.
12-18-020	468-210-020	Fees.
12-18-030	468-210-030	Possession of registration.
12-18-040	468-210-040	Seminars and clinics.
12-18-050	468-210-050	Unlicensed pilots.

12-19-010	468-220-010	Display of indicia of registration.			for determining obstructions to air navigation.
12-20-050	468-230-050	Regulations for the prevention and control of fires and fire hazards of airports and heliports.	12-24-370	468-240-370	Appendix rules-Operation of moored balloons.
12-24-002	468-240-002	Foreword.	12-24-380	468-240-380	Appendix rules-Illustrations.
12-24-005	468-240-005	Introduction.	12-40-010	468-250-010	Definitions.
12-24-025	468-240-025	General.	12-40-020	468-250-020	Aeronautics division to manage.
12-24-030	468-240-030	Marking of vehicles.	12-40-030	468-250-030	Opening and closing of airports.
12-24-035	468-240-035	Marking of natural and manmade obstructions.	12-40-040	468-250-040	Controlled operations.
12-24-040	468-240-040	Flags.	12-40-050	468-250-050	Fees.
12-24-045	468-240-045	Colors.	12-40-060	468-250-060	Nondiscrimination.
12-24-050	468-240-050	Marking overhead lines.	12-40-070	468-250-070	Exclusive grants prohibited.
12-24-105	468-240-105	General.	12-40-080	468-250-080	Representations.
12-24-110	468-240-110	Special day lighting.	12-40-090	468-250-090	Provisions in agreements.
12-24-115	468-240-115	Temporary warning lights.	12-40-100	468-250-100	State/federal agreements controlling.
12-24-120	468-240-120	Operation of obstruction lighting.	12-40-110	468-250-110	Grounds for refusal to grant agreement.
12-24-125	468-240-125	Inspection of obstruction lighting.	12-40-120	468-250-120	Preexisting agreements.
12-24-130	468-240-130	Notification of light failure.	12-40-130	468-250-130	All use at own risk.
12-24-135	468-240-135	Color of lighting.	12-40-140	468-250-140	Temporary rules.
12-24-140	468-240-140	Light distribution.	12-40-150	468-250-150	Accident notification.
12-24-145	468-240-145	Rated lamp voltage.	12-40-160	468-250-160	Hazard notification.
12-24-150	468-240-150	Flashing of lights.	12-40-170	468-250-170	Littering.
12-24-155	468-240-155	Intensity of lighting.			
12-24-160	468-240-160	Interference with railway signals.			
12-24-165	468-240-165	Obstruction lighting by nonstandard lights.			
12-24-170	468-240-170	Obstruction lighting equipment-specifications and drawings.			
12-24-175	468-240-175	Obstruction lighting standards-Towers, poles, and similar obstructions			
12-24-180	468-240-180	Obstruction lighting standards-Trees.			
12-24-185	468-240-185	Obstruction lighting standards-Transmission lines.			
12-24-190	468-240-190	Obstruction lighting standards-Smokestacks and similar obstructions.			
12-24-195	468-240-195	Obstruction lighting standards-Prominent buildings and similar extensive obstructions.			
12-24-200	468-240-200	Obstruction lighting standards-Bridges.			
12-24-205	468-240-205	Obstruction lighting standards-Water towers, grain elevators, gas holders and similar obstructions.			
12-24-210	468-240-210	Obstruction lighting standards-Group of structural hazards.			
12-24-215	468-240-215	Obstruction lighting standards-Hazard areas.			
12-24-350	468-240-350	Appendix rules-General.			
12-24-360	468-240-360	Appendix rules-Criteria			

**WSR 96-14-027**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Filed June 24, 1996, 12:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-16-057.

Title of Rule: Strengthens the enforcement of child care licensing and exempts friends and neighbors from family child care licensing.

Purpose: To implement portions of SHB 1906 (chapter 302, Laws of 1995) aimed at strengthening the application of child care licensing. New sections WAC 388-150-085 Initial license, 388-150-092 Civil penalties, 388-150-093 Civil penalties—Amount of penalty, 388-150-094 Civil penalties—Posting of notice of penalty, 388-150-095 Civil penalties—Unlicensed programs, 388-150-096 Civil penalties—Separate violations, 388-150-097 Civil penalties—Penalty for nonpayment, 388-105-098 Probationary license, 388-151-085 Initial license, 388-151-092 Civil penalties, 388-151-093 Civil penalties—Amount of penalty, 388-151-094 Civil penalties—Posting of notice of penalty, 388-151-095 Civil penalties—Unlicensed programs, 388-151-096 Civil penalties—Separate violations, 388-151-097 Civil penalties—Penalty for nonpayment, 388-151-098 Probationary license, 388-155-085 Initial license, 388-155-092 Civil penalties, 388-155-093 Civil penalties—Amount of penalty, 388-155-094 Civil penalty—Posting of notice of penalty, 388-155-095 Civil penalties—Unlicensed programs, 388-155-096 Civil penalties—Separate violations, 388-155-097 Civil penalties—Penalty for nonpayment and 388-155-098 Probationary license; and amending

WAC 388-150-090 License denial, suspension, or revocation, 388-151-090 License denial, suspension, or revocation, 388-155-020 Scope of licensing, and 388-155-090 License denial, suspension, or revocation.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: Chapter 74.15 RCW.

Summary: Implements civil monetary penalties, the probationary license, an initial license, and no referral status for child care programs.

Reasons Supporting Proposal: Permits an additional array of sanctions against child care facilities violating health and safety standards.

Name of Agency Personnel Responsible for Drafting: Barry Fibel, Olympia, 902-8041; Implementation and Enforcement: Karen Tvedt, Olympia, 902-8038.

Name of Proponent: Office of Child Care Policy, Division of Children and Family Services, Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Implements civil monetary penalties, the probationary license, an initial license, and no referral status for child care programs.

Proposal Changes the Following Existing Rules: Implements civil monetary penalties, the probationary license, an initial license, and no referral status for child care programs.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### SMALL BUSINESS ECONOMIC IMPACT STATEMENT FOR CIVIL MONETARY PENALTIES

Rule Summary: These proposed new sections to chapters 388-150, 388-151 and 388-155 WAC, relate to civil monetary penalties. The rules will implement SHB 1906 (chapter 302, Laws of 1995), which authorizes the department to levy civil monetary penalties against child care programs which violate rules adopted under chapter 74.15 RCW or RCW 74.13.031 or which operate without a license as required by those chapters.

The authorizing legislation permits the department to levy a civil monetary penalty up to seventy-five dollars per violation for a family day care home and two hundred fifty dollars per violation for day care centers. The legislation authorizes the department to forgive a penalty if the facility comes into compliance.

The proposed rules would permit lesser penalties for some types of violations and would establish criteria and guidelines for the imposition of penalties and determining the amount to be levied.

Background: Prior to the adoption of SHB 1906 the department had little recourse in where a child care provider violated any requirements related to the health and safety of children except to suspend or revoke the facility's license or seek a court injunction. This process is very protracted and can be used only in the most blatant and imminent situations or after the fact. It frequently fails to safeguard the health and welfare of children in care.

The department has involved family home and center providers, parents, resource and referral agencies, and other interested persons in the development of the proposed rules.

The department convened a one-day state-wide work group to provide initial advice on implementation of the legislation and the implementation process. It subsequently facilitated nineteen forums throughout the state to obtain community input. These forums, publicized through mailings and a press release, were sponsored in cooperation with local resource and referral agencies which list the providers in their respective communities. Significant positive media attention was given to the forums and nearly 600 people participated in the process. Working groups, formed from the state-wide work group, reviewed forum comments and developed rules to implement provisions of the law.

Effect on Businesses: The primary impact that the rule will have on those providers found in violation of requirements and notified of the department's intent to levy a penalty is that it would require them to document that they have corrected the cited delinquency during the notification period. This does not represent a new workload; current procedures include such a requirement.

The actual penalty itself, where one is imposed, represents a monetary loss to the facility. This is most often appropriate since so many of the violations involve a pecuniary motive on the part of the provider, such as understaffing for the number of children in care, failing to provide safe/developmentally appropriate equipment, under-feeding children, etc.

Economic Impact: The businesses impacted by these rules fall under the SIC Code 8351 and include both family child care homes and child care centers.

There are currently 8,684 licensed family child care homes and 1,755 licensed day care centers (which care for more than twelve children and are generally not in the home of the provider). The rules also apply to unlicensed child care programs which are operating in violation of chapter 74.15 RCW. We currently have no way to count these providers.

Figures from employment security indicate that 9,453 persons were employed in child care. They also report only 975 reporting units. The figures appear to be grossly understated and do not, of course, include family child care home providers, who are essentially self-employed.

All 8,684 family child care homes are small businesses, employing fewer than fifty persons. Of the 1,755 day care centers, the majority are small businesses. Of that number, the programs that would qualify as large businesses would be those day care centers operated by chains such as Kinder Care, Children's World, and a some others owners [some other owners].

Compliance Costs: Small vs. large business.

The costs to the businesses would be essentially as stated in the legislation: Not in excess of seventy-five dollars per violation for family child care homes and not in excess of two hundred and fifty dollars per violation for day care centers.

The proposed rules, however, would permit the department to levy lesser amounts based on guidelines provided in the rules.

Civil penalties would not, of course, be levied against all the providers in the industry. Considering that only a small percentage of providers are chronic or egregious violators of the licensing standards, that a violator will be given notice and an opportunity to come into compliance

during the notification period, and that the violator has the right to an adjudicative hearing, it is unlikely that more than one or two percent of the providers would be subject to a fine during any year.

Mitigation: For the most part, there is mitigation in the legislation itself. It permits a civil penalty up to \$250 per violation for day care centers, while the largest penalty allowed against a family child care home (such homes care for no more than twelve children) is \$75 per violation.

Further, however, the rules permit the imposition of lesser amounts to be based on guidelines including the size of the program and individual factors.

In addition, civil penalties will be imposed only after the facility found in violation has received notification and has had an opportunity to cure the noncompliance. Where the noncompliance is corrected or the unlicensed facility becomes licensed, the department may forgive the penalty which was to be imposed.

Lastly, the department will, in many instances, forgive a penalty where the offending provider attends additional training. The department sponsors such training in many communities through contracts with local resource and referral agencies.

A copy of the statement may be obtained by writing to: Barry Fibel, Office of Child Care Policy, P.O. Box 45700, Olympia, WA 98504-5700, phone (360) 902-8041, or FAX (360) 902-7903.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Department of Social and Health Services is not a named agency within RCW 34.05.328.

Hearing Location: On August 29, 1996, at 10:00 a.m., at the Division of Children and Family Services, Tahoma Room, 1313 West Meeker #102, Kent, WA 98032; and on August 30, 1996, at 10:00 a.m., at the Division of Children and Family Services, Spokane County Health District, Room 140, West 1101 College Avenue, Spokane, WA 99201-2095.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by August 15, 1996, TDD (360) 753-0625, or (360) 664-2954.

Submit Written Comments to: Sharon Staley, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504-5800, FAX (360) 664-0118, by August 30, 1996.

Date of Intended Adoption: September 2, 1996.

June 24, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-15 issue of the Register.

### WSR 96-14-028

#### WITHDRAWAL OF PROPOSED RULES GAMBLING COMMISSION

[Filed June 24, 1996, 1:15 p.m.]

The Gambling Commission withdraws the following proposed rules: WAC 230-08-090 Daily records—Card games, WSR 96-07-074; WAC 230-40-030 Number of tables and players limited, WSR 96-03-081; and WAC 230-40-055 Card

tournaments for fee and prizes—Reporting required, WSR 96-03-080.

The proposed changes to these rules have been incorporated into a forthcoming package of proposed rules implementing recent legislative amendments to RCW 9.46.0281 Social card game definition.

Michael Aoki-Kramer  
Rules and Policy Coordinator

### WSR 96-14-035

#### PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 100354—Filed June 26, 1996, 10:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-034.

Title of Rule: WAC 388-513-1395, 388-518-1805, 388-518-1810, 388-519-1905, and 388-522-2230.

Purpose: Allow twelve month MN certification and three month MI certification after April 30, 1996.

Statutory Authority for Adoption: RCW 74.08.090 and Budget Note 17.

Statute Being Implemented: RCW 74.08.090.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, (360) 753-7462.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This amendment does not have an economic impact on any small business. It is an eligibility rule and provides regulation solely for CSO staff and clients.

Hearing Location: Department of Social and Health Services, OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on August 6, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut by July 23, 1996, TDD (360) 753-0625.

Submit Written Comments to: Sharon Staley, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 664-0118.

Date of Intended Adoption: August 7, 1996.

June 26, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3921, filed 11/22/95, effective 1/1/96)**WAC 388-513-1395 Institutional—Medically needy.**

(1) The department shall consider a person institutionalized when the person resides in or is expected to reside in a medical facility for thirty consecutive days or more.

(a) The department shall determine:

(i) An SSI/SSP-related person in a medical facility as medically needy when the person's gross income exceeds three hundred percent of the SSI benefit amount;

(ii) An AFDC-related child in a medical facility as medically needy if countable income exceeds the one-person AFDC grant standard; and

(iii) An AFDC-related adult as ineligible.

(b) The department shall determine a client ineligible for the medically needy program when the countable income is more than the private nursing facility rate plus verifiable recurring medical expenses.

(c) The department shall determine countable income of a medically needy client residing in a nursing facility by deducting the following amounts from gross income:

(i) Amounts that would be deducted in determining eligibility for AFDC or SSI/SSP; and

(ii) Previously incurred medical expenses not subject to third-party payment and which are the current liability of the client.

(d) The department shall determine a client eligible for nursing facility care when the client's countable income and the amount of resources in excess of the amount in WAC 388-513-1310 are less than the department's contracted rate plus verifiable recurring medical expenses. These clients shall:

(i) Participate in the cost of nursing facility care per WAC 388-513-1380 for post-eligibility allocation of income and post-eligibility allocation of resources; and

(ii) Be certified for three ~~((or))~~, six-, or a twelve-month ~~(s at the client's option))~~ period as described under WAC 388-519-1905.

(e) The department shall determine a client eligible for nursing facility care when the client's countable income and the amount of resources in excess of the amount in WAC 388-513-1310 are:

(i) Less than the private nursing facility rate plus recurring medical expenses; but

(ii) More than the department's contracted rate.

(f) The client shall:

(i) Participate in the cost of nursing facility care. See WAC 388-513-1380 for post-eligibility allocation of income;

(ii) Spenddown all income remaining after allocating income to the department's contracted rate to be eligible for nonnursing facility medical care. The department shall only certify medical assistance for noninstitutional eligibility after spenddown has been met; and

(iii) Choose a certification period of three or six months for nursing facility care. The department shall determine spenddown of a person's nonnursing facility medical expenses be on a three-month or six-month basis.

(g) For the effect of a social absence from an institutional living arrangement, see WAC 388-88-115.

(h) The department shall not change a client's institutional status when the client is transferred between institutions.

(2) The department shall use other SSI financial criteria for consideration of resources as defined in WAC 388-513-1310 and 388-513-1360.

**AMENDATORY SECTION** (Amending Order 3913, filed 10/25/95, effective 10/28/95)

**WAC 388-518-1805 LCP-MI eligibility.** (1) The department shall not require as a condition of eligibility:

(a) A person's citizenship;

(b) Social Security number; and

(c) Residency.

(2) A person shall not be eligible for LCP-MI when the person:

(a) Is eligible for medical care from another state; or

(b) Enters Washington state specifically for the purpose of obtaining medical care.

(3) A person receiving LCP-MI shall meet the following eligibility criteria:

(a) The person is not:

(i) Receiving continuing cash assistance; or

(ii) Eligible for any other medical program.

(b) The person must have an emergency medical condition:

(i) As defined in WAC 388-500-0005; and

(ii) Within a period not exceeding three months prior to the first of the month of application.

(c) For a pregnant woman, the department shall increase the number in the household by the number of unborn before comparing the pregnant woman's income to the:

(i) Income requirements of WAC 388-518-1850(1); and

(ii) Resource requirements of WAC 388-518-1850(2).

(4) For a client applying for LCP-MI ~~((on or after July 1, 1995))~~, the department shall:

(a) Limit the client to ~~((three months))~~ one period of LCP-MI eligibility ((during the period of July 1, 1995 through June 30, 1996)) not to exceed three months per twelve-month EMER period; and

(b) Not consider the months of a certification period beginning prior to July 1, 1995 as counting toward the program limitations described under subsection (4)(a) of this section.

(5) The department shall calculate the twelve calendar month period described under subsection (4)(a) of this section as follows:

(a) Begin the first day of the month of certification for a client determined eligible for MI;

(b) Continue through the last day of the following twelve calendar months; and

(c) Equal the same time period established for the emergency medical expense requirement (EMER).

**AMENDATORY SECTION** (Amending Order 3913, filed 10/25/95, effective 10/28/95)

**WAC 388-518-1810 LCP-MI emergency medical expense requirement (EMER).** (1) The client shall satisfy the EMER as described in this section.

(2) The department shall require documentation of emergency medical expenses of two thousand dollars per family over a twelve-month period.

(3) Only family members meeting the eligibility requirements in WAC 388-518-1805, 388-518-1820, 388-518-1830 and 388-518-1850 can accumulate expenses against the EMER.

(4) ~~((For a client applying for services received on or before June 30, 1995, the department shall allow the accumulation of emergency medical expenses to begin up to seven working days before the application date. The department may waive the seven day rule if a person fails to apply for medical reasons or other good cause.~~

~~((5))~~ The department shall consider only the following emergency medical services toward the EMER:

(a) Emergency ground or aid ambulance; and

(b) Emergency hospital services and related physician services in a hospital.

~~((6))~~ (5) Other than expenses qualifying as hospital charity care under RCW 70.170.060, the department shall ensure the emergency medical expense requirement and spenddown are the liability of the client.

~~((7))~~ (6) If the client does not satisfy the EMER during the three-month base period, the department shall apply the incurred amount to any subsequent applications within twelve months of the initial application.

AMENDATORY SECTION (Amending Order 3913, filed 10/25/95, effective 10/28/95)

**WAC 388-519-1905 Base period.** (1) A medically needy client((s)) in ((their)) one's own home((s)) shall have a choice of a three-month or a six-month base period ((which)). The department shall ensure the base period begins with the month of application. The department shall use a complete base period unless:

(a) A previous certification period overlaps;

(b) The client is not resource eligible for the medically needy program for the full base period;

(c) The client is not categorically related for the full base period;

(d) The client becomes eligible for categorically needy Medicaid; or

(e) The base period would extend beyond(~~(~~

~~((~~) December 31, 1995, for an AFDC-related caretaker adult medically needy client(~~(~~

~~((~~) June 30, 1996, for a medically indigent client)).

(2) ~~((Effective July 1, 1995,))~~ The department shall not certify a client with countable income above the MNIL for more than six months.

(3) The department shall certify a client with countable income at or below the MNIL for up to twelve months.

(4) The department shall consider the base period for a LCP-MI client:

(a) To be the three months beginning with the first month of emergency ambulance or emergency inpatient hospital or emergency room services; and

(b) May begin up to three calendar months(~~(~~

~~((~~) before the date of application(~~(~~

~~((~~) July 1, 1995, whichever is later)).

~~((3) Subject to the limitation described under subsection (1)(c) of this section,))~~ (5) The department shall not certify a client for more than(~~(~~

~~((~~) Six months for a medically needy client; or

~~((~~) three months for a medically indigent client. See WAC 388-518-1805 for LCP-MI program limitations.

~~((4))~~ (6) The department shall certify a client who is required to spenddown from the day the client meets the spenddown requirement through the last day of the chosen base period when the client has not incurred hospital expenses equal to the spenddown liability.

~~((5))~~ (7) The department shall certify a client who is required to spenddown from the first day of the base period when the client has incurred hospital expenses equal to the spenddown liability.

~~((6))~~ (8) When the client requests retroactive medical coverage at the time of application, the department shall begin the retroactive period ~~((shall begin))~~ three months before the application month unless exceptions in subsection (1)(a), (b), (c), or (d) of this section exist. The department shall certify a client with spenddown in retroactive period effective:

(a) The day the spenddown requirement was met through the last day of the retroactive period when the client has not incurred hospital expenses equal to the spenddown liability; or

(b) The first day of the retroactive period when the client has incurred hospital expenses equal to the spenddown liability.

~~((7))~~ (9) The department shall require an application for any subsequent period of eligibility for the medically needy program.

AMENDATORY SECTION (Amending Order 3870, filed 7/12/95, effective 8/12/95)

**WAC 388-522-2230 Eligibility reviews.** (1) When a client is receiving cash assistance, the department shall not require a separate eligibility review for the related medical assistance program.

(2) When a client is in a medical institution or receiving medical assistance, the department shall redetermine eligibility:

(a) Every twelve months for a person receiving:

(i) Categorically needy medical assistance; or

(ii) Medically needy program and whose income is at or below the MNIL.

(b) Each three or six months, at the client's option, for a person receiving the medically needy program with spenddown.

(3) The department shall terminate eligibility for a medical program when a person:

(a) Does not complete and return to the department a department-designated eligibility review form before the last day of the certification period; or

(b) Is determined ineligible for a medical program.

**WSR 96-14-044**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 (Board of Optometry)  
 [Filed June 26, 1996, 4:15 p.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-11-049.

Title of Rule: Optometry application process.

Purpose: Amends and repeals existing optometry rules to further clarify the application process following the Optometry Board's recent designation of the national examination as the licensing examination for Washington candidates. Repeals the temporary permit rule because it duplicates language relative to credentialing by endorsement. Repeals the examination appeal procedures because the national examination has appeal procedures in place.

Statutory Authority for Adoption: RCW 18.54.070(2).  
 Statute Being Implemented: RCW 18.54.070(1).

Summary: Housekeeping changes to repeal duplicative and no longer applicable language. Amends current language relating to licensing the examination that was designated in rules adopted in June 1995.

Reasons Supporting Proposal: Amendments are necessary to reflect the Optometry Board's June 1995, designation of the nationally administered examination as the licensing exam for Washington candidates. This designation was authorized through 1995 legislation. In addition, the temporary permit rule is repealed because the same provisions are contained in WAC 246-851-500 Credentialing by endorsement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Haenke, 1300 S.E. Quince Street, Olympia, WA 98504-7863, (360) 753-4614.

Name of Proponent: Board of Optometry, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 246-851-490 Examination and licensure and 246-851-500 Credentialing by endorsement are each amended to reflect the shift in licensing examinations from the state board administered examination to the nationally administered examination. Repeals WAC 246-851-080 Examination appeal procedures, since this section referred to the state board examination which is no longer administered. The nationally administered examination has appeal procedures in place. Repeals WAC 246-851-480 Temporary permits, because this rule is duplicated in WAC 246-851-500 Credentialing by endorsement.

Proposal Changes the Following Existing Rules: Repeals WAC 246-851-080 Examination appeal procedures and 246-851-480 Temporary permit. Amends WAC 246-851-490 Examination and licensure and 246-851-500 Credentialing by endorsement.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not represent an increase in costs to businesses, licensees or to applicants.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Seattle Airport Hilton, Peninsula West Room, 17620 Pacific Highway South, Seattle, WA 98188-0964, on September 13, 1996, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Judy Haenke by September 6, 1996, TDD (360) 1-800-833-6388, or FAX (360) 586-0745.

Submit Written Comments to: Judy Haenke, FAX (360) 753-4614, by September 12, 1996.

Date of Intended Adoption: September 13, 1996.

June 26, 1996

D. H. Williams

Executive Director

Health Professions Section Four

**AMENDATORY SECTION** (Amending WSR 95-14-114, filed 6/30/95, effective 7/31/95)

**WAC 246-851-490 Examination and licensure.**

~~((Except for a candidate seeking licensure by credential or a candidate seeking a temporary license,))~~ To qualify for licensure in this state a candidate must:

(1) Successfully complete Parts I, II, and III of the National Board of Examiners in Optometry (NBE) examinations; the Part III having been administered and successfully completed after January 1, 1993;

(2) Applicants who completed the NBE Part II examination prior to January 1, 1993, must successfully complete the International Association of Examiners in Optometry (IAB) examination in treatment and management of ocular disease; and

(3) Successfully complete a jurisprudence ~~((examination))~~ questionnaire; and

(4) Be a graduate of a state accredited high school or equivalent; and

(5) Be a graduate of a school or college of optometry accredited by the Council on Optometric Education of the American Optometric Association and approved by the Washington state board of optometry; and

(6) Be of good moral character.

**AMENDATORY SECTION** (Amending WSR 95-14-114, filed 6/30/95, effective 7/31/95)

**WAC 246-851-500 Credentialing by endorsement.**

A license to practice optometry may be issued without examination to an individual licensed in another state that has licensing standards substantially equivalent to those in Washington.

(1) The license may be issued upon receipt of:

(a) Documentation from the state in which the applicant is licensed indicating that the state's licensing standards are substantially equivalent to the licensing standards currently applicable in Washington state;

(b) A completed application form with application fees;

(c) Verification from all states in which the applicant holds a license, whether active or inactive, indicating that the applicant is not subject to charges or disciplinary action for unprofessional conduct or impairment; and

(d) Certification that the applicant has read chapters 18.53, 18.54, 18.195 and 18.130 RCW, and chapters 246-851 and 246-852 WAC.

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(2) ~~((No individual who has at any time failed to successfully complete the board administered examination is eligible for credentialing by endorsement under this section.~~

(3)) The board may require additional information as needed to determine if an applicant is eligible for credentialing by endorsement.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-851-080 Examination appeal procedures.  
WAC 246-851-480 Temporary permit.

**WSR 96-14-055**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(General Provisions)

[Filed June 27, 1996, 3:16 p.m.]

Supplemental Notice to WSR 96-12-033 and 96-09-078.  
Preproposal statement of inquiry was filed as WSR 96-01-061.

Title of Rule: WAC 440-22-005 Definitions and 440-22-406 Behavior management.

Purpose: The Department of Social and Health Services child welfare planning team instructed the Division of Alcohol and Substance Abuse (DASA) to adopt rules to meet the intent of the Becca Bill to protect civil rights of youth while preventing harm to runaway youth. Temporary protective holding would slow down the runaway process and allow for interventions to prevent running away.

Statutory Authority for Adoption: RCW 70.96A.090.

Statute Being Implemented: 1995 Becca Bill (ESSB 5439).

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Division of Alcohol and Substance Abuse, Lacey, Washington, Gary Reynolds, (360) 438-8054.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 440-22-005 and 440-22-406, certification requirements for chemical dependency treatment service providers. Behavior management and temporary protective holding of high-risk youth in chemical dependency treatment, especially those who present a danger to themselves or others. The child welfare planning team of the Department of Social and Health Services instructed the Division of Alcohol and Substance Abuse (DASA) to adopt rules to meet the intent of the Becca Bill to protect civil rights of youth while preventing harm to runaway youth.

Proposal Changes the Following Existing Rules: Adds two definitions: "Danger to self or others," and "restraints"; and adds new section WAC 440-22-406 on behavior management, including requirement for policies and procedures for techniques used, using least restrictive measures first, when and how restraints may be used, staff training, and documentation in the patient record.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Use of these rules proposed in WAC 440-22-406 are generally in practice by youth treatment contractors; and use of a protective holding facility is optional and currently in use by only one provider who generally meets these requirements.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency under RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street South, Olympia, WA 98504, on August 6, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by July 23, 1996, TDD (360) 753-0625, or (360) 902-8317 voice.

Submit Written Comments to: Rules and Policies Assistance Unit, Department of Social and Health Services, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 664-0118.

Date of Intended Adoption: August 7, 1996.

June 27, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3672, filed 12/22/93, effective 2/1/94)

**WAC 440-22-005 Definitions.** Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter:

(1) "Administrator" means the person designated responsible for the operation of the certified treatment service;

(2) "Adult" means a person eighteen years of age or older. "Young adult" means an adult who is not yet twenty-one years of age;

(3) "Alcoholic" means a person who has the disease of alcoholism;

(4) "Alcoholism" means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. It is characterized by impaired control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic;

(5) "Authenticated" means written, permanent verification of an entry in a patient treatment record by means of an original signature including first initial, last name, and professional designation or job title, or initials of the name if the file includes an authentication record, and the date of the entry;

(6) "Authentication record" means a document which is part of a patient's treatment record, with legible identification of all persons initialing entries in the treatment record, and includes:

(a) Full printed name;

(b) Signature including the first initial and last name;

and

(c) Initials and abbreviations indicating professional designation or job title.

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(7) "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. The pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV);

(8) "Branch service site" means a physically separate certified unit where qualified staff provide a certified treatment service and are governed by a parent organization;

(9) "Certified treatment service" means a discrete program of chemical dependency treatment offered by a service provider who has a certificate of approval from the department of social and health services, as evidence the provider meets the standards of chapter 440-22 WAC;

(10) "Chemical dependency" means a person's alcoholism or drug addiction or both;

(11) "Chemical dependency counseling" means face-to-face individual or group contact using therapeutic techniques and:

(a) Led by a chemical dependency counselor (CDC) or a CDC intern under direct CDC supervision;

(b) Directed toward patients and others who are harmfully affected by the use of mood-altering chemicals or are chemically dependent; and

(c) Directed toward a goal of abstinence for chemically dependent persons.

(12) "Chemical dependency counselor (CDC)" means a person registered, certified, or exempted by the state department of health, and qualified as a CDC as described under WAC 440-22-240. Categories of chemical dependency counselors include:

(a) "Assessment officer" which means a person employed at a certified district or municipal court treatment program who meets WAC 440-22-225 requirements or is grandparented as meeting those requirements;

(b) "Youth chemical dependency counselor" which means a person who meets WAC 440-22-230 requirements.

(13) "Chemical dependency counselor (CDC) intern" means a person who meets the standards for CDC interns described under WAC 440-22-200 and 440-22-220, and is supervised by a CDC in a certified treatment agency, as described under WAC 440-22-210;

(14) "Child" means a person less than eighteen years of age, also known as adolescent, juvenile, or minor;

(15) "County coordinator" means the person designated by the chief executive officer of a county to carry out administrative and oversight responsibilities of the county chemical dependency program;

(16) "Criminal background check" means a search by the Washington state patrol for any record of convictions or civil adjudication related to crimes against children or other persons, including developmentally disabled and vulnerable adults, per RCW 43.43.830 through 43.43.842 relating to the Washington state patrol;

(17) "Danger to self or others," for purposes of WAC 440-22-406, means a youth residing in a chemical dependency treatment agency who creates a risk of serious harm to the health, safety, or welfare to self or others. Behaviors considered a danger to self or others include:

(a) Suicide threat or attempt;  
 (b) Assault or threat of assault; or  
 (c) Attempt to run from treatment, potentially resulting in a dangerous or life-threatening situation.

(18) "Department" means the Washington state department of social and health services;

~~((18))~~ (19) "Detoxification" or "detox" means care and treatment of a person while the person recovers from the transitory effects of acute or chronic intoxication or withdrawal from alcohol or other drugs;

~~((19))~~ (20) "Disability, person with a" means a person who:

(a) Has a physical or mental impairment that substantially limits one or more major life activities of the person;

(b) Has a record of such an impairment; or

(c) Is regarded as having such an impairment.

~~((20))~~ (21) "Discrete treatment service" means a chemical dependency treatment service that:

(a) Provides distinct chemical dependency supervision and treatment separate from other services provided within the facility;

(b) Provides a separate treatment area for ensuring confidentiality of chemical dependency treatment services; and

(c) Has separate accounting records and documents identifying the provider's funding sources and expenditures of all funds received for the provision of chemical dependency services.

~~((21))~~ (22) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or

(b) Sexual assault of one family or household member by another.

~~((22))~~ (23) "Drug addiction" means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. Drug addiction is characterized by impaired control over use of drugs, preoccupation with drugs, use of a drug despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic;

~~((23))~~ (24) "First Steps" means a program available across the state for low-income pregnant women and their infants. First Steps provides maternal and child health care and support services;

~~((24))~~ (25) "Governing body" means the legal entity responsible for the operation of the chemical dependency treatment service;

~~((25))~~ (26) "HIV/AIDS brief risk intervention (BRI)" means an individual face-to-face interview with a client or patient, to help that person assess personal risk for HIV/AIDS infection and discuss methods to reduce infection transmission;

~~((26))~~ (27) "HIV/AIDS education" means education, in addition to the brief risk intervention, designed to provide a person with information regarding HIV/AIDS risk factors, HIV antibody testing, HIV infection prevention techniques, the impact of alcohol and other drug use on risks and the disease process, and trends in the spread of the disease;

~~((27))~~ (28) "Medical practitioner" means a physician, certified nurse practitioner, or certified physician's assistant. Nurse practitioners and midwives with prescriptive authority may perform practitioner functions related only to indicated specialty services;

~~((28))~~ (29) "Misuse" means use of alcohol or other drugs by a person in:

- (a) Violation of any law; or
- (b) Breach of agency policies relating to the drug-free work place.

~~((29))~~ (30) "Off-site treatment" means provision of treatment by a certified provider at a location where treatment is not the primary purpose of the site;

~~((30))~~ (31) "Opiate dependency treatment agency" means an organization that administers or dispenses an approved drug as specified in 212 CFR Part 291 for treatment or detoxification of opiate dependency. The agency is:

- (a) Approved by the Federal Food and Drug Administration;
- (b) Registered with the Federal Drug Enforcement Administration;
- (c) Licensed by the county in which it operates; and
- (d) Certified as an "opiate dependency treatment agency" by the department.

~~((31))~~ (32) "Patient" is a person receiving chemical dependency treatment services from a certified program;

~~((32))~~ (33) "Patient contact" means counselor time spent with a client or patient to do assessments, individual or group counseling, or education;

~~((33))~~ (34) "Probation assessment service" means a certified assessment service offered by a misdemeanor probation department or unit within a county or municipality;

~~((34))~~ (35) "Progress notes" are a permanent record of ongoing assessments of a patient's participation in and response to treatment, and progress in recovery;

~~((35))~~ (36) "Restraint," for purposes of WAC 440-22-406, means the use of methods, by a trained staff person, to prevent or limit free body movement in the event of out-of-control behavior. "Restraint" includes:

- (a) Containment or seclusion in an unlocked quiet room;
- (b) Physical restraint, meaning a person physically holds or restricts another person in a safe manner for a short time in an immediate crisis; or
- (c) Use of a safe and humane apparatus which the person cannot release by oneself.

(37) "Service provider" or "provider" means a legally operated entity certified by the department to provide chemical dependency treatment services. The components of a service provider are:

- (a) Legal entity/owner;
- (b) Facility; and
- (c) Staff and services.

~~((36))~~ (38) "Sexual abuse" means sexual assault, incest, or sexual exploitation;

~~((37))~~ (39) "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct when:

- (a) Submission to such conduct is made explicitly or implicitly a term or condition of employment or treatment;
- (b) Such conduct interferes with work performance or creates an intimidating, hostile, or offensive work or treatment environment.

~~((38))~~ (40) "Substance abuse" means a recurring pattern of alcohol or other drug use which substantially impairs a person's functioning in one or more important life areas, such as familial, vocational, psychological, physical, or social;

~~((39))~~ (41) "Summary suspension" means an immediate suspension of certification, per RCW 34.05.422(4), by the department pending administrative proceedings for suspension, revocation, or other actions deemed necessary by the department;

~~((40))~~ (42) "Supervision" means:

(a) Regular monitoring of the administrative, clinical, or clerical work performance of a staff member, intern, student, volunteer, or employee on contract by a person with the authority to give directions and require change; and

(b) "Direct supervision" means the supervisor is on the premises and available for immediate consultation.

~~((41))~~ (43) "Suspend" means termination of the department's certification of a provider's treatment services for a specified period or until specific conditions have been met and the department notifies the provider of reinstatement;

~~((42))~~ (44) "Treatment services" means the broad range of emergency, detoxification, residential, and outpatient services and care. Treatment services include diagnostic evaluation, chemical dependency education, individual and group counseling, medical, psychiatric, psychological, and social services, vocational rehabilitation and career counseling which may be extended to alcoholics and other drug addicts and their families, persons incapacitated by alcohol or other drugs, and intoxicated persons;

~~((43))~~ (45) "Urinalysis" means analysis of a patient's urine sample for the presence of alcohol or controlled substances by a licensed laboratory or a provider who is exempted from licensure by the department of health;

(a) "Negative urine" is a urine sample in which the lab does not detect specific levels of alcohol or other specified drugs; and

(b) "Positive urine" is a urine sample in which the lab confirms specific levels of alcohol or other specified drugs.

~~((44))~~ (46) "Vulnerable adult" means a person sixty years of age or older who has the functional, mental, or physical inability to care for oneself.

~~((45))~~ (47) "Youth" means a person seventeen years of age or younger.

#### NEW SECTION

**WAC 440-22-406 Behavior management.** (1) Upon application for a youth's admission, a provider shall:

(a) Advise the youth's parent and other referring persons of the programmatic and physical plant capabilities and constraints in regard to providing treatment with or without a youth's consent;

(b) Obtain the parent's or other referring person's agreement to participate in the treatment process as appropriate and possible; and

(c) Obtain the parent's or other referring person's agreement to return and take custody of the youth as necessary and appropriate on discharge or transfer.

(2) The administrator shall ensure policies and procedures are written and implemented which detail least to increasingly restrictive practices used by the provider to stabilize and protect youth who are a danger to self or others, including:

(a) Obtaining signed behavioral contracts from the youth, at admission and updated as necessary;

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- (b) Acknowledging positive behavior and fostering dignity and self respect;
- (c) Supporting self-control and the rights of others;
- (d) Increased individual counseling;
- (e) Increased staff monitoring;
- (f) Verbal de-escalation;
- (g) Use of unlocked room for containment or seclusion;
- (h) Use of restraints; and
- (i) Emergency procedures, including notification of the parent, guardian or other referring person, and when appropriate law enforcement when appropriate.

(3) The provider shall ensure staff are trained in safe and therapeutic techniques for dealing with a youth's behavioral and emotional crises, including:

- (a) Verbal de-escalation;
- (b) Crisis intervention;
- (c) Anger management;
- (d) Suicide assessment and intervention;
- (e) Conflict management and problem solving skills;
- (f) Management of assaultive behavior;
- (g) Proper use of restraint; and
- (h) Emergency procedures.

(4) To prevent a youth's unauthorized exit from the residential treatment site, the provider may have:

- (a) An unlocked room for containment or seclusion;
- (b) A secure perimeter, such as a nonscalable fence with locked gates; and
- (c) Locked windows and exterior doors.

(5) Providers using holding mechanisms in subsection (4) of this section shall meet 1994 Uniform Building Code requirements or its successor, which include fire safety and special egress control devices, such as alarms and automatic releases.

(6) When less-restrictive measures are not sufficient to de-escalate a behavioral crisis, clinical staff may contain or seclude a youth in a quiet unlocked room which has a window for observation and:

(a) The clinical supervisor shall be notified immediately of the staff person's use of a quiet room for a youth, and shall determine its appropriateness;

(b) A chemical dependency counselor shall consult with the youth immediately and at least every ten minutes, for counseling, assistance, and to maintain direct communication; and

(c) The clinical supervisor or designated alternate shall evaluate the youth and determine the need for mental health consultation.

(7) Youth who demonstrate continuing refusal to participate in treatment or continuing to exhibit behaviors that present health and safety risks to self, other patients, or staff may be discharged or transferred to more appropriate care after:

(a) Interventions appropriate to the situation from those listed in subsection (2) of this section have been attempted without success;

(b) The person has been informed of the consequences and return options;

(c) The parents, guardian, or other referring person has been notified of the emergency and need to transfer or discharge the person; and

(d) Arrangements are made for the physical transfer of the person into the custody of the youth's parent, guardian, or other appropriate person or program.

(8) Involved staff shall document the circumstances surrounding each incident requiring intervention in the youth's record and include:

- (a) The precipitating circumstances;
- (b) Measures taken to resolve the incident;
- (c) Final resolution; and
- (d) Record of notification of appropriate others.

**WSR 96-14-056**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Institutions)

[Order 5688—Filed June 27, 1996, 3:19 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-041.

Title of Rule: Security classification, chapter 275-46 WAC.

Purpose: To create by rule a formal system of juvenile offender classification that considers public and staff safety and rehabilitation resources.

Statutory Authority for Adoption: RCW 13.40.460.

Statute Being Implemented: RCW 13.40.460.

Summary: To establish the standards of eligibility for residential community placement of juvenile offenders and define serious violations and discipline for those violations.

Name of Agency Personnel Responsible for Drafting and Implementation: Karen Brunson, 14th and Jefferson Street, Olympia, (360) 902-8102; and Enforcement: J. Richard Barrett, 14th and Jefferson Street, Olympia, (360) 902-8100.

Name of Proponent: Department of Social and Health Services, Juvenile Rehabilitation Administration, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes the standards of eligibility for residential community placement of juvenile offenders. It will continue the identification of juveniles who, consistent with public safety and rehabilitation progress, can be confined in a residential facility located in the community.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No impact to small business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not named within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on August 6, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by July 23, 1996, TDD (360) 753-0625 or (360) 902-8317.

PROPOSED

Submit Written Comments to and Identify WAC Numbers: Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, FAX (360) 664-0118, by July 30, 1996.

Date of Intended Adoption: August 7, 1996.

June 26, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

### Chapter 275-46 WAC SECURITY CLASSIFICATION

#### NEW SECTION

**WAC 275-46-005 Purpose.** This chapter establishes for juvenile offenders committed to the custody of the juvenile rehabilitation administration (JRA), department of social and health services (DSHS), rules pertaining to security level classifications and discipline for serious violations to:

- (1) Protect public safety;
- (2) Encourage youth to participate in treatment and follow facility rules;
- (3) Sanction negative behavior and failure to participate in treatment; and
- (4) Enhance the safe and orderly operation of institutions and community placements.

#### NEW SECTION

**WAC 275-46-010 Definitions.** As used in this chapter:

(1) "Community placement eligibility requirements" means requirements developed by JRA that must be met by a youth to demonstrate progress in treatment and low public safety risk, justifying an institutional minimum or minimum security classification for the youth.

(2) "Initial security classification assessment" means a written instrument, developed by JRA and administered by diagnostic staff, to determine to what extent a youth is a threat to public safety for the purpose of determining the youth's security classification when the youth initially is committed to JRA.

(3) "JRA" means juvenile rehabilitation administration, department of social and health services.

(4) "Program Administrator" means institution superintendent, regional administrator, or their designees.

#### NEW SECTION

**WAC 275-46-020 Security classifications.** (1) There are four JRA security classifications:

- (a) Maximum;
- (b) Medium;
- (c) Institutional minimum; and
- (d) Minimum.

(2) Prior to placement, a youth's initial security classification shall be determined utilizing the initial security classification assessment. A youth's security classification may be changed at any time, and shall be reviewed at least every ninety days.

#### NEW SECTION

**WAC 275-46-030 Maximum security.** (1) A maximum security classification may be assigned to a youth if:

(a) Indicated by the initial security classification; or  
(b) Following the initial security classification, it is determined the youth:

(i) Does not meet the community placement eligibility requirements for minimum security; and

(ii) Requires maximum security restrictions to carry out the purpose of this chapter as set forth in WAC 275-46-005.

(2) A youth classified as maximum security shall:

(a) Reside in an institution with the capability of:

- (i) Security windows;
- (ii) Locked exterior doors;
- (iii) Lockable single-person rooms; and
- (iv) A security fence.

(b) Be permitted movement between secured buildings only if accompanied by a close staff escort;

(c) Be confined to facility grounds, except for court appearances or emergencies, in which case a staff escort, and transportation in restraints and in a security vehicle, are required; and

(d) Be allowed authorized leave only for emergency and medical purposes pursuant to RCW 13.40.205.

#### NEW SECTION

**WAC 275-46-040 Medium security.** (1) A medium security classification shall be assigned to a youth if:

(a) Indicated by the initial security classification; or

(b) Following the initial security classification, it is determined that the youth:

(i) Does not meet the community placement eligibility requirements for minimum security; and

(ii) Requires medium security restrictions to carry out the purpose of this chapter as set forth in WAC 275-46-005.

(2) A youth classified as medium security shall:

(a) Reside in an institution with the capability of at least:

(i) Locked exterior doors or fire exit doors fitted with alarms; and

(ii) A security fence or windows without egress.

(b) Receive during movement a staff escort, continuous visual surveillance, or telephone/radio staff verification of departures and arrivals, unless the program administrator determines such measures are unnecessary;

(c) Be confined to facility grounds, except for:

(i) Participation in work crews or other programs outside the facility that require a close staff escort; and

(ii) Court appearances or emergencies, in which case a staff escort, and transportation in a security vehicle and/or in restraints, are required.

(d) Be allowed authorized leave only for emergency or medical purposes pursuant to RCW 13.40.205.

#### NEW SECTION

**WAC 275-46-050 Institutional minimum.** (1) An institutional minimum classification shall be assigned to a youth if:

(a) Indicated by the initial security classification;

(b) Indicated by the community placement eligibility requirements unless a recent incident indicates the youth no longer meets these requirements; or

(c) The assistant secretary for JRA or designee approves an override of the medium security classification.

(2) Even if eligible under subsection (1) of this section, a youth shall not receive an institutional minimum security classification if:

(a) The assistant secretary for JRA, or designee, signs an administrative override disapproving institutional minimum classification and assigning the youth a higher security classification; or

(b) The youth is a sex offender who meets the requirements for civil commitment referral pursuant to chapter 71.09 RCW.

(3) A youth classified as institutional minimum security:

(a) Shall reside in an institution with the capability of at least:

(i) Locked exterior doors or fire exit doors fitted with alarms; and

(ii) A security fence or windows without egress.

(b) May be permitted:

(i) Unescorted movement on facility grounds;

(ii) Participation in work crews or other programs outside the facility with a close staff escort;

(iii) Unescorted participation in community work, educational and community service programs, and family treatment or other activities to strengthen family ties, for up to twelve hours per day; and

(iv) Authorized leave pursuant to RCW 13.40.205.

(4) A youth on institutional minimum security shall be transferred to minimum security upon the availability of an appropriate community placement.

#### NEW SECTION

**WAC 275-46-060 Minimum security.** The provisions of WAC 275-46-050 also apply to a youth classified as minimum security, except the youth shall:

(1) Reside in a community placement rather than in an institution; and

(2) In addition to the provisions of WAC 275-46-050 (3)(b)(iii), may be permitted unescorted participation in treatment programs in the community not involving the family for up to twelve hours per day.

#### NEW SECTION

**WAC 275-46-070 Disciplinary sanctions.** (1) The program administrator shall determine serious violations by a youth include:

(a) Escape or attempted escape;

(b) Staff assault or attempted staff assault;

(c) Peer assault or attempt peer assault;

(d) Extortion, blackmail, or demanding or receiving money or anything of value from other persons in return for protection or under threat of injury;

(e) Using physical force, intimidation, or coercion against any person;

(f) Setting or causing an unauthorized fire;

(g) Possession/manufacture of weapons/explosives/escape tools;

(h) Tampering with locks or other security hardware or equipment;

(i) Interfering with staff in performing duties relating to the security and/or safety of the facility;

(j) Property damage in excess of one thousand five hundred dollars;

(k) Possession/use/distribution of drugs or alcohol or paraphernalia;

(l) Rioting or inciting others to riot;

(m) Refusal of urinalysis or search; or

(n) Other behaviors which threaten the safety and security of the facility or its staff and residents.

(2) The program administrator shall document all serious violations in an incident report, including:

(a) Circumstances leading up to the violation;

(b) A description of the violation;

(c) Response by staff;

(d) Response by the youth; and

(e) Sanctions imposed or recommended for the violation.

(3) The program administrator shall determine sanctions for serious violations include one or more of the following:

(a) Loss of privileges for up to thirty days;

(b) Loss of program level; or

(c) Room confinement up to seventy-two hours.

(4) The program administrator shall determine sanctions for serious violations may also include, but are not limited to, one or more of the following:

(a) Change in release date;

(b) Referral for prosecution;

(c) Transfer to an intensive management unit;

(d) Increase in security classification;

(e) Reprimand and loss of points;

(f) Restitution; or

(g) Community service.

(5) When a sanction is imposed, the youth shall also receive a counseling intervention to address the violation.

(6) If the proposed sanctions for a serious violation includes extending the youth's established release date, the youth shall be entitled to:

(a) Notice of an administrative review to consider extension of the release date and a written statement of the incident;

(b) An opportunity to be heard before a neutral review chairperson;

(c) Present oral or written statements, and call witnesses unless testimony of a witness would be irrelevant, repetitive, unnecessary, or would disrupt the orderly administration of the institution;

(d) Imposition of the sanction only if the administrative review chairperson finds by a preponderance of the evidence that the serious violation did occur; and

(e) A written decision, stating the reasons for the decision, by the administrative review chairperson.

(7) The program administrator shall conspicuously post notice of what constitutes a serious violation, and of the possible sanctions in all living units.

(8) Each program administrator shall adopt procedures for implementing the requirements of this section.

**WSR 96-14-069**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed June 28, 1996, 12:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-048.

Title of Rule: Revision to administrative procedures—Adjudicative proceedings; and model procedural rules.

Purpose: Chapters 246-10 and 246-11 WAC prescribe the means of holding administrative hearings. The proposed changes expand the coverage of the rules, and clarify/standardize some of the technical aspects a conducting an adjudicative hearing.

Other Identifying Information: These amendments are being proposed as "exceptions" in accordance with Part III, chapter 34.05 RCW.

Statutory Authority for Adoption: RCW 43.70.040, 18.130.050.

Statute Being Implemented: Chapters 34.05, 70.119A, 70.38 RCW.

Summary: The proposed changes extend the right for brief adjudicative proceedings to drinking water systems, clarify the requirements for motions, and change the timelines for filing appeals of initial decisions - to bring them in-line with current requirements in chapter 34.05 RCW, Administrative Procedure Act (APA).

Reasons Supporting Proposal: The proposed changes bring the rules into alignment with existing state law (chapter 34.05 RCW).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pat Collins, 2413 Pacific Avenue, Olympia, WA 98504-7872, (360) 664-8881.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendments are administrative changes designed to: (1) Expand coverage to additional Department of Health programs, reducing the administrative burden on these programs while still protecting the due process rights of petitioners; (2) allow use of self-executing orders in cases where the department is assessing a fine or denying a license (excluding instances of violation of chapter 18.130 RCW, Uniform Disciplinary Act (UDA)). This is expected to save the Department of Health time and money by not having to submit a motion and write default orders in these cases; (3) establish standardized procedures for making motions during a hearing. This should simplify the process for all parties, allowing a participant to clearly understand what is expected from them during the conduct of a hearing; and (4) change the time allowed for decision following a brief adjudicative proceeding, bringing the timelines into agreement with chapter 34.05 RCW (APA).

Proposal Changes the Following Existing Rules: The proposed changes include: (1) Expanding coverage to additional Department of Health programs (Class B water systems and civil penalties - drinking water program); (2) allowing use of self-executing orders in default cases (non-UDA) where a party fails to respond to initiating documents; (3) establishing standardized procedures for making motions

during a hearing. These include setting forth a framework for motion practice, including recommended format of motions, the time requirements for response and reply to motions, oral arguments on motions, motions to shorten time and emergency motions, and the time within which motions will be decided; and (4) changing of the time for decision following a brief adjudicative proceeding. If a more detailed explanation is needed, please see the attached sheet entitled "Rationale for Proposed Amendments to chapters 246-10 and 246-11 WAC" [no information supplied by agency].

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed changes amend procedures relating to agency hearings. As such, they do not impact outside businesses, and a small business economic impact statement is neither necessary or required.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules are procedural under section 201 (5)(c)(i)-(iii), chapter 403, Laws of 1995. Accordingly, they have been processed as "exceptions." However, in an effort to give as great a public notification as possible, a CR-101 (Preproposal Statement of Inquiry) was filed on March 5, 1996.

Hearing Location: 2413 Pacific Avenue, Olympia, WA, on August 30, 1996, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Pat Collins by August 23, 1996, TDD 1-800-833-6388, or FAX (360) 664-0114.

Submit Written Comments to: Pat Collins, FAX (360) 664-0114, by August 23, 1996.

Date of Intended Adoption: September 10, 1996.

June 27, 1996

Bruce A. Miyahara

Secretary

by Bobbie Berkowitz

AMENDATORY SECTION (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-107 Persons who may request adjudicative proceedings.** The persons indicated may request an adjudicative proceeding under this chapter.

(1)(a) With respect to the denial of applications made under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, ((and)) 246-290-140, 246-291-100, 246-291-110, 246-291-120, 246-291-130, 246-291-140, and 246-295-040, the denied applicant may request an adjudicative proceeding.

(b) A person whose application for the approval of a new public water system is denied under WAC 246-293-190, a purveyor whose license is adversely affected by a departmental decision under WAC 246-293-190 or the county legislative authority having jurisdiction in the area affected by the decision may request an adjudicative proceeding under this chapter.

(c) A purveyor affected by the decision of the department under WAC 246-293-430 or the county legislative authority having jurisdiction in the area may request an adjudicative proceeding with respect to a decision made under WAC 246-293-430.

(d) A person upon whom a civil penalty is imposed under RCW 70.119A.040 may request an adjudicative proceeding.

(2) With respect to all other matters involving the issuance, denial of, or adverse action against, a license, the applicant or licensee may request an adjudicative proceeding.

(3) With respect to matters involving receipt of benefits or application therefor, the recipient of or applicant for the benefits may request an adjudicative proceeding.

(4) With respect to an application for approval of a school or curriculum, the person or authority that applied for such approval may request an adjudicative proceeding.

(5) With respect to the department's final threshold determination that an environmental impact statement (EIS) is or is not necessary and with respect to the adequacy of a final EIS, any person may request an adjudicative proceeding who:

(a) Is seeking to protect an interest within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question; and

(b) Will be specifically and perceptibly harmed by the proposed action.

(6) Any application for an adjudicative proceeding that on its face demonstrates that the person making the application does not have standing under this rule may be summarily dismissed by entry of a decision pursuant to RCW 34.05.416. A motion to dismiss a matter for lack of standing may be made at any time prior to entry of the final order.

**AMENDATORY SECTION** (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-124 Preliminary requirements.** (1) An applicant for an initial license or renewal of an existing license shall not be entitled to an adjudicative proceeding unless the applicant has submitted:

(a) A completed initial application or renewal application, as appropriate; and

(b) All applicable application, examination, or renewal fees payable in connection with such application or license.

(2) An aggrieved applicant shall not be entitled to an adjudicative proceeding with respect to the denial of an application submitted under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, ~~(246-290-140, 246-291-100, 246-291-110, 246-291-120, 246-291-130, 246-291-140, or 246-295-040,~~ unless the applicant has submitted to the district engineer or other departmental employee responsible for reviewing the submittal, a certification that, to the best of the applicant's knowledge and belief, the submittal is complete and demonstrates compliance with the state's drinking water regulations. Certification with respect to water system plans, project reports, construction documents and other submittals requiring preparational review by a licensed professional engineer shall be provided on behalf of the applicant by the licensed professional engineer preparing or reviewing the submittal. Failure to comply with these preliminary requirements shall result in the denial of the application for adjudicative proceeding without further review.

(3) An affected party shall not be entitled to an adjudicative proceeding with respect to a decision made under WAC 246-293-190 unless:

(a) Except with respect to a county legislative authority, the applicant shall have complied with all preliminary

requirements established under the coordinated water system plan approved by the county legislative authority and the department or, if the critical water supply service area's external boundaries have been approved but a coordinated water system plan has not been approved and adopted, then with any interim requirements imposed by the county legislative authority; and

(b) Within sixty days of the department's receipt of the request for an adjudicative proceeding, the applicant submits copies of the complete record of all proceedings conducted under the applicable coordinated water system plan or interim requirements. If such proceedings were taped or otherwise recorded, the record submitted to the department shall include a transcript of the hearing or hearings which shall be prepared and certified as correct by a registered professional court reporter.

(c) Failure to comply with the preliminary requirements outlined herein shall result in a denial of the hearing application without further review.

(4) WAC 246-293-430.

(a) An adjudicative proceeding shall not be conducted with respect to a departmental decision made under WAC 246-293-430 unless, within sixty days of the department's receipt of the request for an adjudicative proceeding, the applicant has, at his or her own expense, submitted a transcript of the hearing conducted under WAC 246-293-430 from tapes or other record of the hearing which the department shall make available for that purpose. The transcript shall be prepared and certified as correct by a registered professional court reporter. Failure to comply with preliminary requirements established under this section shall result in the dismissal of the hearing application without further review.

(b) If a request for an adjudicative proceeding has been timely filed under this section and a transcript of the record has been timely submitted, the department shall promptly provide the presiding officer with copies of all documents and exhibits admitted at the hearing conducted under WAC 246-293-430.

(c) The departmental employee responsible for the department's decision under WAC 246-293-430 shall provide a copy of his or her decision to the presiding officer and may submit documents or evidence not made part of the record at the hearing conducted under WAC 246-293-430. Copies of all such documents shall be provided to all other parties involved in the proceeding.

**AMENDATORY SECTION** (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-204 Default.** (1) If a party fails to respond to initiating documents according to WAC 246-10-203, that party will be deemed to have waived the right to a hearing, and the secretary shall enter a final order without further contact with that party.

(2) If a party requests an adjudicative proceeding but fails to appear, without leave to do so, at a scheduled prehearing conference, the presiding officer may issue an order of default. The order shall include notice of opportunity to request that the default order be vacated pursuant to RCW 34.05.440(3). Unless vacated, a default order under this subsection shall be grounds for the presiding officer to

proceed to decide the matter in the absence of the respondent and without additional notice to the respondent and to issue a final order.

(3) If a party requests an adjudicative proceeding but fails to appear at the hearing, the presiding officer may issue an order of default in the same manner as subsection (2) of this section, or may proceed to hear the matter in the absence of the party and issue a final order.

(4) Final orders entered under this section shall meet the requirements of WAC 246-10-702 and shall contain:

(a) Findings of fact and conclusions of law based upon prima facie proof of the allegations contained in the initiating documents;

(b) Proof of service of or a good faith attempt to serve initiating documents and appropriate notices;

(c) A finding that there is no reason to believe that the party in default is in active military service;

(d) The penalties or conditions imposed by the order; and

(e) Notice of the opportunity to request reconsideration pursuant to RCW 34.05.470.

(5) Final and default orders entered under this section shall be served upon the parties in accordance with WAC 246-10-109.

(6) Notwithstanding subsections (1) through (5) of this section, if a party fails to respond to an initiating document issued consistent with the requirements of RCW 43.70.095 or 43.70.115, the initiating document shall become a final order upon its effective date unless the initiating document otherwise provides.

**AMENDATORY SECTION** (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-403 Motions.** (1) The presiding officer shall rule on motions. The presiding officer may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by telephone. Oral argument may be limited in time at the discretion of the presiding officer.

(2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing and filed with the presiding officer prior to the dates set in the scheduling order.

(3) Motions for continuance must be made in writing and filed prior to the dates set in the scheduling order. If the adjudicative proceeding is scheduled to take place fewer than twenty days from service of the scheduling order, motions for continuance must be made within ten days of service of the scheduling order, but in no event fewer than five days prior to the hearing. Continuances may be granted by the presiding officer for good cause.

(4) The presiding officer may grant a continuance when a motion for continuance is not submitted within the time limits contained in subsection (3) of this section for good cause.

(5) The following is the recommended format for motions:

(a) A succinct statement of the facts contended to be material;

(b) A concise statement of the issue, issues or law upon which the presiding officer is requested to rule;

(c) The specific relief requested by the moving party;

(d) If the motion requires the consideration of facts or evidence not appearing on the record, the moving party shall also serve and file copies of all affidavits and photographic or documentary evidence presented in support of the motion;

(e) The legal authority upon which the motion is based; and

(f) A proposed order may accompany the motion, and should contain findings of fact and conclusions of law.

(6) The moving party shall file the motion, and the accompanying affidavits and photographic or documentary evidence when necessary, with the presiding officer and shall serve the motion, and the accompanying affidavits and photographic or documentary evidence when necessary, on all other parties.

(7) The opposing party shall file with the presiding officer, and serve upon the moving party, a responsive memorandum, and accompanying affidavits and photographic or documentary evidence when necessary, no later than eleven days following service of the motion, unless otherwise ordered by the presiding officer.

(8) The moving party may file with the presiding officer, and serve upon the opposing party, a reply memorandum no later than five days following service of the responsive memorandum, unless otherwise ordered by the presiding officer.

(9) Unless otherwise ordered by the presiding officer, all motions shall be decided without oral argument. A party requesting oral argument on a motion shall so indicate by typing "ORAL ARGUMENT REQUESTED" in the caption of the motion or the responsive memorandum. If a request for oral argument is granted, the presiding officer shall notify the parties of the date and time of the argument and whether the argument will be in person or by telephone conference.

(10) Motions to shorten time or emergency motions shall be exceptions to the rule, and a party may only make such motions in exigent or exceptional circumstances. When making such a motion, the moving party shall:

(a) Suggest a date and time when the moving party seeks to have the presiding officer hear the motion to shorten time, which should be at least forty-eight hours after filing;

(b) Suggest a date and time when the moving party seeks to have the presiding officer consider the merits of the underlying motion;

(c) Describe the exigent or exceptional circumstances justifying shortening of time in an affidavit or a memorandum accompanying the motion;

(d) Certify that the motion to shorten time and the underlying motion have been served on all other parties prior to the filing of the motion with the presiding officer. Any opposition to the motion to shorten time must be served and filed within twenty-four hours of the service of the motion. If the presiding officer grants the motion to shorten time, the presiding officer shall notify the parties of the date by which the responsive memorandum to the underlying motion shall be served and filed.

(11) All motions will be decided as soon as practical, but not more than thirty days following the filing of the motion. If the presiding officer will not decide the motion within this time, the presiding officer shall notify the parties in writing of the date by which the motion will be decided.

(12) If a party serves a motion or responsive memorandum by mail, pursuant to WAC 246-10-109, then three days shall be added to the time within which the opposing party must file and serve the responsive or reply memorandum. Service by electronic telefacsimile transmission (FAX) upon each party is permitted upon agreement of the parties, with proof of confirmation of service to be filed with the presiding officer.

(13) All computations of time shall be calculated pursuant to WAC 246-10-105.

(14) Summary suspension motions are exempted from all requirements of this rule.

**AMENDATORY SECTION** (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-501 Application of brief adjudicative proceedings.** (1) If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter involves one or more of the following:

(a) A determination whether an applicant for a professional, business, or facility license meets the minimum criteria for an unrestricted license and the department proposes to deny such a license or to issue a restricted license;

(b) An application to approve a water system plan under WAC 246-290-100;

(c) An application to approve a project report under WAC 246-290-110;

(d) An application for source approval under WAC 246-290-130;

(e) An application to approve construction documents under WAC 246-290-120;

(f) An application to approve an existing Group A water system under WAC 246-290-140;

(g) An application for source approval under WAC 246-291-100 or 246-291-110;

(h) An application to approve a design report under WAC 246-291-120;

(i) An application to approve an existing Group B water system under WAC 246-291-130;

(j) An application to approve a water system plan under WAC 246-291-140;

(k) A decision under WAC 246-293-190;

((+)) (l) A decision with respect to service area conflicts under WAC 246-293-430;

((+)) (m) An application for approval as a satellite management agency under WAC 246-295-040;

(n) A civil penalty imposed under RCW 70.119A.040 when the amount of the civil penalty does not exceed two thousand five hundred dollars;

(o) A request to bank nursing home beds under RCW 70.38.111(8) and 70.38.115(13);

(p) A determination as to whether a person is in compliance with the terms and conditions of a final order previously issued by the department;

((+)) (q) Any approval of a school or curriculum when such approval by the department is required or authorized by statute or rule;

((+)) (r) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for license renewal; or

((+)) (s) A decision to deny, modify, or impose conditions upon an operating permit under WAC 246-294-050.

(2) If an adjudicative proceeding is requested, in a matter not listed in subsection (1) of this section, a brief adjudicative proceeding may be conducted in the discretion of the presiding officer when it appears that protection of the public interest does not require that the department provide notice and an opportunity to participate to persons other than the parties and:

(a) Only legal issues exist; or

(b) Both parties have agreed to a brief proceeding.

**AMENDATORY SECTION** (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-502 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for a professional, business, or facility license, or for approval of a school or curriculum shall consist of the following:

(a) The application for the license or approval and all associated documents;

(b) All documents relied on by the program in proposing to deny the application;

(c) All correspondence between the applicant for license or approval and the program regarding the application.

(2) Preliminary record.

(a) The preliminary record with respect to decisions made under WAC 246-290-100, 246-290-110, 246-290-120, 246-290-130, ~~(and)~~ 246-290-140, 246-291-100, 246-291-110, 246-291-120, 246-291-130, and 246-291-140 shall consist of the decision document, all documents constituting the applicant's submittal and such other documents as the applicant or the departmental employee reviewing the submittal may wish to include in the preliminary record.

(b) WAC 246-293-190.

(i) If proceedings are required and have been conducted by local agencies under the applicable coordinated water system plan, the preliminary record shall consist of the record submitted to the department under WAC 246-10-124(3).

(ii) If hearings are not required or have not been conducted by local agencies under the applicable coordinated water system plan or if the external boundaries of the coordination act area have been approved but a coordinated water system plan has not been adopted, then the preliminary record shall consist of such documents as the presiding officer may solicit from the affected parties.

(c) The preliminary record with respect to a decision made under WAC 246-293-430 shall consist of the record submitted to the presiding officer under WAC 246-10-124(4).

(d) The preliminary record with respect to a decision under WAC 246-294-050 shall consist of:

(i) The permit, if any;

(ii) All documents relied upon by the program in proposing to deny, modify, or impose conditions upon the permit; and

(iii) The decision document.

(e) The preliminary record with respect to decisions made under WAC 246-295-040 shall consist of the decision

document, all documents constituting the applicant's submittal, comments submitted by the county, and such other documents as the applicant or the department may wish to include in the preliminary record.

(f) The preliminary record with respect to civil penalties imposed under RCW 70.119A.040 shall consist of the notice of imposition of penalties, the departmental order, if any, all documentation of communication between the program and the person or persons incurring the civil penalties regarding the violation or violations for which the civil penalties were imposed, and such other documents as the person or persons incurring the civil penalties or the department may wish to include in the preliminary record.

(3) The preliminary record with respect to compliance with prior department orders shall consist of:

(a) The official department file of the proceeding in which the order was issued;

(b) All matters submitted by the person to whom the order is directed purporting to demonstrate compliance with the order;

(c) All documents relied on by the department in asserting noncompliance; and

(d) All correspondence between the department and the person to whom the order is directed respecting compliance.

(4) The preliminary record with respect to matters submitted to a brief adjudicative proceeding under WAC 246-10-501(2) shall be as agreed by the parties.

(5) For the purposes of this subsection, "decision document" shall mean one or more documents that provide notice to the affected party of the department's action, and that contain(s) the information provided by an initiating document.

**AMENDATORY SECTION** (Amending WSR 94-04-079, filed 1/31/94, effective 3/3/94)

**WAC 246-10-503 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the assistant secretary having responsibility for the program that issued the initiating document that is the subject of the proceeding. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation in addition to the preliminary record. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives, at a time and place designated by the presiding officer for brief adjudicative proceedings.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ~~(fifteen)~~ ten days

of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order in accordance with WAC 246-10-608.

**AMENDATORY SECTION** (Amending WSR 94-04-078, filed 1/31/94, effective 3/3/94)

**WAC 246-11-380 Motions.** (1) The presiding officer shall rule on motions. The presiding officer may rule on motions without oral argument or may request or permit the parties to argue the motion in person or by telephone. Oral argument may be limited in time at the discretion of the presiding officer.

(2) All prehearing motions, including discovery and evidentiary motions, shall be made in writing and filed prior to the dates set in the scheduling order. Filing shall be at the board's office, unless filing is directed in writing to be made at another address.

(3) Motions for continuance must be made in writing and filed prior to the dates set in the scheduling order. If the adjudicative proceeding is scheduled to take place fewer than twenty days from service of the scheduling order, motions for continuance must be made within ten days of service of the scheduling order, but in no event fewer than five days prior to the hearing. Continuances may be granted by the presiding officer for good cause.

(4) The presiding officer may grant a continuance when a motion for continuance is not submitted within the time limits contained in subsection (3) of this section for good cause.

(5) The following is the recommended format for motions:

(a) A succinct statement of the facts contended to be material;

(b) A concise statement of the issue, issues or law upon which the presiding officer is requested to rule;

(c) The specific relief requested by the moving party;

(d) If the motion requires the consideration of facts or evidence not appearing on the record, the moving party shall also serve and file copies of all affidavits and photographic or documentary evidence presented in support of the motion;

(e) The legal authority upon which the motion is based; and

(f) A proposed order may accompany the motion, and should contain findings of fact and conclusions of law.

(6) The moving party shall file the motion, and the accompanying affidavits and photographic or documentary evidence when necessary, with the board's office and with the presiding officer, and shall serve the motion, and the accompanying affidavits and photographic or documentary evidence when necessary, on all other parties.

(7) The opposing party shall file with the board's office and with the presiding officer, and serve upon the moving party, a responsive memorandum, and accompanying affidavits and photographic or documentary evidence when necessary, no later than eleven days following service of the motion, unless otherwise ordered by the presiding officer.

(8) The moving party may file with the board's office and with the presiding officer, and serve upon the opposing party, a reply memorandum no later than five days following

service of the responsive memorandum, unless otherwise ordered by the presiding officer.

(9) Unless otherwise ordered by the presiding officer, all motions shall be decided without oral argument. A party requesting oral argument on a motion shall so indicate by typing "ORAL ARGUMENT REQUESTED" in the caption of the motion or the responsive memorandum. If a request for oral argument is granted, the presiding officer shall notify the parties of the date and time of the argument and whether the argument will be in person or by telephone conference.

(10) Motions to shorten time or emergency motions shall be exceptions to the rule, and a party may only make such motions in exigent or exceptional circumstances. When making such a motion, the moving party shall:

(a) Suggest a date and time when the moving party seeks to have the presiding officer hear the motion to shorten time, which should be at least forty-eight hours after filing;

(b) Suggest a date and time when the moving party seeks to have the presiding officer consider the merits of the underlying motion;

(c) Describe the exigent or exceptional circumstances justifying shortening of time in an affidavit or a memorandum accompanying the motion;

(d) Certify that the motion to shorten time and the underlying motion have been served on all other parties prior to the filing of the motion with the presiding officer. Any opposition to the motion to shorten time must be served and filed within twenty-four hours of the service of the motion. If the presiding officer grants the motion to shorten time, the presiding officer shall notify the parties of the date by which the responsive memorandum to the underlying motion shall be served and filed.

(11) All motions will be decided as soon as practical, but not more than thirty days following the filing of the motion. If the presiding officer will not decide the motion within this time, the presiding officer shall notify the parties in writing of the date by which the motion will be decided.

(12) If a party serves a motion or responsive memorandum by mail, pursuant to WAC 246-11-080, then three days shall be added to the time within which the opposing party must file and serve the responsive or reply memorandum. Service by electronic telefacsimile transmission (FAX) upon each party is permitted upon agreement of the parties, with proof of confirmation of service to be filed with the presiding officer.

(13) All computations of time shall be calculated pursuant to WAC 246-11-040.

(14) Summary suspension motions are exempted from all requirements of this section.

**AMENDATORY SECTION** (Amending WSR 94-04-078, filed 1/31/94, effective 3/3/94)

**WAC 246-11-430 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the board. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief

adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ~~(fifteen)~~ ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order in accordance with WAC 246-11-540.

**AMENDATORY SECTION** (Amending Order 347, filed 3/24/93, effective 4/24/93)

**WAC 246-11-550 Appeal from initial order.** (1) Any party may file a written petition for administrative review of an initial order issued under WAC 246-11-430 or WAC 246-11-540 stating the specific grounds upon which exception is taken and the relief requested.

(2) Petitions for administrative review must be served upon the opposing party and filed with the office of the board within ~~(twenty)~~ twenty-one days of service of the initial order.

~~(3) ((Within twenty days of service of a petition for administrative review is filed as provided in this section,))~~ The opposing party may file a response to a petition for administrative review as provided in this section. The response shall be filed at the place specified in subsection (2) of this section. The party filing the response shall serve a copy of the response upon the party requesting administrative review. If the initial order was entered pursuant to WAC 246-11-430, the response will be filed within ten days of service of the petition. In all other matters, the response will be filed within twenty days of service of the petition.

**WSR 96-14-075  
PROPOSED RULES  
SOUTHWEST AIR POLLUTION  
CONTROL AUTHORITY**

[Filed June 28, 1996, 4:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-05-070.

Title of Rule: SWAPCA 476 Standards for Asbestos Control, Demolition, and Renovation.

Purpose: The purpose of this regulation is to control asbestos emissions from renovation and demolition activities that disturb or have the potential to disturb asbestos containing material. This regulation establishes local requirements consistent with the federal requirements under 40 CFR 61 Subpart M.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.331.

Statute Being Implemented: RCW 70.94.141.

**Summary:** The proposed changes incorporate federal requirements for notification, reporting, and control of asbestos containing material for renovation and demolition activities and provide for alternative temporary on-site storage facilities.

**Reasons Supporting Proposal:** The proposed changes more fully incorporate the federal requirements contained in 40 CFR 61 Subpart M that has been delegated to the Southwest Air Pollution Control Authority by the Environmental Protection Agency.

**Name of Agency Personnel Responsible for Drafting:** Jerry Bradford, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058; **Implementation:** Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058; and **Enforcement:** Robert D. Elliott, 1308 N.E. 134th Street, Vancouver, WA, (360) 574-3058.

**Name of Proponent:** Southwest Air Pollution Control Authority, governmental.

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** No.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The proposed changes incorporate specific language from 40 CFR 61 Subpart M for definitions, provides specific requirements for renovation activities separate from demolition activities, provides an exemption for small quantities of asbestos containing materials, provides for alternative asbestos removal methods, provides for temporary asbestos storage facilities, and provides for demolition by intentional burning.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Changes made to SWAPCA 476 are consistent with federal rules already in effect under 40 CFR 61 Subpart M. This agency is not subject to the small business economic impact provision of chapter 19.85 RCW.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Southwest Air Pollution Control Authority is not voluntarily invoking section 201, chapter 403, Laws of 1995.

**Hearing Location:** Southwest Air Pollution Control Office, 1308 N.E. 134th Street, Vancouver, WA 98685, on September 17, 1996, at 3:00 p.m.

**Assistance for Persons with Disabilities:** Contact Mary Allen by September 7, 1996, TDD (360) 574-3058.

**Submit Written Comments to:** Paul Mairose, 1308 N.E. 134th Street, Vancouver, WA 98685, FAX (360) 576-0925, by September 7, 1996.

**Date of Intended Adoption:** September 17, 1996.

June 25, 1996

Robert D. Elliott  
Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-15 issue of the Register.

**WSR 96-14-078**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**  
[Filed July 1, 1996, 9:45 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-11-070.

**Title of Rule:** WAC 446-20-290, Employment—Conviction records—Fees.

**Purpose:** Repeal section and create new sections to clarify fee structures and requirements mandated by legislative changes.

**Statutory Authority for Adoption:** Chapters 10.97, 28A.400, 74.15 RCW, RCW 43.43.830 - [43.43.845.

**Summary:** Recent legislative changes mandate certain persons to submit to fingerprint-based background checks and other criminal history record checks.

**Reasons Supporting Proposal:** To clearly define the fee structures and requirements for different record checks.

**Name of Agency Personnel Responsible for Drafting:** Ms. Susie Coon, P.O. Box 42633, Tumwater, WA, (360) 705-5101; **Implementation:** Ms. Mary Neff, P.O. Box 42633, Tumwater, WA, (360) 705-5125; and **Enforcement:** Captain John Broome, P.O. Box 42633, Tumwater, WA, (360) 705-5324.

**Name of Proponent:** Washington State Patrol, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** These changes will clearly define requirements and fee structures for the different types of criminal history background checks available through the Washington State Patrol identification section. Recent legislation requires more people to submit to background checks prior to employment or volunteer activities. The amendments will allow people to find the specific procedures for the various record checks.

**Proposal Changes the Following Existing Rules:** WAC 446-20-290 will be repealed and new sections will be created to specifically outline the different fees for the types of criminal history background checks. The fees and procedures are the same, the changes will separate them into different categories.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

The proposed amendments to chapter 446-20 WAC will clarify procedures for making criminal history background inquiries required by various businesses, organizations, and agencies licensed in this state. The changes will provide clear instructions for submitting inquiries to the Washington State Patrol and ensure the most timely reply possible in providing complete and accurate criminal history record responses. There are no changes to the fees.

By law, nonprofit agencies and volunteers are not required to pay for criminal history background checks. Over 200,000 background checks were submitted in 1995, however only four percent of those requests were accompanied by required fees. Under new legislative mandates, the patrol estimates an additional 80,000 requests for background

checks. Using previous estimates, approximately 3,200 business or persons will have to submit fees for required criminal history checks. Businesses affected will most likely be:

	<u>SIC Code</u>
Limousine carriers	4119
Child placement agencies	8322
Special fuel distributors	5984
School district employees	8211

Limousine carriers and fuel distributors were involved in the legislative process that mandates the criminal history record checks.

To mitigate the impact of these changes, the state patrol can establish business accounts to ease the payment process. Also, under chapter 74.15 RCW, one-time fees are payable by the individual with a clause for hardship cases and a reduction of fee for volunteers as outlined by federal statute.

Draft copies of these amendments were provided to the Department of Social and Health Services and the Superintendent of Public Instruction office for review and/or input. Notice of the public hearing will be mailed to licensing entities conducting background inquiries under these WAC provisions.

A copy of the statement may be obtained by writing to Ms. Susie Coon, Washington State Patrol, Identification Section, P.O. Box 42633, Olympia, WA 98504-2633, phone (360) 705-5105, or FAX (360) 664-9461.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: State Patrol 1st Floor Conference Room, General Administration Building, 12th and Capitol Way, Olympia, on August 8, 1996, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Susie Coon by August 1, 1996, (360) 705-5101.

Submit Written Comments to: Ms. Mary Neff, Identification Section, P.O. Box 42633, Olympia, WA 98504-2633, FAX (360) 664-9136, by August 1, 1996.

Date of Intended Adoption: August 15, 1996.

June 28, 1996  
Annette M. Sandberg  
Chief

**NEW SECTION**

**WAC 446-20-600 Fees.** (1) A nonrefundable fee of ten dollars shall accompany each request for conviction records submitted for a name and date of birth background check or a twenty-five dollar fee if the request is submitted by fingerprint card at the state level pursuant to RCW 43.43.830 through 43.43.845, and chapter 10.97 RCW unless through prior arrangement, an account is authorized and established.

(2) A nonrefundable FBI fee of twenty-four dollars shall be charged for fingerprint cards submitted for federal searches. It shall be the responsibility of the Washington state patrol to collect all fees due and forward fingerprint cards and fees to the FBI.

(3) All fees are to be made payable to the Washington state patrol and are to be remitted by cashier's check, money order or check written on a business account. The Washington state patrol identification and criminal history section

shall adjust the fee schedule as may be practicable to ensure that direct and indirect costs associated with the provisions of these chapters are recovered.

(4) Pursuant to the provisions of RCW 43.43.838 and chapter 28A.410 RCW, no fees will be charged to a nonprofit organization, or volunteers in school districts and educational service districts for background checks.

**NEW SECTION**

**WAC 446-20-610 Superintendent of public instruction—Prospective educational employees—Fees.** (1) In addition to the state search, an FBI search is required for requests submitted under chapter 28A.410 RCW. Two fingerprint cards are required to be submitted to the Washington state patrol identification and criminal history section.

(2) Appropriate nonrefundable fees are to be charged and made payable to the Washington state patrol for searches conducted under chapter 28A.410 RCW as follows:

(a) The fee for the state search is fifteen dollars for school district employees.

(b) The fee for the state search is twenty-five dollars for persons applying for their certification or for contractual employees.

(c) The fee for the FBI search is twenty-four dollars.

(d) In addition, a four-dollar processing fee will be charged for each fingerprint background check processed under chapter 28A.410 RCW. The Washington state patrol will reimburse the superintendent of public instruction four dollars for each fingerprint background check processed under this chapter for applicants who are certificated, contractual or classified.

(3) Prospective employees hired by the superintendent of public instruction, educational service districts, school districts and/or their contractors shall pay the appropriate fees for state and federal fingerprint checks conducted under chapter 28A.410 RCW.

(4) Fees are to be deposited in the Washington state patrol fingerprint identification account.

**NEW SECTION**

**WAC 446-20-620 Superintendent of public instruction—Current educational employees hired prior to June 11, 1992.** (1) In addition to the state search, an FBI search is required for requests submitted under chapter 28A.410.-RCW (2SSB6272). Two fingerprint cards are required to be submitted to the Washington state patrol identification and criminal history section.

(a) Fingerprint cards submitted under this law shall be clearly marked under reason fingerprinted in the following manner: "School district employees/contractors chapter 28A.400 RCW Laws of 1996."

(b) Failure to clearly identify fingerprint cards submitted under this rule will result in rejection for fees.

(2) An appropriation of fees is provided to the Washington state patrol for implementation of this section which expires March 31, 1998. No fees are to be charged to the superintendent of public instruction, educational service districts, school districts, their contractors or the employees.

(3) Distribution of the sixty-six dollar fee for each set of acceptable fingerprint cards received by the Washington state patrol will be as follows:

PROPOSED

(a) A fee of ten dollars to the school district, educational service district, law enforcement agency or other named agency taking the fingerprint impressions. This fee will only be paid upon approval of acceptable quality fingerprints by the Washington state patrol.

(b) The fee for the state search is twenty-five dollars.

(c) The fee for the FBI search is twenty-four dollars.

(d) In addition, a seven-dollar fee for final disposition costs will be reimbursed to the superintendent of public instruction by the Washington state patrol for each fingerprint background check processed under chapter 28A.410 RCW (chapter 126, Laws of 1996).

(4) Fees are to be deposited in the Washington state patrol fingerprint identification account.

This section will expire March 31, 1998.

#### NEW SECTION

**WAC 446-20-630 Department of social and health services—Child care licensing—Fees.** (1) In addition to the state search, an FBI search is required for requests submitted under chapter 74.15 RCW. Two fingerprint cards are required to be submitted to the Washington state patrol identification and criminal history section.

(2) Department of social and health services (DSHS) shall process fingerprint background checks under chapter 74.15 RCW. Under "reason fingerprinted," cards will be marked "DSHS Child Care Licensing RCW 74.15.030" or "DSHS Child Care Licensing RCW 74.15.030 DDD."

(3) Department of social and health services, division of children and family services (DCFS) shall pay the expense and submit a waiver of fee form on licensees if the background check expense would work a hardship on the licensee. The six-dollar processing fee will not be applicable when a waiver of fee form is submitted to the Washington state patrol or the fingerprint card is marked "volunteer."

(4) A monthly billing account will be established for the DSHS division of developmental disabilities (DDD). The six-dollar processing fee will not be applicable on any fingerprint cards indicated as "DDD."

(5) Each month the Washington state patrol shall prepare a billing statement and detail report for waiver of fee forms from DCFS and for all DDD fingerprint cards submitted.

(6) All fees collected under chapter 74.15 RCW, will be deposited into the Washington state patrol fingerprint identification account.

(7) Nonrefundable fees are to be charged to:

(a) "DSHS child care licensing RCW 74.15.030" (division of children and family services (DCFS)) as follows:

(i) The fee for the state search is twenty-five dollars.

(ii) The fee for the FBI search is twenty-four dollars.

(iii) A six-dollar processing fee.

(b) "DSHS division of children and family services (DCFS) for fee waivers" as follows:

(i) The fee for the state search is twenty-five dollars.

(ii) The fee for the FBI search is twenty-four dollars.

(c) "DSHS child care licensing RCW 74.15.030 division of developmental disabilities (DDD)" as follows:

(i) The fee for the state search is twenty-five dollars.

(ii) The fee for the FBI search is twenty-four dollars.

(d) "DSHS child care licensing RCW 74.15.030" division of developmental disabilities "volunteers" as follows:

(i) The fee for the state search is twenty-five dollars.

(ii) The FBI fee shall be eighteen dollars on those fingerprint cards clearly designated as "volunteer" pursuant to provisions under Section 3e of the National Child Care Protection Act of 1993 as amended by the Crime Control Act of 1994.

(iii) "Chapter 74.15 RCW" and "volunteer" must be entered in the "reason fingerprinted" box on both the state and FBI fingerprint cards submitted. Failure to indicate "volunteer" and the RCW citation on fingerprint cards will result in full fees being charged.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 446-20-290 Fees.

#### **WSR 96-14-084**

#### **PROPOSED RULES**

#### **DEPARTMENT OF ECOLOGY**

[Order 96-03—Filed July 1, 1996, 4:35 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-11-135.

Title of Rule: Motor fuel specifications for oxygenated gasoline, chapter 173-492 WAC.

Purpose: To rescind the requirement to sell only oxygenated gasoline for use in motor vehicles during the winter months in Clark, King, Pierce, and Snohomish counties.

Statutory Authority for Adoption: Chapter 70.94 RCW and Section 211 (m) of the Federal Clean Air Act.

Statute Being Implemented: Chapter 70.94 RCW and Section 211(m) of the Federal Clean Air Act.

Summary: The proposed rule removes the requirement for oxygenated fuel in Clark, King, Pierce, and Snohomish counties. Locally developed, the Environmental Protection Agency approved CO maintenance plans will supplant the regulatory function previously provided by this rule in those jurisdictions and will allow reinstatement of oxygenated fuel if a problem occurs. The requirement would be retained in Spokane County where oxygenated gasoline is still needed to control CO, although the period of use would be shortened if the Environmental Protection Agency approves.

Reasons Supporting Proposal: The Central Puget Sound and Vancouver areas have demonstrated attainment of the CO standard for three years and project attainment for ten more years. They no longer need this control strategy.

Name of Agency Personnel Responsible for Drafting: Kitty Gillespie, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6862; Implementation and Enforcement: Joseph R. Williams, Air Quality Program Manager, P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6880.

Name of Proponent: Washington State Department of Ecology, governmental.

Rule is necessary because of federal law, Section 211(m) of the Federal Clean Air Act.

Explanation of Rule, its Purpose, and Anticipated Effects: (1) Wintertime use of oxygenated fuel will no longer be required in King, Pierce, Snohomish, and Clark counties, but is retained in Spokane County.

(2) The fee schedule is changed to make it consistent with Spokane's fee structure.

Proposal Changes the Following Existing Rules: (1) King, Pierce, Snohomish, and Clark counties will no longer be subject to the requirement for wintertime use of oxygenated gasoline.

(2) Requirements of the fee structure are amended to be consistent with the fee schedule adopted by Spokane.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Chapter 19.85 RCW, the Regulatory Fairness Act, requires that proposed rules be evaluated for disproportionate impacts upon small versus large businesses, and that any such impacts found be mitigated if feasible and legal under the statute being implemented. This document summarizes that evaluation of the above referenced rule amendments.

Background: Under the Federal Clean Air Act, the use of oxygenated gasoline (oxygas) is required in areas not attaining the air quality standards for carbon monoxide (CO). Three such areas were identified in Washington state — the central Puget Sound region (King, Pierce and Snohomish counties), Vancouver (Clark County), and Spokane (Spokane County). Pursuant to federal requirements, the use of oxygas during winter months has been required in these areas since 1992. The central Puget Sound region and Clark County have since achieved attainment of the CO standard, and local air pollution control authorities have submitted requests for redesignation as attainment areas, along with maintenance plans demonstrating continued compliance with this standard to the United States Environmental Protection Agency (EPA) for its approval. These requests and plans are expected to be approved in 1996.

The maintenance plans do not rely on continued use of oxygas to demonstrate continued attainment over a ten-year period. This rule-making action proposes to amend chapter 173-492 WAC by eliminating the state regulatory requirement for oxygas use in these two areas. Since Spokane County remains a CO nonattainment area, the requirement for oxygas use in this area is retained. Its use may be reinstated in the future in the central Puget Sound region and Clark County if CO levels should rise above standard levels.

#### Analysis of Impacts:

##### (a) Affected industries

Direct impacts of this rule-making proposal will fall upon the following sectors of the Washington economy:

SIC 2911	Petroleum refining
SIC 5171	Petroleum bulk stations and terminals
SIC 5541	Gasoline service stations
SIC 2869	Industrial organic chemicals not elsewhere classified

The first three industries contain firms engaged in the production and wholesale and retail distribution of gasoline. The last industry contains firms that produce ethanol, or ethyl alcohol, the principal oxygenate used in Washington. Additionally, the effects of this proposal will be felt by

motorists in the two areas in which required oxygas use is to be eliminated, and by businesses that own or operate motor vehicles in conjunction with their own production or distribution of goods or services. The latter are to be found in a wide variety of industries.

(b) Impacts on gasoline producers and sellers of gasoline:

The proposed amendments to chapter 173-492 WAC will likely reduce costs (or increase profits) for firms in the petroleum products production and sales sectors. Depending upon whether the blending of gasoline and oxygenate occurred at the production or wholesaling level, firms in the first two SICs shown above have incurred costs for supplies of oxygenate (ethanol), administrative costs associated with production/distribution of two different gasoline formulations at different times of the year, costs associated with annual registration with and fees paid to ecology or local air quality control authorities as well as costs connected with periodic reporting, and costs for capital equipment needed to store and handle supplies of ethanol and/or oxygas.

To some extent, these costs have been offset by the fact that a given volume of fuel could be produced using less gasoline when ethanol is blended in (oxygas in Washington has typically contained ten percent ethanol by volume), and due to the "octane enhancing" effects of ethanol (thus allowing use of lower grades of gasoline to achieve a given product grade). However, the net effect of the existing oxygas requirement has been to impose additional costs upon producers and distributors.

The proposed changes to the rule will allow firms in SICs 2911 and 5171 to avoid these costs as they relate to the central Puget Sound region and Clark County. (Ongoing costs associated with prior capital investment will remain.) Previous analyses of these costs for the central Puget Sound region and Clark County were updated to 1995. Their results indicate cost savings of some \$25 million would have occurred during the 1995/1996 winter season in these areas in the absence of an oxygas requirement. These cost savings would be likely to increase in the future as population growth and associated vehicle mileage increases occur.

Impacts upon gasoline retailers (SIC 5541) will likely occur through operating margins or profits. Data collected and published by the United States Department of Energy (Petroleum Marketing Monthly, various issues) indicates no significant difference in retail prices for oxygas versus conventional gasoline during the 1994-1995 and 1995-1996 control periods. However, reflecting the additional costs at the producer/distributor level described above, the wholesale price of oxygas was significantly higher than that of conventional gasoline during these same periods. Apparently, retailers in CO control areas have been attempting to hold market share by absorbing these additional costs. They will be relieved of this burden (in the central Puget Sound region and Clark County) by the proposed rule amendments.

##### (c) Impacts upon motorists and other businesses:

Despite the apparent lack of impact at the retail price level, the oxygas program has not been costless for private vehicle owners/operators and those businesses owning or operating motor vehicles in conjunction with their own activities. These impacts stem, largely, from fuel efficiency effects and potential repair costs associated with oxygas use.

Fuel efficiency suffers (in certain vehicles) from oxygas due to the lower energy content of ethanol versus gasoline; the former containing about 65 percent of the energy of the latter. Thus, a given amount of oxygas may yield less "work" (lower mileage) than the same amount of conventional gasoline, particularly in newer, properly functioning, vehicles with closed-loop three-way catalyst systems. The solvent properties of ethanol tend to dislodge debris that may have built up in fuel systems over time. Apparently this has resulted in a higher than normal incidence of fuel filter clogging and replacement, at least in the first years of the oxygas program.

Previous studies of oxygas programs in the central Puget Sound region and Clark County used estimates of a 1.9 percent reduction in average vehicle fleet fuel efficiency and a 3 percent fuel filter replacement rate. These have been retained for the updates to 1995-1996. Combining these with appropriate prices and costs leads to estimated combined costs associated with these aspects of oxygas use of approximately \$14 million during the most recent control period. Private vehicle owners and vehicle-using businesses (both small and large) will be relieved of these costs by the proposed rule amendments.

(d) Impacts upon ethanol producers and sellers:

The original institution of oxygas requirements in the three nonattainment areas benefitted Washington producers and sellers of oxygenates by creating a market for their product in the state that did not exist before. These proposed rule amendments will remove that marketing opportunity as it applies to the central Puget Sound region and Clark County. The total gross value (before offsets for displaced gasoline and octane benefits) of the ethanol used in these two areas in 1995-96 was estimated at approximately \$54 million. However, it cannot be maintained with certainty that the Washington impact of the proposed rule amendments will approach this total. The end result may be affected (to unknown degrees) by the following:

- the extent to which ethanol supplies were obtained from out of state sources to begin with,
- the extent to which gasoline producers continue to use ethanol as a fuel additive on a voluntary basis, and
- the extent to which in-state ethanol producers/sellers can replace lost Washington business with sales in other markets.

To whatever degree, the impacts of the proposed rule amendments will fall upon the revenues of ethanol producers and sellers. The extent to which these impacts will disproportionately affect small versus large businesses will depend upon market competition and market power, rather than this proposal.

The post-rule ethanol market in Washington will be for use as a fuel additive in Spokane County and elsewhere to the extent that gasoline producers or suppliers continue to use it voluntarily, and for use in nonfuel products or applications. Individual ethanol producers and sellers in Washington may serve the same shares of this market as they do the existing market. However, some firms—small or large—may be able or willing to compete more vigorously for the remaining market (or to expand into other markets) than others. Alternatively, some producers or sellers may, by virtue of size or other market advantage, absorb available sales to the extent that others are driven out. At this time,

there is no way to determine which outcome will prevail. Nor is it feasible to cushion or mitigate adverse impacts upon small versus large businesses through provisions of this rule proposal.

Other:

(a) Impacts upon revenue or sales: This has been described above.

(b) Mitigation: No mitigation is required for the impacts upon gasoline producers and sellers, private individuals, and other vehicle-using businesses. The only avenue for mitigation of impacts upon Washington ethanol producers and sellers appears to be continuation of state requirements for oxygenated fuel use in the central Puget Sound region and Clark County—even in the face of EPA redesignation as CO attainment areas and approval of maintenance plans not including oxygas as an element. It is far from clear that ecology has the authority to do this. Lead responsibility for maintenance planning rests with local air pollution control authorities. These entities have chosen to discontinue oxygas use in that the alternative CO control measure (vehicle inspection and maintenance programs) are less costly.

Because Spokane County remains a CO nonattainment area, this proposal will not change the status quo in that area. However, a reduction in the Spokane County control period from September 1 through February 29 to October 1 through February 29, subject to EPA approval, is included in the proposed rule.

(c) Involvement of the business community: A considerable degree of business and other interest group involvement has already occurred via advisory committees and hearings sponsored by the local air pollution control authorities and meetings with agency management. Further notification of interested parties and opportunities for public involvement through hearings and joint ecology/local authorities efforts will occur as part of the adoption process for this proposed rule amendment.

A copy of this statement may be obtained by writing to: Bill Bafus, Washington State Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6939, or FAX (360) 407-6989.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. This is a significant legislative rule.

Hearing Location: On Monday, August 12th, at 2:00 p.m., at the Department of Ecology, Northwest Regional Office, 3190 160th Avenue S.E., Room A, Bellevue; on Tuesday, August 13th, at 1:00 p.m., at the Vancouver City Council Chambers, 210 East 13th Street, Vancouver; and on Thursday, August 15th, at 2:00 p.m., at the Department of Ecology, Eastern Regional Office, North 4601 Monroe, Large Conference Room, Spokane.

Assistance for Persons with Disabilities: Contact Lydia L. Blalock by July 29, 1996, TDD (360) 407-6006 or (360) 407-6860 (voice).

Submit Written Comments to: Kitty Gillespie, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, FAX (360) 407-6802, by August 22, 1996.

Date of Intended Adoption: September 18, 1996.

July 1, 1996  
Mary Riveland  
Director

AMENDATORY SECTION (Amending Order 91-58, filed 11/30/92, effective 12/1/92)

**WAC 173-492-010 Policy and purpose.** The purpose of this regulation is to reduce carbon monoxide emissions from gasoline powered motor vehicles, through the winter-time use of oxygenated gasolines (~~(- in areas that are either known or expected to exceed health-based air quality standards)).~~).

AMENDATORY SECTION (Amending Order 91-58, filed 11/30/92, effective 12/1/92)

**WAC 173-492-050 Registration requirements.** Each blender shall register with ecology or the authority each year, in each control area where a blender offers for sale, sells, or dispenses gasoline. Each request for registration shall be on forms supplied by ecology or the authority and shall be accompanied by a fee to compensate for the cost of administering the registration program, including on-site inspections necessary to verify compliance with these requirements. The location of each blender facility shall be included in the information provided by the blender at registration. The fee (~~(for a control area shall)~~) may be based on the volume of oxygenated gasoline sold or offered for sale by the blender in that control area to comply with the provisions of WAC 173-492-040, including separate fee categories for small, medium, large and very large volume blenders. (~~(The following fee table shall apply to blenders who register for the 1992-1993 control periods:~~

Small Volume Blender	\$ 500
Medium Volume Blender	\$ 1,000
Large Volume Blender	\$ 10,000
Very Large Volume Blender	\$25,000)

Registration fees (~~(to cover the 1993-1994 control periods and beyond)~~) shall be set by regulation by ecology or the authority.

AMENDATORY SECTION (Amending Order 93-20, filed 3/9/94, effective 4/9/94)

**WAC 173-492-070 Control areas and control periods.** Beginning in 1992, the oxygenated gasoline requirements of this chapter shall apply to the following control area(s) during the following control period(s):

CONTROL AREA	COUNTIES	CONTROL PERIOD	
		BEGINNING	ENDING
Puget Sound	King, Pierce, Snohomish	November 1	February 29
Southwest	Clark	November 1	February 29
Spokane	Spokane	September 1	February 29

Control Area	County	Control Period	
		Beginning	Ending
Spokane	Spokane	September 1	February 29

Upon approval by EPA, the control period for Spokane will be from October 1 to February 29.

**WSR 96-14-093  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**  
[Filed July 2, 1996, 10:41 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-08-059.

Title of Rule: Chapter 392-300 WAC, Fingerprint record checks—Access to records.

Purpose: Required by legislation to insure access to fingerprint record information to educational employees and to protect privacy rights of those employees undergoing checks.

Statutory Authority for Adoption: RCW 28A.400.303, 28A.400.306, 28A.410.010, and chapter 126, Laws of 1996, SSB 6272.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Richard M. Wilson, Superintendent of Public Instruction, Olympia, 753-2298.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal does not Change the Following Existing Rules: These are new rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule will have a minor or negligible economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504-7200, on August 8, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Jim Rich by July 25, 1996, TDD (360) 664-3631, or (360) 753-6733.

Submit Written Comments to: Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504, FAX (360) 753-4201, by August 7, 1996.

Date of Intended Adoption: August 9, 1996.

July 1, 1996  
Judith A. Billings  
Superintendent of  
Public Instruction

PROPOSED

**Chapter 392-300 WAC  
FINGERPRINT RECORD CHECKS—ACCESS TO  
RECORDS—PRIVACY**

**NEW SECTION**

**WAC 392-300-001 Purpose.** Rules and regulations hereinafter set forth are established pursuant to RCW 28A.400.303, 28A.400.306, 28A.410.010 and chapter 126, Laws of 1996, SSB 6272, for the purpose of setting forth practices and procedures relating to access and review of record check information and data bases.

**NEW SECTION**

**WAC 392-300-005 Definition—Record check information.** As used in this chapter, "record check information" includes any record of arrest and prosecution (RAP sheet) provided by the Washington state patrol and/or the Federal Bureau of Investigation and any other information obtained by the superintendent of public instruction or designee as a result of the investigation of any data contained in RAP sheets.

**NEW SECTION**

**WAC 392-300-010 Definition—Record check data base.** As used in this chapter, "record check data base" means the electronic data base or printed copy equivalent maintained by the superintendent of public instruction or designee that contains:

- (1) The names and other identifiable information of individuals checked under RCW 28A.400.303 and 28A.410.090; and
- (2) Whether there is any record of arrest and prosecution for the individual.

**NEW SECTION**

**WAC 392-300-015 Definition—District employee.** As used in this chapter, "district employee" shall mean any individual currently employed by or being considered for employment by a school district, a school district contractor, an educational service district, or an educational service district contractor.

**NEW SECTION**

**WAC 392-300-020 Definition—Applicant.** As used in this chapter, "applicant" means any individual who is applying for an educational certificate or endorsement under the rules and regulations of the superintendent of public instruction or the state board of education.

**NEW SECTION**

**WAC 392-300-025 Access to record check information by district employee or applicant.** All district employees and applicants shall have access to record check information about them maintained by the superintendent of public instruction or designee. Any record of arrest and prosecution (RAP sheet) received from the Washington state patrol or the Federal Bureau of Investigation shall be sent promptly by the superintendent of public instruction to the

district employee or applicant undergoing the record check. Any additional information collected by the superintendent of public instruction or designee as a result of the investigation of any data shall be available for inspection and copying by the district employee or applicant to whom it pertains during normal office hours in the office where the information is located. Information that is gathered as part of an ongoing investigation, excluding RAP sheets, shall not be released to the district employee or applicant until the investigation is completed.

**NEW SECTION**

**WAC 392-300-030 Office hours.** The individual's record check information shall be available to him or her for inspection and copying during the customary office hours of the agency. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 pm. to 4:30 p.m., Monday through Friday, excluding legal holidays.

**NEW SECTION**

**WAC 392-300-035 Requests for record check information.** 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, record check information is obtainable by district employees or applicants to whom it pertains when they comply with the following procedures:

A request shall be made in writing. The written request shall be presented to the fingerprint records office of the superintendent of public instruction during customary office hours or may be mailed or faxed to the office. The request shall include the following information:

- (1) The name of the person requesting the record;
- (2) The time of day and the calendar date on which the request was made;
- (3) The nature of the request;
- (4) Height, weight and date of birth of individual; and
- (5) Social Security number (optional).

**NEW SECTION**

**WAC 392-300-040 Copying.** No fee shall be charged for the inspection of record check information. The superintendent of public instruction may impose a reasonable charge for providing copies of records and for the use by any person of agency equipment to copy records; such charges shall not exceed the amount necessary to reimburse SPI for its actual costs incident to such copying. A record so copied shall not be released until and unless the person requesting the copied record has tendered payment for such copying to the appropriate official. All charges must be paid by money order or check.

**NEW SECTION**

**WAC 392-300-045 Protection of record check information.** (1) Record check information and a facility for their inspection will be provided by the fingerprint record office. Such records shall not be removed from the place

designated. Records may be copied pursuant to the provisions of WAC 392-300-040.

(2) All record check information shall be maintained in a secure and private environment in order to protect the confidentiality of all district employees or applicants. Members of the public and agency personnel not processing record check information shall not be permitted access to any criminal record information.

(3) All employees of the superintendent of public instruction who have access to criminal record information shall undergo record checks by the Washington state patrol and the Federal Bureau of Investigation.

#### NEW SECTION

**WAC 392-300-050 Access to record check data base.** Access to the superintendent of public instruction's record check data base shall be limited to:

(1) Employees of the superintendent of public instruction processing record check information including employees within the fingerprint records section, the office of professional practices, the legal services section, the certification section or their equivalents in case of future agency reorganization.

(2) Authorized employees of school districts.

(3) Authorized employees of educational service districts.

(4) Authorized employees of college or universities with state board of education approved certification programs.

(5) Other authorized individuals as determined by the superintendent of public instruction or designee.

For the purpose of this section, school districts, educational service districts, colleges and universities shall establish policies or procedures to determine which employees are authorized to access the data base.

Access to the data base will be controlled by a confidential password issued by the superintendent of public instruction.

#### NEW SECTION

**WAC 392-300-055 Prohibition of redissemination of fingerprint record information by educational service districts or school districts.** Fingerprint record information is highly confidential and shall not be redisseminated to any organization or individual by any educational service district or school district.

#### NEW SECTION

**WAC 392-300-060 Protection of fingerprint record information by educational service districts and school districts.** Educational service districts and school districts shall have policies and procedures to:

(1) Protect the confidentiality of fingerprint record information, including where RAP sheets will be secured;

(2) Limit access to authorized personnel processing or requiring fingerprint record information to make employment decisions; and

(3) Prevent the unlawful redissemination of fingerprint record information.

Noncompliance with these provisions may allow for the recovery of civil damages under applicable federal and state statutes.

**WSR 96-14-099**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Filed July 2, 1996, 2:42 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-05-057.

Title of Rule: Minimum licensing requirements for overnight youth shelters.

Purpose: In his veto message to E2SSB 5439, the "Becca Bill," which passed in 1995, the governor directed the Department of Social and Health Services to review licensing requirements for overnight youth shelters and make recommendations as needed.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: Chapters 74.13 and 13.32A RCW.

Summary: Proposed changes create greater consistency between the minimum licensing requirements for overnight youth shelters and those for group homes. They also add a reporting requirement per RCW 13.32A.082, which passed in 1995.

Reasons Supporting Proposal: In reviewing the licensing requirements for youth shelters, the department found a need to update and clarify some WACs. It also recommends making WACs related to staff requirements similar to those for group care. It is adding the reporting requirement related to runaways per RCW 13.32A.082.

Name of Agency Personnel Responsible for Drafting: Shirley Moore, Child Welfare Planning Team, P.O. Box 45745, Olympia, (360) 902-7937; Implementation: Regional Licensors, Fire Marshalls, Department of Health, Children's Administration, various; and Enforcement: DCFS Regional Licensors, local fire marshalls, Department of Health, Attorney General, various.

Name of Proponent: Child Welfare Planning Team, Children's Administration, Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 388-160-050 Fire standards, updates location of fire standards; WAC 388-160-080 Limitations on licenses, clarifies that youth shelters cannot be licensed for other types of residential care; WAC 388-160-430 Intake, reduces amount of intake information shelters must obtain from youth; WAC 388-160-430(3), staffing, makes staffing requirement the same as group care with one awake and one asleep at night; WAC 388-160-430(4), reduces staff required if fewer than six youths are in care to one awake and one on call; WAC 388-160-480(1), child care workers—Qualifications, (a) staff age lowered to eighteen years. Staff eighteen to twenty years must be supervised by staff twenty-one years or older, (d) allows staff to complete HIV/AIDS training

within sixty days of beginning paid or voluntary service rather than prior to caring for youth; WAC 388-16-480(2), child care workers—Qualifications, clarifies that at least one staff person must be the same sex as the population in care; WAC 388-160-490 Program supervision, changes educational requirement for program supervisor to master's degree or bachelor's degree plus three years counseling experience with high-risk adolescents; WAC 388-160-500 Training, allows shelters to provide certain types of training within sixty days of employment rather than prior to providing care; WAC 388-160-530 Personnel policies and records, allows the "on call" person to hold either a bachelor's or master's degree; and WAC 388-160-550 Reporting runaway youth, requires shelter staff to report to parents, law enforcement or the Department of Social and Health Services within eight hours of learning a youth in their care is away from home without permission (per RCW 13.32A.082).

**Proposal Changes the Following Existing Rules:** Somewhat reduces staffing requirements and the amount of information shelter staff must obtain from youth in their care.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Only three facilities are currently licensed as overnight youth shelters. These proposed changes reduce economic impact on them.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency and does not have to comply with RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E, Olympia, WA 98504, on August 6, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by July 22, 1996, TDD (360) 902-8324, or (360) 902-8317.

Submit Written Comments to and Identify WAC Numbers: Sharon Staley, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 902-8292, by August 6, 1996

Date of Intended Adoption: August 7, 1996.

July 2, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-050 Fire standards.** Overnight youth shelters shall conform to the rules and regulations adopted by the Washington state fire marshal's office establishing minimum standards for fire prevention and the protection of life and property against fire as required under RCW 74.15.050 and WAC 212-12-001. The Washington state fire marshal's standards are contained in the current state building code.

**AMENDATORY SECTION** (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-080 Limitations on licenses and dual licensure.** The department shall not issue a license to an applicant for both an overnight youth shelter and another category of residential care which the department licenses or

is licensed by another department. The department may authorize an exception only if it is clearly evident that care of one category of client does not interfere with the safety and quality of care provided to other client categories.

**AMENDATORY SECTION** (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-430 Intake.** (1) An overnight youth shelter shall provide an intake consisting of an initial assessment of entering youth and shall include, but not be limited to:

- (a) Recent history;
- (b) Outstanding warrants;
- (c) ~~((Where the youngster has been;~~
- ~~(d)))~~ Physical and medical needs, including medication;
- ~~((and~~
- ~~(e)))~~ (d) Whether parents are aware of the youth's whereabouts((-

(2) ~~If the youth returns to the overnight shelter, the shelter shall provide a second intake to evaluate the youth's needs including:~~

- ~~(a) Family and living situation (Does parent want youth at home?);~~
- ~~(b) Criminal involvement;~~
- ~~(c) Behavioral problems;~~
- ~~(d)))~~ and want the youth at home;
- ~~(e) School status;~~
- ~~((e))~~ (f) Adult to contact, if one is available;
- ~~((f))~~ (g) Immediate need for counseling((-
- ~~(g) Capability for self-care));~~ and
- (h) Options for the near future.

~~((3)))~~ (2) The overnight youth shelter shall notify the department of social and health services (DSHS) or the police of an unaccompanied child ~~((under thirteen years of age))~~ twelve years of age or younger who is requesting service.

**AMENDATORY SECTION** (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-460 Staffing.** (1) An overnight youth shelter shall adhere to the following staff/child ratios:

- (a) A shelter licensed for youths thirteen through seventeen years of age exclusively shall have a staff/child ratio of 1:8;
- (b) A shelter caring for youths sixteen through twenty years of age on the premises shall have a staff/child ratio of 1:6.

(2) All shelters shall have two or more adult staff on the premises at all times (at least one of whom is a fully trained lead counselor) when children are present.

(3) All shelters shall have two or more ~~((awake))~~ staff present while youths are asleep. The shelter shall ensure one staff person is awake. The other staff person may be asleep, but shall be available in the shelter in case of emergency.

(4) If fewer than six youths are in care, there may be only one ~~((awake))~~ staff person on duty provided that the staff person:

- (a) Is a fully trained lead counselor; and
- (b) Remains awake throughout the entire shift; and
- (c) Whenever only one staff person is on duty, there shall be a second staff person on call.

**AMENDATORY SECTION** (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-480 Child care workers—Qualifications.** (1) All overnight youth shelter child care staff and volunteers shall:

(a) Be ~~((twenty one or more))~~ eighteen years of age or older. Staff twenty years of age or younger shall be under the immediate supervision of staff twenty-one years of age or older;

(b) Have completed a criminal history check;

(c) Have completed a TB test, as required under WAC 388-73-142; and

(d) Have completed HIV/AIDS training as required under WAC 388-73-143 within sixty days of beginning employment or volunteer service at the shelter.

(2) At least one overnight youth shelter child care worker~~((s))~~ shall be of ~~((both sexes to reflect))~~ the same sex as the population in care.

(3) One person with full training plus having one year's experience with high-risk adolescents shall be present at all times that youths are in care as described under section 500 (1) and (2) of this chapter.

**AMENDATORY SECTION** (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-490 Program supervision.** (1) The department shall require every overnight youth shelter to have a program supervisor.

(a) The program supervisor shall have a:

(i) Master's degree in social work or a related field and one year's experience with high-risk adolescents; or

(ii) Bachelor's degree and three years' experience with high-risk adolescents.

(b) The program supervisor shall provide two hours of supervision to youth shelter child care staff or volunteers for each forty hours that staff work.

(2) A master's degree level person with counseling experience with high-risk/troubled adolescents or a bachelor's degree level person with at least three years counseling experience with high risk/troubled adolescents shall be on call at all times when the overnight youth shelter is open or when children are present. This person may be on staff, or on contract, or available by written agreement.

**AMENDATORY SECTION** (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-500 Training.** (1) All overnight youth shelter staff and volunteers shall receive training before providing care for youth. The overnight youth shelter shall ensure this training includes, but is not limited to:

(a) Job responsibilities;

(b) Agency administration;

(c) Supervision of youths;

(d) Basic behavior management;

(e) Fire safety procedures; and

(f) ~~((AIDS training;~~

~~((g) Cultural sensitivities; and~~

~~((h))) Handling emergency situations.~~

(2) The overnight youth shelter shall ensure that staff receive training in the following areas within sixty days of beginning employment or volunteer service:

(a) AIDS/HIV;

(b) Cultural sensitivity; and

(c) Behavior management.

(3) New overnight youth shelter staff shall work shifts with fully trained staff until the new staff's own training has been completed.

(4) An overnight youth shelter shall ~~((also))~~ offer or make available to staff and volunteers in-service training to cover policies appropriate to each position, to include supervisory skills, adolescent development and problems, and meeting the needs of youths. The shelter's training should include, but not be limited to:

(a) Sexual abuse~~((?))~~;

(b) Predatory behavior~~((?))~~;

(c) Substance abuse~~((?))~~;

(d) Depression~~((?))~~;

(e) Mental health~~((, and))~~;

(f) Teen suicide; and

(g) Injurious or assaultive behavior toward oneself or others.

**AMENDATORY SECTION** (Amending Order 3541, filed 7/21/93, effective 8/21/93)

**WAC 388-160-530 Personnel policies and records—Overnight youth shelters.** (1) Each overnight youth shelter employee and volunteer having unsupervised or regular access to the youth or child in care shall complete and submit to the licensee or director by the date of hire:

(a) An employment application on a department-prescribed form, or its equivalent; and

(b) A criminal history and background inquiry form.

(i) The licensee shall submit this form to the department for the employee and volunteer, within seven calendar days of the employee's first day of employment, permitting a criminal and background history check.

(ii) The department shall discuss the inquiry information with the licensee or director, when applicable.

(2) The overnight youth shelter licensee employing five or more persons shall have written personnel policies describing staff benefits, if any, duties, and qualifications.

(3) The overnight youth shelter licensee shall maintain a personnel recordkeeping system, having on file for the licensee, staff person, and volunteer:

(a) An employment application, including work and education history;

(b) Documentation of criminal history and background inquiry form submission;

(c) A record of a negative Mantoux, tuberculin skin tests results, X-ray, or an exemption to the skin test or X-ray;

(d) Documentation of HIV/AIDS education and training;

(e) A record of participation in staff development training;

(f) Documentation of orientation program completion;

(g) Documentation of a valid food handler permit, when applicable;

(h) Documentation of current first aid and CPR training, when applicable; and

(i) Telephone number of "on-call" master or bachelor degree level person with other emergency telephone numbers.

#### NEW SECTION

**WAC 388-160-550 Reporting runaway youth.** (1) Within eight hours of learning a youth staying at the shelter is away from home without parental permission, shelter staff shall report the location of the youth to:

- (a) The parent;
  - (b) The law enforcement agency having jurisdiction in the shelter's area; or
  - (c) The department.
- (2) The shelter staff shall:
- (a) Make the report by telephone or any other reasonable means; and
  - (b) Document the report in writing in the youth's file.

**WSR 96-14-101  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 100285—Filed July 2, 1996, 2:46 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 95-10-024.

Title of Rule: Domestic violence perpetrator program standards, chapter 388-60 WAC.

Purpose: To clarify (1) procedures for applications for certification, (2) certification, and (3) program standards.

Statutory Authority for Adoption: RCW 26.50.150.

Statute Being Implemented: RCW 26.50.150.

Summary: Domestic violence perpetrator program standards are to ensure consistent and minimum standards for providers treating domestic violence perpetrators.

Reasons Supporting Proposal: To ensure that treatment providers for domestic violence perpetrators understand process, policy and procedures of treatment standards.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bernie Gerhardt, DCFS, (360) 902-7992.

Name of Proponent: Bernie Gerhardt, Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. (1) The rule's content is specifically dictated by RCW 26.50.150; and (2) the rule adapts a requirement related to agency hearings and amends related process requirements for applying to the agency for certification. This is not actual license.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on August 27, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry A. Kogut, Supervisor, by August 13, 1996, TDD (360) 902-8324, or (360) 902-8317.

Submit Written Comments to and Identify WAC Numbers: Merry A. Kogut, Supervisor, Rules and Policies Assistance Unit, P.O. Box 45850, Olympia, WA 98504-5850.

Date of Intended Adoption: August 28, 1996.

July 2, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-15 issue of the Register.

**WSR 96-14-102  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed July 2, 1996, 2:48 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Practice and procedure, WAC 388-08-425, 388-08-449, 388-08-595, and 388-08-605.

Purpose: To adopt recommendations contained in administrative hearings report and requested to be implemented by Secretary Quasim to improve and simplify the Department of Social and Health Services administrative hearings process.

Statutory Authority for Adoption: RCW 34.05.020, 74.08.090.

Summary: (1) Expands the ability of clients to have face-to-face hearings; (2) limits the scope of review of review judges; (3) allows the department to amend the notice of hearing; and (4) provides procedure for corrected decisions.

Name of Agency Personnel Responsible for Drafting: Betty Ramage, Office of Appeals, 586-0781; Implementation and Enforcement: Chief, Office of Appeals, 753-3898.

Name of Proponent: Department of Social and Health Services, Columbia Legal Services, public and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed regulation changes will (1) expand the ability of clients to have face-to-face hearings; (2) limit the scope of review of the department review judges; (3) allow the department to amend the notice of hearings at the hearing so long as the ability to present and prepare the case is not affected; and (4) provide a procedure to allow a party to have a clerical error corrected in a decision. These changes were prompted by the deliberations of the Administrative Hearings Task Force which was comprised of representatives from the Department of Social and Health

Services, the Attorney General's Office, the Office of Administrative Hearings and Evergreen Legal Services. The task force met for over a year to look at the administrative hearings process within the Department of Social and Health Services, and ways to improve it. The proposed regulations are the result of the deliberations of the task force, the recommendations contained in the administrative hearings report by Betty Ramage, and Secretary Quasim's concurrence in the recommendations and his request for implementation. It is anticipated that these changes will improve client access to the Department of Social and Health Services fair hearing process and will result in a more fair and simple hearing procedure.

Proposal Changes the Following Existing Rules: See above for changes.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Regulations that amend a procedure, practice or requirement relating to agency hearings are exempted from the requirement of a small business economic impact statement under RCW 19.85.025.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Department of Social and Health Services is not a named agency within RCW 34.05.328.

Hearing Location: OB-2 Auditorium, 1115 Washington Street, Olympia, WA 98504, on August 6, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, (360) 902-8317, TDD (360) 902-8324, or (360) 902-8317.

Submit Written Comments to and Identify WAC Numbers: Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, FAX (360) 902-8292, by August 6, 1996.

Date of Intended Adoption: August 7, 1996.

July 2, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 2999, filed 2/5/90, effective 3/1/90)

**WAC 388-08-425 Administrative law judge (ALJ)—Authority—Application of law—Assignment—Disqualification.** (1) Authority. The ALJ shall:

- (a) Hear and decide the issue anew (de novo);
- (b) Determine the order of presentation of evidence;
- (c) Administer oaths and affirmations;
- (d) Issue subpoenas;
- (e) Rule on procedural matters, objections, and motions;
- (f) Rule on offers of proof and receive relevant evidence;
- (g) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;
- (h) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;
- (i) Take any appropriate action necessary to maintain order during the hearing;
- (j) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(k) Permit photographic and recording equipment at hearings subject to conditions the ALJ imposes to preserve confidentiality or to prevent disruption;

(l) Permit a person to waive any right conferred upon that person by chapters 34.05 RCW or 388-08 WAC, except to the extent precluded by another provision of law; ~~((and))~~

(m) Permit the department to amend the adverse notice before the hearing or to amend the notice to conform to the evidence at the hearing. The department shall reduce such amendment to writing and submit the written amendment to both the ALJ and all parties as quickly as possible. The ALJ may grant the other party a continuance when necessary to allow that party additional time to prepare or present evidence and/or argument as to the amendment; and

(n) Take any other action necessary and authorized by any applicable rule.

(2) Application of law. The ALJ shall:

(a) Apply as the first source of law governing an issue the department rules adopted in the Washington Administrative Code (WAC);

(b) If there is no department rule governing the issue, resolve the issue on the basis of the best legal authority and reasoning available, including that found in federal and Washington constitutions, statutes and regulations, and court decisions;

(c) Not declare any department rule invalid;

(d) If the validity of any department rule is raised as an issue at any proceeding, permit arguments concerning that issue for subsequent review purposes; and

(e) If the sole issue is one of federal or state law requiring automatic assistance, benefit, scope of program, or fee or regulation adjustments for classes of people the department serves or regulates, dismiss the application without permitting argument on the validity of the law.

(3) Assignment of ALJ. If the notice of hearing does not state the name of the presiding ALJ, the chief ALJ of the office of administrative hearings shall:

(a) Make such assignment five days or more before the hearing; and

(b) Disclose the assignment to any party or representative making inquiry.

(4) Motion of prejudice.

(a) A motion of prejudice with a supporting affidavit under RCW 34.12.050 shall be filed at least three days before the hearing or any earlier stage of the adjudicative proceeding when the ALJ may be required to issue a discretionary ruling.

(b) The chief ALJ or designee shall rule upon subsequent motions of prejudice filed by the same party in the same proceeding.

(5) Petition for disqualification. An individual petitioning to disqualify an ALJ under RCW 34.05.425 shall file such petition with the ALJ assigned to preside over the proceeding.

**AMENDATORY SECTION** (Amending Order 2999, filed 2/5/90, effective 3/1/90)

**WAC 388-08-449 Teleconference hearing.** (1) When authorized.

(a) The administrative law judge (ALJ) may conduct all or part of the hearing by telephone, television, or other

electronic means if each party in the hearing has an opportunity to participate in, to hear, and, if technically and economically feasible, to see the entire proceeding while it is taking place.

(b) Conducting a hearing by electronic means is subject to the following conditions:

(i) In public assistance cases including the aid to families with dependent children program under Title IV-A and ~~((adult categories))~~ programs under Titles ~~((I, X, XIV, or))~~ IV-F, XVI, or XIX of the Social Security Act ~~((and))~~, general or medical assistance under Title 74 RCW, in the food stamp ~~((disqualification))~~ program under 7 CFR § 273.15 and 273.16, and the refugee assistance program under 45 CFR § 400, a teleconference hearing may be scheduled only if the notice of hearing informs the appellant the hearing will be converted to an in-person hearing upon request ~~((filed with the ALJ at least one week before the hearing))~~. The appellant does not have to show good cause to convert the hearing~~((s))~~.

(ii) In a program not described under subsection (1)~~((a))~~ (b)(i) of this section ~~((, or in such a program when a party requests to convert a telephone hearing to an in-person hearing a week or less before the hearing))~~, an appellant shall be advised of the right to request conversion for good cause and the ALJ shall, upon request, schedule a prehearing conference to determine whether to grant the request. The ALJ shall grant the request upon a ~~((party))~~ showing of good cause by any party.

(iii) For purposes of this subsection, good cause shall include, but not be limited to, those cases in which a party is limited in its ability to present evidence or testimony by a disability or communication barrier, or cases in which question of credibility are at issue, demonstrative evidence is to be presented, or a significant number of documents are to be offered in evidence. In cases where there is a potential for physical or emotional harm to one of the participants, the ALJ may issue such orders as are necessary to protect the participant. If an in-person hearing is granted or denied, the ALJ may reschedule the in-person hearing to a different date and time. If the request for an in-person hearing is denied, the ALJ shall enter a written order which is subject to appeal only after entry of the initial decision on the merits of the underlying case. The ALJ shall include findings of fact to support the denial of the in-person hearing in the initial decision and order.

(2) Documentary evidence. When the hearing is conducted by electronic means, the ALJ may enter an order to submit documentary evidence ~~((shall be submitted))~~ in advance as provided under WAC 388-08-452(2). The department shall notify an appellant or a parent in a support enforcement hearing that the department will, upon request, assist the appellant or parent by copying and transmitting the documentary evidence in advance and at no charge.

#### NEW SECTION

**WAC 388-08-595 Procedure on review by review judge.** (1) In licensing and rate-making proceedings and related civil fines, and in custodial parent address disclosure proceedings under RCW 26.23.120, the reviewing officer shall exercise all the decision-making power that the reviewing officer would have had to decide and enter the final

order had the reviewing officer presided over the hearing, except to the extent that the issues subject to review are limited by a provision of law or by the reviewing officer upon notice to all the parties. In reviewing findings of fact by presiding officers, the reviewing officers shall give due regard to the presiding officer's opportunity to observe the witnesses.

(2) In all other adjudicative proceedings, the reviewing officer's authority to modify the findings of fact, conclusions of law and decision is limited to the following grounds:

(a) Irregularity in the proceedings preventing the petitioning party from having a fair hearing. This includes misconduct by the prevailing party and misconduct or abuse of discretion by the presiding officer;

(b) The findings of fact are unsupported by substantial evidence in view of the entire record;

(c) Errors of law;

(d) Need for clarification in order for the parties to implement the decision; or

(e) The reviewing officer may also make additional findings of fact when the ALJ failed to make a factual finding on a point, the determination of which is essential to the adjudicative order, and the additional findings are:

(i) Supported by substantial evidence in view of the entire record; and

(ii) Not inconsistent with or contrary to the findings of the ALJ which are supported by substantial evidence in view of the entire record.

The reviewing officer shall enter a final order affirming, modifying, reversing or remanding the initial order.

#### NEW SECTION

**WAC 388-08-605 Corrected decision.** Within ten days of service of the initial decision, any party may file a request with the presiding officer for a corrected decision based on a purely clerical error. Within three days of receipt of the request the presiding officer shall issue either a corrected decision or a denial of the request. Filing a request for a corrected decision will not extend the twenty-one day appeal period under WAC 388-08-464. If the presiding officer issues a corrected initial decision, that order shall become final twenty-one days after the mailing of the original initial decision unless an appeal is filed pursuant to WAC 388-08-464.

WSR 96-14-108

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed July 3, 1996, 10:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-053.

Title of Rule: Worker protection standards for agricultural pesticides.

Purpose: To adopt federal rules with modifications.

Other Identifying Information: 40 CFR Part 170.

Statutory Authority for Adoption: Chapters 17.21, 15.58 RCW.

Statute Being Implemented: Chapters 17.21, 15.58 RCW.

Summary: Adoption of federal worker protection standards.

Reasons Supporting Proposal: Uniformity with existing federal and state laws.

Name of Agency Personnel Responsible for Drafting and Implementation: Ann Wick, 1111 South Washington Street, Olympia, WA, 902-2051; and Enforcement: Cliff Weed, 1111 South Washington Street, Olympia, WA, 902-2036.

Name of Proponent: Washington State Department of Agriculture, governmental.

Rule is necessary because of federal law, 40 CFR Part 170.

Explanation of Rule, its Purpose, and Anticipated Effects: Adopt federal regulations designed to minimize agricultural workers' exposure to pesticides and harmonize existing state and federal regulations.

Proposal Changes the Following Existing Rules: Note: These are proposed changes. Final outcome is dependent on the results of the August hearings and the decisions of the directors of the Departments of Agriculture and Labor and Industries.

1. Renumbered 40 CFR Part 170 to chapter 16-233 WAC (new WAC section).

2. Changed "part," "subpart," etc. to "chapter," "section," etc.

3. Required that "crop advisors" be licensed as commercial consultants by the Washington State Department of Agriculture in order to be recognized for crop advisor exemptions.

4. Dropped dates when sections became effective - dates have already passed.

5. Cited state RCW/WAC instead of FIFRA where applicable.

6. Changed language that refers to "his" to "his/her" or gender neutral.

7. Changed EPA number citations to words - ex. "4" to "four."

8. Agricultural emergency - Removed the "agricultural emergency" section from chapter 16-228 WAC and put the same regulations into chapter 16-233 WAC which deals specifically with the WPS.

9. Dropped the complete instructions on obtaining an EPA "exception" - will refer to the CFR in the WAC.

10. Deleted the sections on workers/handlers meeting the training requirements of CFR Part 171, as training cannot be verified by the Washington State Department of Agriculture. WPS requirements can be met through the WPS training system.

11. Added that crop advisors must be licensed (to qualify as a trained worker).

12. Changed "sufficient" to "adequate" for the amount of water for workers and handlers for decontamination to be consistent with the Department of Labor and Industries. Specified the existing Department of Labor and Industries amount of water at sites that do not have running water (one gallon for one person/two gallons for two or more) as a definition of "adequate."

13. Required fit testing for respirators as per chapter 296-62 WAC, EPA has agreed that the "after each day's

use" is equivalent to "after eight hours use" (the Department of Labor and Industries requirement for a respirator cartridge change).

14. Required that enclosed cabs be certified by the Department of Labor and Industries to qualify for the PPE substitution.

15. Required that six gallons (plumbed or portable) of eyewash water be provided at all temporary pesticide mixing and loading sites when the label requires protective eyewear for mixing, loading or applying. A plumbed or portable (six gallons) eyewash system is required at all permanent mixing and loading sites.

16. Removed the five day grace period for training of workers. Workers will need to be trained before starting employment (incorporate WPS requirements into the Department of Labor and Industries requirements for training). Training before starting work is an existing Department of Labor and Industries requirement.

17. Added a definition for "animal premises" to clarify that only the structure(s) housing or confining the animal(s) is intended under the section exempting such areas from WPS.

18. May delete EPA section 40 CFR Part 170.9 (4)(c) which states a liability for a penalty when "acting for." There may not be a section in chapter 15.58 or 17.21 RCW that deals specifically with this definition. Enforcement is covered by the general FIFRA enforcement grant with EPA.

19. Referenced the general WISHA requirements regarding respirators that might apply in nonpesticide situations.

20. Referenced the hazardous material training required by the Department of Labor and Industries.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Adoption of federal rules with minimal cost changes.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: On August 6, 1996, at the Wenatchee Red Lion, 1225 North Wenatchee, Wenatchee, WA; on August 7, 1996, at the Red Lion Inn, North 1100 Sullivan Road (at I-90 and Sullivan Road), Veradale, WA 99037; on August 8, 1996, at Cavanaugh's at Columbia Center, North 1101 Columbia Center Boulevard, Kennewick, WA; on August 9, 1996, at Cavanaugh's at Yakima Center, 607 East Yakima Avenue, Yakima, WA; on August 13, 1996, at the Best Western Cottontree Inn, 2300 Market Place, Mount Vernon, WA, (Department of Agriculture made arrangements); and on August 14, 1996, at the Department of Labor and Industries, 7273 Linderson Way S.E., Tumwater, WA.

Assistance for Persons with Disabilities: Contact Catherine Jensen by August 14, 1996, TDD (360) 902-1966.

Submit Written Comments to: Ann Wick, Washington State Department of Agriculture, Pesticide Management Division, P.O. Box 42589, Olympia, WA 98504-2589, FAX (360) 902-2093, by August 14, 1996.

Date of Intended Adoption: October 1, 1996.

July 3, 1996

John Daly

Assistant Director

PROPOSED

**Chapter 16-233 WAC  
WORKER PROTECTION STANDARDS**

**GENERAL PROVISIONS**

**NEW SECTION**

**WAC 16-233-001 Federal worker protection standards—Washington state department of labor and industries.** This chapter contains the federal Environmental Protection Agency worker protection standards as listed in 40 CFR, Part 170. Revisions to the federal language have been incorporated into this chapter in order to be consistent with other requirements of Washington state law. These rules are adopted in conjunction with rules adopted by the Washington state department of labor and industries in chapter 296-306A WAC.

**NEW SECTION**

**WAC 16-233-005 Scope and purpose—Worker protection standards—40 CFR, § 170.1.** This chapter contains standards designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also to reduce the accidental exposure of workers and other persons to such pesticides. It requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies.

**NEW SECTION**

**WAC 16-233-010 Definitions—Worker protection standards—40 CFR, § 170.3.** Terms used in this chapter have the same meanings they have in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. In addition, the following terms, when used in this chapter, shall have the following meanings:

(1) "Agricultural emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a pesticide treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss.

(2) "Agricultural employer" means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for the management or condition of an agricultural establishment that uses such workers.

(3) "Agricultural establishment" means any farm, forest, nursery, or greenhouse.

(4) "Agricultural plant" means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings.

(5) "Animal premise" means the actual structure used to house, cage, or confine animals such as barns, poultry houses, mink sheds, corrals or structures used for shelter.

(6) "Chemigation" means the application of pesticides through irrigation systems.

(7) "Commercial pesticide handling establishment" means any establishment, other than an agricultural establishment, that:

(a) Employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants.

(b) Employs any person, including a self-employed person, to perform on an agricultural establishment, tasks as a crop advisor.

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

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

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

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

(12) "Fumigant" means any pesticide product that is a vapor or gas, or forms a vapor or gas on application, and whose method of pesticidal action is through the gaseous state.

(13) "Greenhouse" means any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar structures. It does not include such structures as malls, atriums, conservatories, arboretums, or office buildings where agricultural plants are present primarily for aesthetic or climatic modification.

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

(15) "Handler" means any person, including a self-employed person:

(a) Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which WAC 16-233-200 applies and who is:

(i) Mixing, loading, transferring, or applying pesticides.

(ii) Disposing of pesticides or pesticide containers.

(iii) Handling opened containers of pesticides.

(iv) Acting as a flagger.

(v) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.

(vi) Assisting with the application of pesticides.

(vii) Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling has been met:

(A) To operate ventilation equipment.

(B) To adjust or remove coverings used in fumigation.

(C) To monitor air levels.

(viii) Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.

(ix) Performing tasks as a crop advisor:

(A) During any pesticide application.

(B) Before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling has been met.

(C) During any restricted-entry interval.

(b) The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

(16) "Handler employer" means any person who is self-employed as a handler or who employs any handler, for any type of compensation.

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

(18) "Nursery" means any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

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

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

(21) "Substantial economic loss" means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

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

(23) "Worker" means any person, including a self-employed person, who is employed for any type of compen-

sation and who is performing activities relating to the production of agricultural plants on an agricultural establishment to which WAC 16-233-100 applies. While persons employed by a commercial pesticide handling establishment are performing tasks as crop advisors, they are not workers covered by the requirements of WAC 16-233-100.

#### NEW SECTION

#### **WAC 16-233-020 General duties and prohibited actions—Worker protection standards—40 CFR, § 170.7.**

(1) General duties. The agricultural employer or the handler employer, as appropriate, shall:

(a) Assure that each worker subject to WAC 16-233-100 or each handler subject to WAC 16-233-200 receives the protections required by this chapter.

(b) Assure that any pesticide to which WAC 16-233-200 applies is used in a manner consistent with the labeling of the pesticide, including the requirements of this chapter.

(c) Provide, to each person who supervises any worker or handler, information and directions sufficient to assure that each worker or handler receives the protections required by this chapter. Such information and directions shall specify which persons are responsible for actions required to comply with this chapter.

(d) Require each person who supervises any worker or handler to assure compliance by the worker or handler with the provisions of this chapter and to assure that the worker or handler receives the protections required by this chapter.

(2) Prohibited actions. The agricultural employer or the handler employer shall not take any retaliatory action for attempts to comply with this chapter or any action having the effect of preventing or discouraging any worker or handler from complying or attempting to comply with any requirement of this chapter.

#### NEW SECTION

#### **WAC 16-233-025 Violations of this chapter—Worker protection standards—40 CFR, § 170.9.**

(1) RCW 15.58.150 (2)(c) provides that it is unlawful for any person ". . . to use or cause to be used any pesticide contrary to label directions . . ." When 40 CFR, Part 170 is referenced on a label, users must comply with all of its requirements except those that are inconsistent with product specific instructions on the labeling. For purposes of this chapter, the term "use" is interpreted to include:

(a) Preapplication activities, including, but not limited to:

(i) Arranging for the application of the pesticide;

(ii) Mixing and loading the pesticide; and

(iii) Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of handlers, decontamination, use and care of personal protective equipment, emergency information, and heat stress management.

(b) Application of the pesticide.

(c) Post-application activities necessary to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues during the restricted-entry interval plus thirty days. These activities include, but are not limited to, responsibilities related to worker training, notification, and decontamination.

(d) Other pesticide-related activities, including, but not limited to, providing emergency assistance, transporting or storing pesticides that have been opened, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

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

(3) FIFRA section 14 (b)(4) provides that a person is liable for a penalty under FIFRA if another person employed by or acting for that person violates any provision of FIFRA. The term "acting for" includes both employment and contractual relationships.

(4) The requirements of this chapter, including the decontamination requirements, shall not, for the purposes of section 653 (b)(1) of Title 29 of the U.S. Code, be deemed to be the exercise of statutory authority to prescribe or enforce standards or regulations affecting the general sanitary hazards addressed by the WISHA Field Sanitation Standard, WAC 296-24-120, or other agricultural, nonpesticide hazards.

#### STANDARD FOR WORKERS

##### NEW SECTION

**WAC 16-233-100 Applicability of this chapter—Standards for workers—40 CFR, § 170.102.** Requirement. Except as provided by WAC 16-233-105 and 16-233-110, this section applies when any pesticide product is used on an agricultural establishment in the production of agricultural plants.

##### NEW SECTION

**WAC 16-233-105 Exceptions—Standards for workers—40 CFR, § 170.103.** This section does not apply when any pesticide is applied on an agricultural establishment in the following circumstances:

(1) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(2) On livestock or other animals, or in or about animal premises.

(3) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(4) On plants that are in ornamental gardens, parks, and public or private lawns and grounds that are intended only for aesthetic purposes or climatic modification.

(5) By injection directly into agricultural plants. Direct injection does not include "hack and squirt," "frill and spray," chemigation, soil-incorporation, or soil-injection.

(6) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(7) For control of vertebrate pests.

(8) As attractants or repellents in traps.

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

(10) For research uses of unregistered pesticides.

##### NEW SECTION

**WAC 16-233-110 Exemptions—Standards for workers—40 CFR, § 170.104.** The workers listed in this section are exempt from the specified provisions of WAC 16-233-100 through 16-233-155.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself/herself or members of his/her immediate family who are performing tasks related to the production of agricultural plants on their own agricultural establishment the protections of:

(i) WAC 16-233-120 (3)(e) through (i);

(ii) WAC 16-233-120 (3)(e) through (i); as referenced in WAC 16-233-120 (4)(b)(iii) and (5);

(iii) WAC 16-233-125;

(iv) WAC 16-233-130;

(v) WAC 16-233-140;

(vi) WAC 16-233-145;

(vii) WAC 16-233-150;

(viii) WAC 16-233-155.

(b) The owner of the agricultural establishment must provide the protections listed in (a)(i) through (viii) of this subsection to other workers and other persons who are not members of his/her immediate family.

(2) Crop advisors.

(a) Provided that the conditions of this subsection are met, a person who is certified or licensed as a crop advisor by the Washington state department of agriculture, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) WAC 16-233-150.

(ii) WAC 16-233-155.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iii) and (iv) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 16-233-225 (3)(d).

(ii) Applies only when performing crop advising tasks in the treated area.

(iii) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his/her direct supervision in a language that the person understands.

(iv) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his/her direct supervision of the pesticide product and active ingredient(s) applied, method of application, time of application, the restricted entry interval, which tasks to undertake, and how to contact the crop advisor.

**NEW SECTION**

**WAC 16-233-115 Restrictions associated with pesticide applications—Standards for workers—40 CFR, § 170.110.** (1) Farms and forests. During the application of any pesticide on a farm or in a forest, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the treated area.

(2) Nurseries. In a nursery, during any pesticide application described in column A of Table 1 of this subsection, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 1 of this subsection. After the application is completed, until the end of any restricted-entry interval, the entry-restricted area is the treated area.

Table 1.—Entry-Restricted Areas in Nurseries During Pesticide Applications

A. During Application of a Pesticide:	B. Workers are Prohibited in:
<p>(1)(a) Applied:</p> <ul style="list-style-type: none"> <li>(i) Aerially, or</li> <li>(ii) In an upward direction, or</li> <li>(iii) Using a spray pressure greater than 150 psi, or</li> </ul> <p>(b) Applied as a:</p> <ul style="list-style-type: none"> <li>(i) Fumigant, or</li> <li>(ii) Smoke, or</li> <li>(iii) Mist, or</li> <li>(iv) Fog, or</li> <li>(v) Aerosol.</li> </ul>	<p>Treated area plus 100 feet in all directions on the nursery</p>
<p>(2)(a) Applied downward using:</p> <ul style="list-style-type: none"> <li>(i) A height of greater than 12 inches from the planting medium, or</li> <li>(ii) A fine spray, or</li> <li>(iii) A spray pressure greater than 40 psi and less than 150 psi.</li> </ul>	<p>Treated area plus 25 feet in all directions on the nursery</p>
<p>(b) Not as in 1 or 2(a) above but for which a respiratory protection device is required for application by the product labeling.</p>	
<p>(3) Applied otherwise.</p>	<p>Treated area</p>
<p>(3) Greenhouses.</p> <p>(a) When a pesticide application described in column A of Table 2 under (d) of this subsection takes place in a greenhouse, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 2 until the time specified in column C of Table 2 has expired.</p> <p>(b) After the time specified in column C of Table 2 under (d) of this subsection has expired, until the expiration of any restricted-entry interval, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area as specified in column D of Table 2 under (d) of this subsection, except as provided in WAC 16-233-120.</p> <p>(c) When column C of Table 2 under (d) of this subsection specifies that ventilation criteria must be met, ventilation shall continue until the air concentration is measured to be equal to or less than the inhalation exposure level the labeling requires to be achieved. If no inhalation exposure level is listed on the labeling, ventilation shall continue until after:</p> <ul style="list-style-type: none"> <li>(i) Ten air exchanges are completed; or</li> <li>(ii) Two hours of ventilation using fans or other mechanical ventilating systems; or</li> </ul>	<ul style="list-style-type: none"> <li>(iii) Four hours of ventilation using vents, windows or other passive ventilation; or</li> <li>(iv) Eleven hours with no ventilation followed by one hour of mechanical ventilation; or</li> <li>(v) Eleven hours with no ventilation followed by two hours of passive ventilation; or</li> <li>(vi) Twenty-four hours with no ventilation.</li> </ul> <p>(d) The following Table 2 applies to (a), (b) and (c) of this subsection.</p>

PROPOSED

Table 2.—Greenhouse Entry Restrictions Associated With Pesticide Applications

A. When a Pesticide is Applied:	B. Workers are Prohibited in:	C. Until:	D. After the Expiration of Time in Column C Until the Restricted-Entry Interval Expires, the Entry-Restricted Area is:
(1) As a fumigant	Entire greenhouse plus any adjacent structure that cannot be sealed off from the treated area	The ventilation criteria of (c) of this subsection are met	No entry restrictions after criteria in column C are met
(2) As a:	Entire enclosed area	The ventilation criteria of (c) of this subsection are met	Entire enclosed area is the treated area
(i) Smoke, or (ii) Mist, or (iii) Fog, or (iv) Aerosol			
(3) Not in 1 or 2 above, and for which a respiratory protection device is required for application by the product labeling	Entire enclosed area	The ventilation criteria of (c) of this subsection are met	Treated area
(4) Not in 1, 2, or 3 above, and:	Treated area plus 25 feet in all directions in the enclosed area	Application is complete	Treated area
(i) From a height of greater than 12 in. from the planting medium, or (ii) As a fine spray, or (iii) Using a spray pressure greater than 40 psi			
(5) Otherwise	Treated area	Application is complete	Treated area

PROPOSED

**NEW SECTION**

**WAC 16-233-120 Entry restrictions—Standards for workers—40 CFR, § 170.112.** (1) General restrictions.

(a) After the application of any pesticide on an agricultural establishment, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area before the restricted-entry interval specified on the pesticide labeling has expired, except as provided in this section.

(b) Entry-restricted areas in greenhouses are specified in column D in Table 2 under WAC 16-233-115 (3)(d).

(c) When two or more pesticides are applied at the same time, the restricted-entry interval shall be the longest of the applicable intervals.

(d) The agricultural employer shall assure that any worker who enters a treated area under a restricted-entry interval as permitted by subsections (3), (4), and (5) of this section uses the personal protective equipment specified in the product labeling for early entry workers and follows any other requirements on the pesticide labeling regarding early entry.

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

(a) The worker will have no contact with anything that has been treated with the pesticide to which the restricted-

entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants; and

(b) No such entry is allowed until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling have been met.

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

(a) No hand labor activity is performed.

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

(c) No such entry is allowed for the first four hours following the end of the application, and no such entry is allowed thereafter until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling have been met.

(d) The personal protective equipment specified on the product labeling for early entry is provided to the worker. Such personal protective equipment shall conform to the following standards:

(i) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-

resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(ii) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(iii) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(iv) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(v) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece, chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(vi) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over a layer of clothing. If a chemical-resistant suit is substituted for coveralls, it need not be worn over a layer of clothing.

(vii) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent materials must not be worn for early entry activities unless these materials are listed on the product labeling as acceptable for such use. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable for tasks with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant liners. However, once leather gloves have been worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(viii) When "chemical-resistant footwear" is specified by the product labeling, it shall be one of the following types of footwear: Chemical-resistant shoes, chemical-resistant boots, or chemical-resistant shoe coverings worn over shoes or boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable for workers, then leather boots may be worn in such terrain.

(ix) When "protective eyewear" is specified by the product labeling, it shall be one of the following types of eyewear: Goggles; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator.

(x) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(e) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early

entry, and any other labeling requirements related to safe use.

(f) The agricultural employer shall assure that:

(i) Workers wear the personal protective equipment correctly for its intended purpose and use personal protective equipment according to manufacturer's instructions.

(ii) Before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(iii) Personal protective equipment that cannot be cleaned properly is disposed of in accordance with any applicable federal, state, and local regulations.

(iv) All personal protective equipment is cleaned according to manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(v) Before being stored, all clean personal protective equipment is dried thoroughly or is put in a well-ventilated place to dry.

(vi) Personal protective equipment contaminated with pesticides is kept separately and washed separately from any other clothing or laundry.

(vii) Any person who cleans or launders personal protective equipment is informed that such equipment may be contaminated with pesticides, of the potentially harmful effects of exposure to pesticides, and of the correct way(s) to handle and clean personal protective equipment and to protect themselves when handling equipment contaminated with pesticides.

(viii) All clean personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(ix) Each worker is instructed how to put on, use, and remove the personal protective equipment and is informed about the importance of washing thoroughly after removing personal protective equipment.

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

(xi) Workers have a clean place(s) away from pesticide-storage and pesticide-use areas for storing personal clothing not in use; putting on personal protective equipment at the start of any exposure period; and removing personal protective equipment at the end of any exposure period.

(g) When personal protective equipment is required by the labeling of any pesticide for early entry, the agricultural employer shall assure that no worker is allowed or directed to perform the early entry activity without implementing, when appropriate, measures to prevent heat-related illness.

(h) During any early entry activity, the agricultural employer shall provide a decontamination site in accordance with WAC 16-233-150.

(i) The agricultural employer shall not allow or direct any worker to wear home or to take home personal protective equipment contaminated with pesticides.

(4) Declaration of an agricultural emergency.

(a) The director may declare the existence of circumstances causing an agricultural emergency on a particular establishment or establishments.

(b) The director may declare an agricultural emergency based on the reasonably expected certainty of circumstances occurring based on weather or other forecasts that would

create conditions that would normally be anticipated to cause an agricultural emergency.

(c) The agricultural employer may determine if the establishment under his/her control is subject to the agricultural emergency declared by the director.

(d) Emergency repair of equipment that is in use and sited within a pesticide treated area under a restricted-entry interval, such as frost protection devices, shall be considered to be an agricultural emergency. The conditions in WAC 16-228-655 shall be met.

(e) Activities that require immediate response such as fire suppression, relocation of greenhouse plants due to power failure, and similar conditions, shall be considered to be agricultural emergencies. The conditions in WAC 16-228-655 shall be met.

(5) Agricultural activities permitted under an agricultural emergency.

(a) A worker may enter a pesticide treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency if the agricultural employer assures that all the following requirements are met:

(i) No entry is permitted for the first four hours after the pesticide application or the minimum reentry interval allowed by EPA for that product, whichever is less;

(ii) The personal protective equipment specified on the product labeling for early entry is provided to the worker;

(iii) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use;

(iv) The agricultural employer shall assure that the worker wears the proper PPE and that the PPE is in operable condition and that the worker has been trained in its proper use;

(v) The agricultural employer shall assure that measures have been taken, when appropriate, to prevent heat-related illness;

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

(vii) The agricultural employer shall not allow or direct any worker to wear home or take home personal protective equipment contaminated with pesticides.

(b) If the agricultural emergency is due to equipment failure, then the agricultural employer shall assure that all the requirements in subsection (1) of this section are met plus the following additional requirement. The only permitted activity until the restricted-entry interval has elapsed is equipment repair that would mitigate the effect of the equipment failure.

(6) Recordkeeping required for agricultural emergencies.

(a) If the employer declares that his/her establishment is affected by an agricultural emergency and that activities regulated by the worker protection standard have been performed, the employer shall keep the following records for seven years from the date of the agricultural emergency:

(i) Date of the agricultural emergency;

(ii) Time of the agricultural emergency, start and end;

(iii) Reason for the agricultural emergency, such as frost, fire, equipment failure, etc.;

(iv) Crop/site;

(v) Pesticide(s) - name, EPA number, REI;

(vi) Name, date, time of entry and exit of early entry person(s);

(vii) Estimated potential of economic loss which would have occurred had no early entry been allowed.

(b) Records shall be completed within twenty-four hours of the early entry exposure and be available to the department and/or department of health and/or medical facility or treating physician if requested by the above or the employee.

(7) Exception to entry restrictions requiring EPA approval. EPA may in accordance with 40 CFR, Part 170.112(e) grant an exception from the requirements of this section. A request for an exception must be submitted to the Director, Office of Pesticide Programs (H-7501C), Environmental Protection Agency, 401 "M" Street SW, Washington, DC 20460 and must be accompanied by two copies of the information specified in 40 CFR, Part 170.112(e).

#### NEW SECTION

**WAC 16-233-125 Notice of applications—Standards for workers—40 CFR, § 170.120.** (1) Notification to workers of pesticide applications in greenhouses. The agricultural employer shall notify workers of any pesticide application in the greenhouse in accordance with this subsection.

(a) All pesticide applications shall be posted in accordance with subsection (3) of this section.

(b) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall also provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through the greenhouse; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(2) Notification to workers on farms, in nurseries, or in forests of pesticide applications. The agricultural employer shall notify workers of any pesticide application on the farm or in the nursery or forest in accordance with this subsection.

(a) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall post signs in accordance with subsection (3) of this section and shall provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(b) For any pesticide other than those for which the labeling requires both posting and oral notification of applications, the agricultural employer shall give notice of the application to the worker either by the posting of warning signs in accordance with subsection (3) of this

section or orally in accordance with subsection (4) of this section, and shall inform the workers as to which method of notification is in effect.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through on foot the treated area or any area within one-quarter mile of the treated area; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(3) Posted warning signs. The agricultural employer shall post warning signs in accordance with the following criteria:

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



(b) The sign shall be at least fourteen inches by sixteen inches in size, and the letters shall be at least one inch in height unless a smaller sign and smaller letters are necessary because the treated area is too small to accommodate a sign of this size. If a smaller sign is used, it must meet the proportions and other requirements described in (a) of this subsection.

(c) On farms and in forests and nurseries, the signs shall be visible from all usual points of worker entry to the treated area, including at least each access road, each border with any labor camp adjacent to the treated area, and each footpath and other walking route that enters the treated area. When there are no usual points of worker entry, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(d) In greenhouses, the signs shall be posted so they are visible from all usual points of worker entry to the treated

area including each aisle or other walking route that enters the treated area. When there are no usual points of worker entry to the treated area, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(e) The signs shall:

(i) Be posted no sooner than twenty-four hours before the scheduled application of the pesticide.

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

(iii) Be removed within three days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted, other than entry permitted by WAC 16-233-120.

(f) The signs shall remain visible and legible during the time they are posted.

(g) When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry, other than entry permitted by WAC 16-233-120, is prohibited for the entire area while the signs are posted.

(4) Oral warnings. The agricultural employer shall provide oral warnings to workers in a manner that the worker can understand. If a worker will be on the premises during the application, the warning shall be given before the application takes place. Otherwise, the warning shall be given at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect. The warning shall consist of:

- (a) The location and description of the treated area.
- (b) The time during which entry is restricted.
- (c) Instructions not to enter the treated area until the restricted-entry interval has expired.

#### NEW SECTION

**WAC 16-233-130 Providing specific information about applications—Standards for workers—40 CFR, § 170.122.** When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the location specified for the pesticide safety poster in WAC 16-233-145(4) and shall be accessible and legible, as specified in WAC 16-233-145 (4) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if workers will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any worker's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until workers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

- (a) The location and description of the treated area.
- (b) The product name, EPA registration number, and active ingredient(s) of the pesticide.
- (c) The time and date the pesticide is to be applied.
- (d) The restricted-entry interval for the pesticide.

#### NEW SECTION

**WAC 16-233-135 Notice of applications to handler employers—Standards for workers—40 CFR, § 170.124.** Whenever handlers who are employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the agricultural employer shall provide to the handler employer, or

assure that the handler employer is aware of, the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

- (1) Specific location and description of any such areas; and
- (2) Restrictions on entering those areas.

#### NEW SECTION

**WAC 16-233-140 Pesticide safety training—Standards for workers—40 CFR, § 170.130.** (1) General requirement.

(a) Agricultural employer assurance. The agricultural employer shall assure that each worker, required by this section to be trained, has been trained according to this section during the last five years, counting from the end of the month in which the training was completed.

(b) Requirement for workers performing early entry activities. Before a worker enters a treated area on the agricultural establishment during a restricted-entry interval to perform early entry activities permitted by WAC 16-233-120 and contacts anything that has been treated with the pesticide to which the restricted-entry interval applies, including but not limited to, soil, water, or surfaces of plants, the agricultural employer shall assure that the worker has been trained.

(c) Requirements for other agricultural workers.

(i) Information before entry. Except as provided in (b) of this subsection, before a worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this chapter applies has been applied or the restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been provided the pesticide safety information specified in subsection (3) of this section, in a manner that agricultural workers can understand, such as by providing written materials or oral communication or by other means. The agricultural employer must be able to verify compliance with this requirement.

(ii) Training before the start of a work period. The agricultural employer shall assure that a worker has been trained before the worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this chapter applies has been applied or a restricted-entry interval for such pesticide has been in effect.

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

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

(b) A worker who satisfies the handler training requirements of WAC 16-233-225(3).

(c) A worker who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: *Provided*, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 16-233-225 (3)(d).

(3) Pesticide safety information. The pesticide safety information required by subsection (1)(c)(i) of this section shall be presented to workers in a manner that the workers

can understand. At a minimum, the following information shall be provided:

(a) Pesticides may be on or in plants, soil, irrigation water, or drifting from nearby applications.

(b) Prevent pesticides from entering your body by:

(i) Following directions and/or signs about keeping out of treated or restricted areas.

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

(iii) Wearing work clothing that protects the body from pesticide residues.

(iv) Washing/showering with soap and water, shampoo hair, and put on clean clothes after work.

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

(vi) Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(c) Other information as required in WISHA, WAC 296-62-054 through 296-62-05427, hazardous communication program.

(4) Training programs.

(a) General pesticide safety information shall be presented to workers either orally from written materials or audiovisually. The information must be presented in a manner that the workers can understand (such as through a translator) using nontechnical terms. The presenter also shall respond to workers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

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

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

(iv) Satisfy the training requirements in WAC 16-233-225(3).

(c) Any person who issues a Washington state department of agriculture-approved worker protection standard worker training card must assure that the worker who receives the training card has been trained in accordance with subsection (4)(d) of this section.

(d) The training materials shall convey, at a minimum, the following information:

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

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

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

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

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

(vi) How to obtain emergency medical care.

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

(viii) Hazards from chemigation and drift.

(ix) Hazards from pesticide residues on clothing.

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

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

(5) Verification of training.

(a) Except as provided in subsection (5)(b) of this section, if the agricultural employer assures that a worker possesses a Washington state department of agriculture-approved worker protection standard worker training card, then the requirements of subsection (1) of this section will have been met. Employers must still comply with the requirements of subsection (3)(c) of this section, hazardous communication program.

(b) If the agricultural employer is aware or has reason to know that a Washington state department of agriculture-approved worker protection standard worker training card has not been issued in accordance with this section, or has not been issued to the worker bearing the card, or the training was completed more than five years before the beginning of the current month, a worker's possession of that card does not meet the requirements of subsection (1) of this section.

#### NEW SECTION

**WAC 16-233-145 Posted pesticide safety information—Standards for workers—40 CFR, § 170.135.** (1) Requirement. When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

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

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

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

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

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(b) There are federal rules to protect workers and handlers, including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The agricultural employer shall inform workers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by workers and where workers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Workers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

#### NEW SECTION

**WAC 16-233-150 Decontamination—Standards for workers—40 CFR, § 170.150.** (1) Requirement. If any worker on an agricultural establishment performs any activity in an area where, within the last thirty days, a pesticide has been applied or a restricted-entry interval has been in effect and contacts anything that has been treated with the pesticide, including, but not limited to, soil, water, or surfaces of plants, the agricultural employer shall provide, in accordance with this section, a decontamination site for washing off pesticide residues.

(2) General conditions.

(a) The agricultural employer shall provide workers with adequate water for routine washing and emergency eyeflushing. At all times when the water is available to workers, the employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The agricultural employer shall provide soap and single-use towels at each decontamination site in quantities sufficient to meet workers' needs.

(d) To provide for emergency eyeflushing, the agricultural employer shall assure that at least one pint of water is immediately available to each worker who is performing early entry activities permitted by WAC 16-233-120 and for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the early entry worker, or shall be on the vehicle the early entry worker is using, or shall be otherwise immediately accessible.

(3) Location.

(a) The decontamination site shall be reasonably accessible to and not more than one-quarter mile from where workers are working.

(b) For worker activities performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, and water may be at the nearest place of vehicular access.

(ii) The agricultural employer may permit workers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water at the decontamination site located at the nearest place of vehicular access.

(c) The decontamination site shall not be in an area being treated with pesticides.

(d) The decontamination site shall not be in an area that is under a restricted-entry interval, unless the workers for whom the site is provided are performing early entry activities permitted by WAC 16-233-120 and involving contact with treated surfaces and the decontamination site would otherwise not be reasonably accessible to those workers.

(4) Decontamination after early entry activities. At the end of any exposure period for workers engaged in early entry activities permitted by WAC 16-233-120 and involving contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, clean towels, and an adequate amount of water so that the workers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at early entry sites that do not have running water.

#### NEW SECTION

**WAC 16-233-155 Emergency assistance—Standards for workers—40 CFR, § 170.160.** If there is reason to believe that a person who is or has been employed on an agricultural establishment to perform tasks related to the production of agricultural plants has been poisoned or injured by exposure to pesticides used on the agricultural establishment, including, but not limited to, exposures from application, splash, spill, drift, or pesticide residues, the agricultural employer shall:

(1) Make available to that person prompt transportation from the agricultural establishment, including any labor camp on the agricultural establishment, to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

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

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

(d) The circumstances of exposure of that person to the pesticide.

**STANDARD FOR PESTICIDE HANDLERS****NEW SECTION**

**WAC 16-233-200 Applicability of this subpart—Standards for pesticide handlers—40 CFR, § 170.202.** (1) Requirement. Except as provided by subsection (2) of this section and WAC 16-233-205, this chapter applies when any pesticide is handled for use on an agricultural establishment.

(2) Exceptions. This chapter does not apply when any pesticide is handled for use on an agricultural establishment in the following circumstances:

(a) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(b) On livestock or other animals, or in or about animal premises.

(c) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(d) On plants that are in ornamental gardens, parks, and public or private lawns and grounds and that are intended only for aesthetic purposes or climatic modification.

(e) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(f) For control of vertebrate pests.

(g) As attractants or repellents in traps.

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

(i) For research uses of unregistered pesticides.

(j) Exemptions. Except as provided by WAC 16-233-200 and 16-233-205, this chapter applies when a pesticide is handled for an agricultural establishment.

**NEW SECTION**

**WAC 16-233-205 Exemptions—Standards for handlers—40 CFR, § 170.204.** The handlers listed in this section are exempt from the specified provisions of this chapter.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself or members of his immediate family who are performing handling tasks on their own agricultural establishment the protections of:

(i) WAC 16-233-210 (2) and (3).

(ii) WAC 16-233-215.

(iii) WAC 16-233-225.

(iv) WAC 16-233-230.

(v) WAC 16-233-235.

(vi) WAC 16-233-240.

(vii) WAC 16-233-245 (5) through (7).

(viii) WAC 16-233-250.

(ix) WAC 16-233-255.

(b) The owner of the agricultural establishment must provide the protections listed in subsection (1)(a)(i) through (ix) of this section to other handlers and other persons who are not members of his immediate family.

(2) Crop advisors.

(a) Provided that the conditions of (b) of this subsection are met, a person who is certified or licensed as a crop

advisor by the Washington state department of agriculture under RCW 15.58.230, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) WAC 16-233-230.

(ii) WAC 16-233-245.

(iii) WAC 16-233-250.

(iv) WAC 16-233-255.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iv) and (v) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 16-233-225 (3)(d).

(ii) No entry into the treated area occurs until after application ends.

(iii) Applies only when performing crop advising tasks in the treated area.

(iv) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(v) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his direct supervision of the pesticide products and active ingredient(s) applied, method of application, time of application, the restricted-entry interval, which tasks to undertake, and how to contact the crop advisor.

(c) Applies only when the persons are performing crop advising tasks in the treated area.

(d) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

**NEW SECTION**

**WAC 16-233-210 Restrictions during applications—Standards for pesticide handlers—40 CFR, § 170.210.** (1) Contact with workers and other persons. The handler employer and the handler shall assure that no pesticide is applied so as to contact, either directly or through drift, any worker or other person, other than an appropriately trained and equipped handler.

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

(3) Fumigant applications in greenhouses. The handler employer shall assure:

(a) That any handler who handles a fumigant in a greenhouse, including a handler who enters the greenhouse before the acceptable inhalation exposure level or ventilation criteria have been met to monitor air levels or to initiate ventilation, maintains continuous visual or voice contact with another handler.

(b) That the other handler has immediate access to the personal protective equipment required by the fumigant labeling for handlers in the event entry into the fumigated greenhouse becomes necessary for rescue.

#### NEW SECTION

**WAC 16-233-215 Providing specific information about applications—Standards for pesticide handlers—40 CFR, § 170.222.** When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the same location specified for the pesticide safety poster in WAC 16-233-240(4) and shall be accessible and legible, as specified in WAC 16-233-240 (5) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if handlers (except those employed by a commercial pesticide handling establishment) will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any such handler's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until the handlers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

(a) The location and description of the treated area.

(b) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(c) The time and date the pesticide is to be applied.

(d) The restricted-entry interval for the pesticide.

#### NEW SECTION

**WAC 16-233-220 Notice of applications to agricultural employers—Standards for pesticide handlers—40 CFR, § 170.224.** Before the application of any pesticide on or in an agricultural establishment, the handler employer shall provide the following information to any agricultural employer for the establishment or shall assure that any agricultural employer is aware of:

(1) Specific location and description of the treated area.

(2) Time and date of application.

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

(4) Restricted-entry interval.

(5) Whether posting and oral notification are required.

(6) Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

#### NEW SECTION

**WAC 16-233-225 Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230.** (1) Requirement. Before any handler performs any handling task, the handler employer shall assure that the handler has been trained in accordance with this section during the last five years, counting from the end of the month in which the training was completed.

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

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

(b) A handler who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: *Provided*, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 16-233-225 (3)(d).

(3) Training programs.

(a) General pesticide safety information shall be presented to handlers either orally from written materials or audiovisually. The information must be presented in a manner that the handlers can understand (such as through a translator). The presenter also shall respond to handlers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

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

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

(c) Any person who issues a Washington state department of agriculture-approved worker protection standard handler training card must assure that the handler who receives the training card has been trained in accordance with (d) of this subsection.

(d) The pesticide safety training materials must convey, at a minimum, the following information:

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

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

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

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

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

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures.

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

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

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

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

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

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

(4) Verification of training.

(a) Except as provided in (b) of this subsection, if the handler employer assures that a handler possesses a Washington state department of agriculture-approved worker protection standard handler training card, then the requirements of subsection (1) of this section will have been met.

(b) If the handler employer is aware or has reason to know that a Washington state department of agriculture-approved worker protection standard handler training card has not been issued in accordance with this section, or has not been issued to the handler bearing the card, or the handler training was completed more than five years before the beginning of the current month, a handler's possession of that card does not meet the requirements of subsection (1) of this section.

#### NEW SECTION

**WAC 16-233-230 Knowledge of labeling and site-specific information—Standards for pesticide handlers—40 CFR, § 170.232.** (1) Knowledge of labeling information.

(a) The handler employer shall assure that before the handler performs any handling activity, the handler either has read the product labeling or has been informed in a manner the handler can understand of all labeling requirements related to safe use of the pesticide, such as signal words, human hazard precautions, personal protective equipment requirements, first-aid instructions, environmental precautions, and any additional precautions pertaining to the handling activity to be performed.

(b) The handler employer shall assure that the handler has access to the product labeling information during handling activities.

(2) Knowledge of site-specific information. Whenever a handler who is employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the handler employer shall assure that the handler is aware of the following information concerning any areas on the agricultural estab-

lishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

(a) Specific location and description of any such areas; and

(b) Restrictions on entering those areas.

#### NEW SECTION

**WAC 16-233-235 Safe operation of equipment—Standards for pesticide handlers—40 CFR, § 170.234.** (1)

The handler employer shall assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.

(2) The handler employer shall assure that, before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or is replaced.

(3) Before allowing any person to repair, clean, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the handler employer shall assure that pesticide residues have been removed from the equipment, unless the person doing the cleaning, repairing, or adjusting is a handler employed by the agricultural or commercial pesticide handling establishment. If pesticide residue removal is not feasible, the handler employer shall assure that the person who repairs, cleans, or adjusts such equipment is informed:

(a) That such equipment may be contaminated with pesticides.

(b) Of the potentially harmful effects of exposure to pesticides.

(c) Of the correct way to handle such equipment.

#### NEW SECTION

**WAC 16-233-240 Posted pesticide safety information—Standards for pesticide handlers—40 CFR, § 170.235.** (1) Requirement. When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this chapter has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

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

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

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

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

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(c) There are federal rules to protect workers and handlers including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The handler employer shall inform handlers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by handlers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by handlers and where handlers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Handlers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

**WAC 16-233-245 Personal protective equipment—Standards for pesticide handlers—40 CFR, § 170.240.** (1) Requirement. Any person who performs tasks as a pesticide handler shall use the clothing and personal protective equipment specified on the labeling for use of the product.

(2) Definition.

(a) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(b) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(3) Provision. When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the handler employer shall provide the appropriate personal protective equipment in clean and operating condition to the handler.

(a) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(b) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(c) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(d) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over another layer of clothing.

(e) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material shall not be worn for handling activities unless such materials are listed on the product labeling as acceptable for such use.

(f) When "chemical-resistant footwear" is specified by the product labeling, one of the following types of footwear must be worn:

(i) Chemical-resistant shoes.

(ii) Chemical-resistant boots.

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

(g) When "protective eyewear" is specified by the product labeling, one of the following types of eyewear must be worn:

(i) Goggles.

(ii) Face shield.

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

(iv) Full-face respirator.

(h) When a "chemical-resistant apron" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.

(i) When a respirator is specified by the product labeling, it shall be appropriate for the pesticide product used and for the activity to be performed. The handler employer shall assure that the respirator fits correctly by using the procedures consistent with WAC 296-62-071. If the label does not specify the type of respirator to be used, it shall meet the requirements of WAC 296-62-071. The respiratory protection requirements of the general occupational health standards, WAC 296-62-071, shall apply.

(j) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(4) Exceptions to personal protective equipment specified on product labeling.

(a) Body protection.

(i) A chemical-resistant suit may be substituted for "coveralls," and any requirement for an additional layer of clothing beneath is waived.

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

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

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

(d) Closed systems. If handling tasks are performed using properly functioning systems that enclose the pesticide to prevent it from contacting handlers or other persons, and if such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided in (d)(i) and (ii) of this subsection.

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

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

(iii) Persons using a closed system that operates under pressure shall wear protective eyewear.

(iv) Persons using a closed system shall have all labeling-specified personal protective equipment immediately available for use in an emergency.

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

(i) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(ii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist-filtering respirator is specified on the pesticide product labeling, it must be worn.

(iii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written

operating instructions and which is declared in writing by the manufacturer and the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than the vapor-removing or gas-removing respirator specified on pesticide product labeling may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

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

(f) Aerial applications.

(i) Use of gloves. Chemical-resistant gloves shall be worn when entering or leaving an aircraft contaminated by pesticide residues. In the cockpit, the gloves shall be kept in an enclosed container to prevent contamination of the inside of the cockpit.

(ii) Open cockpit. Persons occupying an open cockpit shall use the personal protective equipment specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for chemical-resistant headgear. A visor may be substituted for protective eyewear.

(iii) Enclosed cockpit. Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified personal protective equipment.

(g) Crop advisors. Crop advisors entering treated areas while a restricted-entry interval is in effect may wear the personal protective equipment specified on the pesticide labeling for early entry activities instead of the personal protective equipment specified on the pesticide labeling for handling activities, provided:

(i) Application has been completed for at least four hours.

(ii) Any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 16-233-115 (3)(c) or in the labeling have been met.

(5) Use of personal protective equipment.

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

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

(6) Cleaning and maintenance.

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

(b) If any personal protective equipment cannot be cleaned properly, the handler employer shall dispose of the personal protective equipment in accordance with any applicable federal, state, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall be not be reused.

(c) The handler employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(d) The handler employer shall assure that all clean personal protective equipment shall be either dried thoroughly before being stored or shall be put in a well ventilated place to dry.

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

(f) The handler employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

(i) When breathing resistance becomes excessive.

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

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

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

(g) The handler employer shall assure that when gas-removing or vapor-removing respirators are used, the gas-removing or vapor-removing canisters or cartridges shall be replaced:

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

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

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

(h) The handler employer shall inform any person who cleans or launders personal protective equipment:

(i) That such equipment may be contaminated with pesticides.

(ii) Of the potentially harmful effects of exposure to pesticides.

(iii) Of the correct way(s) to clean personal protective equipment and to protect themselves when handling such equipment.

(i) The handler employer shall assure that handlers have a clean place(s) away from pesticide storage and pesticide use areas where they may:

(i) Store personal clothing not in use.

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

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

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

(7) Heat-related illness. When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the handler employer shall assure that no handler is allowed or directed to perform the

handling activity unless appropriate measures are taken, if necessary, to prevent heat-related illness.

#### NEW SECTION

**WAC 16-233-250 Decontamination—Standards for pesticide handlers—40 CFR, § 170.250.** (1) Requirement. During any handling activity, the handler employer shall provide for handlers, in accordance with this section, a decontamination site for washing off pesticides and pesticide residues.

(2) General conditions.

(a) The handler employer shall provide handlers with enough water for routine washing, for emergency eyeflushing, and for washing the entire body in case of an emergency. At all times when the water is available to handlers, the handler employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The handler employer shall provide soap and single-use towels at each decontamination site in quantities sufficient to meet handlers' needs.

(d) The handler employer shall provide one clean change of clothing, such as coveralls, at each decontamination site for use in an emergency.

(3) Location. The decontamination site shall be reasonably accessible to and not more than one-quarter mile from each handler during the handling activity.

(a) Exception for mixing sites. For mixing activities, the decontamination site shall be at the mixing site.

(b) Exception for pilots. The decontamination site for a pilot who is applying pesticides aerially shall be in the airplane or at the aircraft's loading site.

(c) Exception for handling pesticides in remote areas. When handling activities are performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, clean change of clothing, and water may be at the nearest place of vehicular access.

(ii) The handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water at the decontamination site located at the nearest place of vehicular access.

(d) Decontamination site in treated areas. The decontamination site shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless:

(i) The decontamination site is in the area where the handler is performing handling activities;

(ii) The soap, single-use towels, and clean change of clothing are in enclosed containers; and

(iii) The water is running tap water or is enclosed in a container.

(4) Emergency eyeflushing. To provide for emergency eyeflushing, the handler employer shall assure that at least one pint of water is immediately available to each handler who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.

(5) A plumbed or portable emergency eyewash capable of delivering at least 1.5 liters (0.4 gals.) of water per minute for fifteen minutes shall be provided at all pesticide mixing and loading stations or handler decontamination sites when the label requires protective eyewear for mixing, loading or applying. A plumbed or portable system meeting the above requirements shall be provided at all permanent mixing and loading sites.

(6) Decontamination after handling activities. At the end of any exposure period, the handler employer shall provide at the site where handlers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

#### NEW SECTION

**WAC 16-233-255 Emergency assistance—Standards for pesticide handlers—40 CFR, § 170.260.** If there is reason to believe that a person who is or has been employed by an agricultural establishment or commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer shall:

(1) Make available to that person prompt transportation from the place of employment or the handling site to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

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

(c) The circumstances of handling of the pesticide.

(d) The circumstances of exposure of that person to the pesticide.

**WSR 96-14-109**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 (Board of Pharmacy)  
 [Filed July 3, 1996, 10:25 a.m.]

This is to notify you that we are changing the location for the Board of Pharmacy's rules hearing for WAC 246-883-020 Identification of legend drugs; WSR 96-11-041.

The new location for the hearing will be at Clark Community College, 1800 East McLoughlin Boulevard, Vancouver, WA 98663, in the Central Conference Room of Gaiser Hall.

Please direct any questions to Georgia Robinson-Sage at (360)753-6834.

Donald H. Williams  
Executive Director

**WSR 96-14-110**  
**PROPOSED RULES**  
**STATE BOARD OF HEALTH**  
 [Filed July 3, 1996, 10:27 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 246-282-005 Minimum performance standards.

Purpose: The United States Food and Drug Administration (FDA) requires states engaged in interstate trade to be in compliance with standards specified in the National Shellfish Sanitation Program (NSSP) Manual of Operations Part I and Part II. Current WAC references the 1993 NSSP Manual. In order for Washington's shellfish program to be in compliance with the FDA, the state must reference the 1995 update to the NSSP Manual.

Statutory Authority for Adoption: RCW 69.30.030.

Summary: The NSSP Manual of Operations contains specific requirements for safe production, processing, and distribution of molluscan shellfish accepted by all major shellfish industry associations, shellfish producing states, and the FDA.

Reasons Supporting Proposal: Shellfish shippers in states with regulatory programs that are not approved by the FDA as being in compliance with the NSSP cannot ship their product interstate.

Name of Agency Personnel Responsible for Drafting: Ned Therien, Airdustrial Center, Building 4, Olympia, Washington, (360) 664-4374; Implementation and Enforcement: Jennifer Tebaldi/Bob Woolrich, Airdustrial Center, Building 4, Olympia, Washington, (360) 664-4374.

Name of Proponent: State Board of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule revision adopts by reference the 1996 version, as replacement for the 1993 version, of the National Shellfish Sanitation Program (NSSP) Manual of Operations Part I and II, published by the United States Department of Health Service, Food and Drug Administration (FDA). The 1993 version of the NSSP Manual was adopted in December 1994 by reference in WAC 246-282-005 (1)(a). Adoption of the 1995 version is necessary to maintain FDA approval of Washington's shellfish sanitation control program, which is required for the shellfish industry to be able to ship products in interstate commerce.

Proposal Changes the Following Existing Rules: The proposed rule changes the reference in WAC 246-282-005

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from the 1993 NSSP Manual of Operations Part I and Part II to the 1995 editions.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule is an exception to chapter 19.85 RCW, the Regulatory Fairness Act under RCW 34.05.310(4).

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The 1994 NSSP Manual is the current version of a national consensus code for the sanitary control of molluscan shellfish. The NSSP Manual was developed, and has been updated periodically, by the FDA through the interstate shellfish sanitation conference (ISSC). The ISSC is made up of shellfish industry representatives, as well as representatives of state agencies and the FDA. The NSSP Manual is a consensus code, providing nationally consistent requirements for the safe production and shipment of molluscan shellfish in interstate commerce. A notice of announcement of the 1995 version of the NSSP Manual was published by FDA in the Federal Register on March 22, 1996. Adoption of the current version of the NSSP Manual meets the intent of section 201, chapter 403, Laws of 1995, that "governments at all levels coordinate their regulatory efforts to avoid confusing and frustrating the public with overlapping or contradictory requirements."

Hearing Location: Chautauqua Lodge, 304 14th Street North, Long Beach, WA 98631, on August 14, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Ned Therien by August 7, 1996, TDD (800) 833-6388, or (360) 753-5128.

Submit Written Comments to: Ned Therien, Office of Shellfish Protection, P.O. Box 47824, Olympia, WA 98504, FAX (360) 664-8150, by August 7, 1996.

Date of Intended Adoption: August 21, 1996.

July 2, 1996  
Sylvia I. Beck  
Executive Director  
State Board of Health

**AMENDATORY SECTION** (Amending WSR 94-23-026, filed 11/8/94, effective 12/9/94)

**WAC 246-282-005 Minimum performance standards.** (1) Every person engaged in a shellfish operation shall comply with and shall be subject to:

(a) The "satisfactory compliance" standards of the ((1993)) 1995 revision of the National Shellfish Sanitation Program (NSSP) Manual of Operations Part I and II, published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration. Copies can be obtained through the U.S. Food and Drug Administration, Shellfish Sanitation Branch, and the Washington state department of health, office of shellfish programs.

(b) All other provisions of this chapter.

(2) Where a "satisfactory compliance" provision is inconsistent with a provision otherwise established under this chapter or other state law or rule, the more stringent provision, as determined by the department, shall apply.

**WSR 96-14-111**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
[Filed July 3, 1996, 10:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-049.

Title of Rule: EMS intermediate life support (ILS) certification level.

Purpose: To establish the new voluntary intermediate life technician (ILS) level certification.

Other Identifying Information: In accordance with chapter 65, Laws of 1995, the department is establishing a new level of certification, for intermediate life support technician.

Statutory Authority for Adoption: Chapter 18.71 RCW.

Statute Being Implemented: RCW 18.71.200 and 18.71.205.

Summary: This rule adds a new level of intermediate life support (ILS) technician. This technician will be trained to administer IV therapy, use multi-lumen airway adjuncts, defibrillators and administer limited medications. This rule establishes training and continued education requirements.

Reasons Supporting Proposal: This rule will enhance the providers ability to intervene in major medical or traumatic emergencies especially in rural areas where transport times are long and every minute counts.

Name of Agency Personnel Responsible for Drafting: Dolly Fernandes, 2725 Harrison Avenue N.W., (360) 705-6718; Implementation: Sudha Shetty, 2725 Harrison Avenue N.W., (360) 705-6748; and Enforcement: Jack Cvitanovic/Rick Buell, 2725 Harrison Avenue N.W., (360) 705-6712.

Name of Proponent: Department of health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule adds a new level of intermediate life support (ILS) technician. This technician will be trained to administer IV therapy, use multi-lumen airway adjuncts, defibrillators and administer limited medications. Establishing the new intermediate life technician (ILS) level will enhance the providers ability to intervene in major medical or traumatic emergencies especially in rural areas where transport times are long and every minute counts. The training for the ILS technician will be considerably less than that for paramedics and relatively easier to obtain and maintain skills learned. This level has been determined by the Office of Emergency Medical and Trauma Prevention together with Medical Program Directors (MPD's) and Washington State Medical Association (WSMA) and WMS Standards Committee and other provider groups.

Proposal Changes the Following Existing Rules: Amends WAC 246-976-140 to add a new certification level - intermediate life support technicians.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Background: Under current regulation, the Department of Health offers three certification levels for emergency medical service (EMS) providers: Basic life support,

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intermediate and advanced life support (ALS). In 1995, Washington's legislature passed legislation which allowed for establishing an intermediate life support (ILS) technician certification. An ILS certified technician will be allowed to administer certain drugs and therapies that currently require an ALS certification.

The ILS certification expands the providers ability to intervene in major medical or traumatic emergencies. This is especially important in situations where transport times are long or when early intervention is important. This situation led to the Department of Health's decision to provide funding for ILS certification. However, this is a voluntary program, Washington will not require EMS workers to obtain an ILS certification as a condition of employment. The Department of Health's Office of Emergency Medical and Trauma Prevention (EMTP) sought assistance from several health committees and EMS providers while drafting rules to create the ILS certification.

The Regulatory Fairness Act, chapter 19.85 RCW, requires the department to conduct a small business economic impact statement (SBEIS) for proposed rules that have more than minor impact on small businesses. The Office of EMTP conducted the following small business economic impact statement (SBEIS) to meet this requirement.

*As shown in the following economic analysis - no significant negative impact on either small or large businesses will result from adoption of these rules.*

This report contains two sections. The first section, economic impact analysis, was used by the Office of EMTP in determining program costs associated with voluntary compliance of ILS certification. The second section contains

the SBEIS. This section addresses the impact of the proposed voluntary certification on small businesses and whether the impact is disproportionate compared to large businesses.

ECONOMIC IMPACT ANALYSIS  
Cost of Compliance

Although the impact of the proposed rule on the business revenue is often to evaluate the cost of compliance, the Office of EMTP has determined that the average "cost per employee" would be a more effective measure of economic impact. Due to the fact that this ILS certification is purely voluntary on the part of the potentially impacted businesses, an analysis of revenue would not be pertinent.

Costs "per employee" were calculated based on industry averages and did not consider the variability of the current levels of training of various employees. Specific details regarding levels of training of all employees were not sought by the Department of Health. Various levels of training generated dramatic variances in reported costs (i.e., the cost of voluntary compliance reported for training a technician from BLS to ILS ranged from \$0.00 to \$850.00 per employee).

The sample data is assumed to be a representation of all potentially - impacted businesses, and the conclusion made in this section can be used for making generalizations as to the economic impact of the proposed rule. However, conclusions derived from the data should not be considered statistically significant.

Region	Salary per hour	Backfill Salary	Hours of Training
1. North	\$ 7.29	\$ 7.29	30
2. Northwest	\$ 6.25	\$ 6.25	16
3. West	\$ 10.00	\$15.00	34
4. South Central	-	-	-
<b>Averages</b>	<b>\$7.85</b>	<b>\$9.51</b>	<b>26.67</b>

**Average cost per Employee**  
\$7.85 + \$9.51 x 26.67 HRS      **\$463.00**

SMALL BUSINESS ECONOMIC IMPACT STATEMENT  
Industry Analysis

The four-digit standard industrial classification (SIC) codes for the potentially impacted industries are listed below:

SIC Code	Standard Industrial Class	Industry Description
4119	Passenger Transportation (not elsewhere classified)	Establishments engaged primarily in furnishing miscellaneous passenger transportation. i.e. ambulance service
4522	Air Transportation	Non Scheduled Air Transportation
8049	Nurses	Establishments of health practitioners engaged in the practice of health fields, not elsewhere classified. i.e. Nurses

The Office of EMTP analyzed the following SIC codes to evaluate the impact:

1. **SIC code 4522 - Air Transportation.** There are seven air ambulances businesses (AAB) in Washington state of which;

- a) Three AAB's were "not for profit," were hospital based and were in some way publicly funded.
- b) Two private AAB's said they would not be impacted at all as they use advanced life support technician.

c) One business provided the plane for emergency use but did not employ any prehospital emergency medical personnel.

d) One business was under investigation and was excluded from this evaluation.

Hence, air transportation would not be impacted by the ILS certification.

2. **SIC code 8049 - Nurses.** Nurse representatives from the following organizations were sent a draft of the ILS rules for review and comment; (a) executive director of Nursing Commission; (b) United Staff Nurses Union; (c) Washington State Nurses Association; (d) ARNPs; and (e) NW One. The overwhelming response was that there would be no impact on them.

In preparing this SBEIS, the Office of EMTP used SIC Code 4119, Passenger Transportation which has a minor impact threshold of \$97.00. As seen in the economic impact

statement the impact of the proposed rule, is above this threshold.

The ambulance service industry potentially impacted by the proposed rule is comprised of "for profit" and "not for profit" businesses that are staffed with paid and volunteer personnel. In order to identify the number of paid employees and the impact of the proposed rules on the businesses, the Office of EMTP conducted a survey of all licensed small ambulance companies.

METHODOLOGY

A mail-in survey was considered the best method for obtaining information on the impact of the proposed rule and the cost of compliance. A draft survey was sent to the following individuals for their review and input.

Name of Business	Point of Contact
1. CARE Ambulance	Mike Kytta
2. Ballard Ambulance	Jeff Ballard
3. Mason County Ambulance	Tim Mckern

Modifications to the survey were made after input was received from the individuals. The final mail-in survey was sent to a total of twenty-one ambulance services statewide with fifty or fewer EMS certified personnel. Seventeen of them responded to the questionnaire, this represents an overall response rate of 82%.

The following information was generated as a result of the survey:

Query #	Query	Yes	No	Don't Know
2.	Are you a 'Small Business?'	88 %	12%	N/A
3.	Will you hire ILS technicians?	42%	23%	35%
4.	Will ILS benefit your business?	76%	24%	N/A
5.	Do you anticipate additional costs?	-	100%	N/A

**Steps taken by the agency to reduce the costs of the rule on small businesses or reasonable justification for not doing so.**

The Office of Emergency Medical and Trauma Prevention has two reasons for not mitigating small business costs. (1) Legislation (SHB 1427) passed in 1995, mandated in creating a new level of certification to meet the needs. (2) The only way to mitigate is to lower the hours of education thus lowering the standards. This would have a potential of jeopardizing the lives in the rural areas and thus unacceptably lower the standards of care.

**How the agency involved small businesses in the development of the rule.**

All statutory and other EMS and Trauma Care Committees participated in drafting the WACs. The draft WACs were then mailed to members of the EMS Education Committee, Governor's Steering Committee for EMS and Trauma, Prehospital Technical Advisory Committee, Medical Program Directors, Washington State Medical Association's Standards Committee and other interested parties. These committees include representation from both small and large impacted businesses. Two public WAC development work sessions were held in October and November 1995 in Spokane and Seattle respectively. The final draft of the

WAC has been sent out to all parties involved in the process. In addition to conducting the survey the Office of EMTP got input from the Washington Ambulance Association, the major trade group that represents ambulance transport businesses in Washington.

**Provide a list of industries that will be required to comply with the rule.**

The only businesses that may voluntarily hire an ILS technician are those licensed by the Office of EMTP. No business will be required to comply with the proposed rules, as hiring of ILS technician is a voluntary option. Following is a list of all ambulance services licensed with the Office of EMTP. This list represents those businesses who are potentially impacted by the intermediate life support technician certification rule.

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ILS SURVEY  
WASHINGTON PRIVATE AMBULANCE SERVICES

AGENCY	Phone #	Survey Responder	Position	Address
A+ Ambulance, Inc.	509-586-9149	Greg Klick	Chief Operating Officer	P.O. Box 5455 Kennewick, 99336
Advanced Life Systems	509-574-8444	Gene O'Dell	Operations Manager	2106 W. Washington Ave. Yakima, 98903
American Ambulance	509-786-3285	Natalie McCombs	Gopher	1332 Prosser Ave. Prosser, WA 99350
American Ambulance	360-636-3120	Debbie Jones	Operations Manager	946 Washington Way Longview, 98632
Cascade Ambulance Svc. Inc.	360-738-3144	Anson Chamblin	QA Supervisor	2209 Woburn St. Bellingham, WA 98226
Cascade Cabulance and First Hill Ambulance Svc.	206-767-1717	David Schall	Dispatch/Supervisor	202 E. Pike St. Suite 801 Seattle, 98122
Community Ambulance	503-241-2707	Junita Kauble	Owner	P.O. Box 69128 Portland, OR 97201
King County Ambulance Co.	206-939-7290	Bruce L. Graddon	Owner	P.O. Box 1696 Auburn, WA 98071-1696
Mason County Medic One	360-425-3403	Tim McKern	Director	2019 Jefferson St. Shelton, WA 98584
Medco Ambulance Svc.	509-922-3303	Ronald Stose	President	13409 E. Sprague Ave. Spokane, 99216
Olympic Ambulance	360-377-7777	Kim Doyle	Director	2515 Cherry Place Bremerton, 98310
Olympic Ambulance Svc.	360-683-3347	Kurt VanDasun	Director of Operations	601 W. Hendrikson Rd, Sequim, 98382
Shannon Ambulance	206-672-3555	Jack J. Phillips	Vice-President	6610 208th S.W. Lynnwood, WA 98036
Stat Transport	206-623-1111	Lee Peterson	Operations Manager	2448 76th S.E. Suite 222 Mercer Is., 98040
Yakima Medic 1	509-453-6561	Melody J. Westmoreland	Director of Operations	720 N. 16 Ave., Suite 10 Yakima, 98902
A+ Ambulance	509-751-1688	John Christenson		
American/Care Ambulance	360-956-1781	Wayne McDonald	Director, Olympia Br.	P.O. Box 2664 Olympia, WA 98507
Cascade Ambulance Srv.	206-767-1717	Jay D. Davidson	Already done refer to #6	
Island Emergency Care Inc.	206-463-3744	Jolene M. Lamb		
Olympic Ambulance	360-491-3200	Mary Gregory	Director	P.O. Box 5396 Lacey, WA 98503
Vashon Ambulance Service	206-463-6434	Lin Noah		OUT OF SERVICE

A copy of the statement may be obtained by writing to: Sudha Shetty, 2725 Harrison Avenue N.W., Suite 500, P.O. Box 47853, Olympia, WA 98504-7853, phone (360) 705-6748, or FAX (360) 705-6706.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. This rule is legislatively significant. This rule establishes a new certification level in accordance with chapter 65, Laws of 1995.

Hearing Location: Department of Health, Target Hearing Room, 2725 Harrison Avenue N.W., Suite 500, Olympia, WA 98504-7853, on August 6, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Sudha Shetty by July 29, 1996, TDD (800) 833-6388, or (360) 705-6748.

Submit Written Comments to: Janet Griffith, Director, Mailstop 47853, Olympia, Washington 98504-7583, FAX (360) 705-6706, by July 29, 1996.

Date of Intended Adoption: August 7, 1996.

July 2, 1996

Mimi Fields, MD, MPH  
for Bruce A. Miyahara  
Secretary

#### NEW SECTION

**WAC 246-976-076 Intermediate life support training—Course content, registration, instructor qualifications.** (1) For initial intermediate life support training, the department shall recognize those sections of the United States Department of Transportation Emergency Medical

Technician - Intermediate Course, as amended by the department. The training will include IV therapy and intraosseous infusion, the use of multilumen airway adjuncts, defibrillators and the following medications which can only be administered per the written medical program director protocols:

(a) Epinephrine for anaphylaxis administered by an auto-injector which is commercially preloaded with a measured dose;

(b) Albuterol administered by inhalation;

(c) Dextrose fifty percent and twenty-five percent;

(d) Nitroglycerine administered sublingually and/or spray;

(e) Naloxone.

(2) The department shall establish and publish procedures for agencies conducting intermediate life support training courses, including:

(a) The registration process;

(b) MPD responsibilities, including approval of course content and instructional personnel;

(c) Requirements, functions, and responsibilities of course instructional and administrative personnel;

(d) Necessary administrative forms and information to conduct the course;

(e) Local EMS/TC council endorsement.

(3) Training agencies shall:

(a) Obtain written approval from the department to conduct each course;

(b) Approve or deny applicants for training consistent with requirements for certification, the regional plan, and recommendations of local EMS councils, including:

(i) Age of applicant at least eighteen years at the beginning of the course;

(ii) The applicant for initial training as an intermediate life support technician shall have been a certified EMT for one certification period;

(iii) The MPD may recommend a waiver to the requirement of (b)(ii) of this subsection. The recommendation shall be in writing to the department of health;

(c) Have a written agreement with the clinical facility if it is separate from the academic facility;

(d) Ensure that clinical facilities provide departments or sections, personnel, and policies, including:

(i) Written program approval from the administrator and chief of staff;

(ii) A written agreement to participate in continuing education;

(iii) Supervised clinical experience for students during the clinical portion of the program;

(iv) An orientation program.

(4) Training agencies or local councils may give fire department, prehospital, and law enforcement personnel priority for admittance to the course.

(5) The department shall recognize county agencies established by ordinance and approved by the MPD to coordinate EMS training. Such agencies shall have the same responsibilities for selection of students and training as described in this section for the local EMS/TC councils.

## NEW SECTION

**WAC 246-976-077 Intermediate life support technicians—Continuing medical education.** During each certification period an individual holding certification as intermediate life support technician shall complete a minimum of fifty-nine hours of MPD approved CME, including:

(1) Annually:

(a) Two hours of CPR and airway management, including pediatrics;

(b) One hour of patient medical extrication, including pediatric extrication and immobilization;

(c) One hour of patient assessment, including pediatric assessment;

(2) During the current certification period:

(a) Two hours of approved training in infectious disease prevention with special emphasis on HIV/AIDS and Hepatitis B, to meet the requirements of chapter 70.24 RCW. Training shall be consistent with the curriculum manual *Infectious Disease Prevention for EMS Providers - CME Disease Prevention Manual for Emergency Medical Service Personnel*, published May 1991 by the department, or as amended by the department; or complete equivalent OSHA/WISHA required infectious disease training;

(b) Two hours of pediatrics;

(c) Forty-three additional hours of CME on topics approved by the MPD, including five hours of pharmacology education specific to the approved medications.

**AMENDATORY SECTION** (Amending Order 323, filed 12/23/92, effective 1/23/93)

**WAC 246-976-140 Certification and recertification—General requirements.** (1) The department shall establish and publish procedures for initial certification which include:

(a) Written and practical examinations for:

(i) First responders;

(ii) EMTs;

(iii) IV technicians;

(iv) Airway technicians;

(v) Intermediate life support technicians; and

(vi) Paramedics;

(b) The process for administration of written and practical examinations;

(c) Administrative requirements and the necessary forms.

(2) The department shall establish and publish procedures for renewal of certification for:

(a) The process for ongoing training and evaluation of skills for first responders and EMTs;

(b) Written and practical examinations for renewal of certification.

(3) Applicants for initial certification shall submit to the department:

(a) An application for certification of forms provided by the department;

(b) Proof of identity: A valid driver's license or other photo identification;

(c) Proof of age;

(d) Proof of completion of an approved course or courses of instruction for the level of certification sought, as described in this chapter;

(e) Proof of completion of four hours of initial HIV/AIDS training, as described in this chapter;

(f) Proof of successful completion of approved written and practical examinations within the six months prior to application. Applicants shall be allowed no more than three attempts to successfully complete the written and practical examinations;

(g) Proof of active membership, paid or volunteer, in one of the following EMS/TC organizations:

(i) Licensed provider of aid or ambulance services, including fire department or district;

(ii) Law enforcement agency; or

(iii) Other affiliated EMS/TC service;

(h) Recommendation by the MPD for certification;

(i) Other information required by this chapter.

(4) Certification shall be effective on the date the department issues the certificate, and shall be valid for a period of three years. The expiration date shall be indicated on the certification card.

(5) Applicants for renewal of certification shall submit to the department on approved forms:

(a) All the information identified in subsection (3) of this section; except, current certification shall be deemed proof of course completion, age, and initial HIV/AIDS training;

(b) Proof of completion of CME required for the level of certification sought, as defined in this chapter;

(c) Proof of maintenance of skills required for the level of recertification sought, as defined in this chapter;

(d) For first responders and EMTs, proof of successful demonstration of skills, by:

(i) Successful completion of an approved program of ongoing training and evaluation. An applicant changing from the practical examination program to the ongoing training and evaluation program shall do so before a second attempt at the practical examination; or

(ii) Passing an approved practical examination within the six months prior to application. An applicant changing from the ongoing training and evaluation program to the practical examination program shall do so by taking the practical examination prior to the end of the certification period;

(e) For IV technicians, airway technicians, ~~((⊕))~~ intermediate life support technicians and paramedics, proof that proficiency of skills has been demonstrated to the satisfaction of the MPD.

(6) Certification of IV technicians, airway technicians, intermediate life support technicians, and paramedics under this chapter shall be valid only:

(a) In the county or counties where approved by an MPD, as indicated on the certification card;

(b) In other counties where formal EMS/TC medical control agreements are in place; or

(c) In other counties when accompanying a patient in transit from a county meeting the criteria in (a) or (b) of this subsection.

## NEW SECTION

**WAC 246-976-181 Certification and recertification—Intermediate life support technician.** (1) In addition to meeting the requirements of WAC 246-976-140(3), an applicant for initial certification as an intermediate life support technician shall submit to the department documentation of current certification as an EMT or above, with a minimum of three years of active affiliation as an EMT with an EMS/TC provider unless a waiver has been approved by the department under the provisions of WAC 246-976-076 (3)(b)(iii).

(2) In addition to meeting the requirements of WAC 246-976-140(5), a currently certified intermediate life support technician applying for recertification shall submit to the department documentation of:

(a) Completion of the skills maintenance requirements for IV technicians described in WAC 246-976-170 (2)(b);

(b) Completion of skills maintenance for use of multilumen airway adjuncts as required by the MPD;

(c) Completion of skills maintenance for use of defibrillators as required by the MPD;

(d) Completion of continuing medical education as defined in WAC 246-976-077.

**WSR 96-14-115  
PROPOSED RULES  
DEPARTMENT OF  
LABOR AND INDUSTRIES**  
[Filed July 3, 1996, 10:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-084.

Title of Rule: Chapter 296-126 WAC, Standards of labor; WAC 296-126-098(2) and 296-126-224 Wearing apparel.

Purpose: To eliminate redundant language in WAC 296-126-098(2) and 296-126-224 by repealing WAC 296-126-224. Amendments to WAC 296-126-098(2) make application consistent with department authority to adopt rules relating to conditions of employment under RCW 49.12.091.

Statutory Authority for Adoption: RCW 49.12.091 (as amended by RCW 43.22.282).

Statute Being Implemented: Chapter 49.12 RCW, the Industrial Welfare Act.

Summary: The proposed amendments would require the employer to pay costs to furnish and maintain required uniforms when costs of obtaining and maintaining the uniforms would reduce the employee's wages below the minimum wage or overtime compensation.

Reasons Supporting Proposal: Joint Administrative Rules Review [Committee] request.

Name of Agency Personnel Responsible for Drafting: Greg Mowat, 7273 Linderson Way, Tumwater, WA, (360) 902-5317; Implementation: Frank Leuck, 7273 Linderson Way, Tumwater, WA, (360) 902-5495; and Enforcement: Ernest LaPalm, 7273 Linderson Way, Tumwater, WA, (360) 902-5329.

Name of Proponent: Department of Labor and Industries, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: An April 28, 1992, Joint Administrative Rules Review Committee (JARRC) letter to the department recommends formal rule making to clarify the wearing apparel rule for all affected parties.

Rule is necessary because of JARRC letter of April 28, 1992.

Explanation of Rule, its Purpose, and Anticipated Effects: The amended standard proposes that an employer would furnish and maintain apparel with an employer-designated color, style, or logo when the apparel is required by the employer and when the cost reduces the employee's wage or overtime compensation below the state minimum. The rule indicates that black and white are included among colors. It retains the "usual and customary" attire exception of the existing standard. Amendments to WAC 296-126-098(2) are consistent with department authority to enact rules governing conditions of employment when "... the wages paid to employees are inadequate to supply the necessary cost of living ..." or "... conditions of labor are detrimental to the health of employees."

Proposal Changes the Following Existing Rules: The proposed rule amends an existing rule to clarify that employer-required wearing apparel is a condition of labor appropriate for regulation when the requirement interferes with an employee's right to minimum wage or overtime compensation.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

**Small Business Economic Impact Statement**

**Introduction:** In response to legislative requests and industry concerns, labor and industries (L&I) is proposing amendments to chapter 296-126 WAC that make application consistent with the department's authority to adopt rules relating to conditions of employment under RCW 49.12.091. In order to ensure clarity and consistency in regards to an employer's financial responsibility for purchasing and laundering employer-required uniforms, the department is proposing modifications to existing language concerning wearing apparel and minimum wage. The department further hopes to clarify expectations in situations of noncompliance.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that the economic impact of proposed regulations be analyzed in relation to small business, and outlines the

information that must be included in a small business economic impact statement (SBEIS). Preparation of an SBEIS is required when a proposed rule has the potential of placing a more than minor economic impact on business.

In this instance, and due to the fact that the proposed rule would reduce an employer's financial responsibility in regards to employee uniforms, the proposed rule does not have the potential of placing a more than minor economic impact on business. Thus, an SBEIS is not required.

However, in order to provide information for both internal and external customers, the department has decided to conduct an SBEIS that will evaluate the potential economic impact of compliance for various sized businesses.

**Summary of Proposed Rule:** The department is proposing to make amendments to WAC 296-126-098(2) and to repeal WAC 296-126-224. Amendments to WAC 296-126-098(2) will include:

- Clarification of the definition of uniform.
- Clarification of an employer's financial responsibility concerning uniforms and the laundering of uniforms. Including language that reduces an employer's financial obligation for employee uniforms. As currently defined in WAC, an employer is responsible for the entire cost of uniforms. The proposed rule will establish that an employer is responsible for costs associated with uniforms, possibly including laundering, only when the cost of the uniform reduces an employee's hourly wage below the current minimum wage, based on that employee's earnings in a work week.
- For further clarification, examples for making determinations of financial responsibility are also included in the proposed language.

**Industry Analysis:** The department recognizes that there are many employers in many industries that may require the wearing of uniforms (e.g., security guards and hospital employees). However, in order to effectively capture the most significant potential economic impacts on business, the department is focusing this analysis on those industries that have been in contact with the department and the legislature concerning this specific issue. Those industries include grocery stores, restaurants, and drinking establishments.

The four-digit Standard Industrial Classification (SIC) codes for the potentially impacted industries are listed below (Table 1 and Table 2), data were provided by the Employment Security Department in conjunction with the Department of Revenue:

**Table 1. SIC Data**

SIC	Industry Classification	Number of All Businesses	Number of Large Businesses	Number of Small Businesses	Total Employees	Employees Per Large Business	Employees Per Small Business
5411	Grocery Stores	*	*	*	*	*	*
5812	Eating Places	*	*	*	*	*	*
5813	Drinking Places	*	*	*	*	*	*
	Totals	10,955	540	10,415	221,916	119,851	102,065

Table 2. SIC Data

SIC	Industry Classification	Average Employees Per Large Business	Average Employees Per Small Business
5411	Grocery Stores	*	*
5812	Eating Places	*	*
5813	Drinking Places	*	*
	Averages	222	10

\* Due to an interagency agreement with the Employment Security Department, and in order to ensure confidentiality, specific information at the four-digit SIC level has been omitted.

Based on the information above, five percent of the potentially impacted businesses would be considered "large" businesses, and have fifty or more employees.

**Cost of Compliance:** In order to determine a reasonable industry average cost, such as the average "cost per employee" as required by the Regulatory Fairness Act, the department must be able to answer the following questions for each employer:

- Is a uniform (as defined in the proposed rule) required by the employer?
- How many employees does the employer have?
- How many of the employees wear uniforms?
- What are the wages of employees required to wear uniforms?
- What are the number of hours worked per week by employees required to wear uniforms?
- What do the uniforms cost?
- How much would be spent on uniforms within a one week period?
- Are different employees required to wear different uniforms?
- What are the laundering costs of the uniform?
- How many, and how often, will uniforms be purchased and/or replaced?

The department has prepared a scenario analysis (Appendix - A) that will calculate potential compliance costs, taking into consideration the many variables listed above, for thirty different employers. Average costs will then be calculated for large and small businesses for comparative purposes, thus meeting the requirements of the Regulatory Fairness Act. Although the scenario analysis will be based on assumptions concerning the potentially impacted industries, the department is confident that the results will allow for a reasonable evaluation of compliance costs and disproportionality (on a "cost per employee" basis). The analysis should also provide industry with general information that will enable employers to more accurately evaluate how the proposed rule may affect them.

Due to the number of issues involved in this scenario analysis, the following assumptions will be made:

- Seventy-five percent of the employers in the potentially impacted industries require uniforms for various percentages of their employees.
- Twenty-five percent of the employers in the potentially impacted industries do not require uniforms.

- Seventy-five percent of the employees of an employer requiring uniforms would wear uniforms.
- Uniform costs include the cost of laundering.
- Minimum wage is \$4.90/hour.
- All employees required to wear uniforms work forty hours per week.
- All employees required to wear uniforms are paid the same, but wages vary among employers.
- Each employer requires only one type of uniform.

The scenario analysis involves iterations of the following variables:

1. *Cost of Uniform(s)*, including laundering\*, will vary between \$25 and \$200.
2. *Number of Employees* will be based on the average size of a small employer (10 employees), and a large employer (222 employees).
3. *Average Wage* of employees required to purchase a uniform will vary between minimum wage (\$4.90/hour) and \$10.00/hour.

\* *Laundering costs do not apply to "wash & wear" clothing that do not require professional cleaning.*

A summary of the scenario analysis is presented below (Table 3):

Table 3. Scenario Analysis Summary

Number of employers	60
Number of large employers	5
Number of small employers	55
Average cost/business	\$532
Average cost/large business	\$5,089
Average cost/small business	\$118
Average cost/employee	\$32.
Average cost/employee large business	\$38
Average cost/employee small business	\$20

**Disproportionate Economic Impact:** The Regulatory Fairness Act requires that the average cost for small business be compared to the average cost for the ten percent of businesses that are the largest businesses. Based on the information available (including departmental assumptions), and without the benefit of a comprehensive survey of the potentially impacted industries, the department considers the scenario analysis to be "reasonable" information to use in analyzing potential disproportionality. A comparison of the average cost of compliance, per employee, was made using information from the scenario analysis.

The average cost per employee for a small business was \$28 and the average cost per employee for a large business was \$26. These figures equate to a comparative cost ratio\* of 1.08, implying that small employers would, on average, pay eight percent more than large employers on a per

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employee basis. The department does not consider these findings to be indicative of a disproportionate economic impact.

- \* *A Comparative Cost Ratio represents the difference in expenditures between large and small employers. A comparative cost ratio of less than one indicates that large businesses are paying more per employee than small businesses, a ratio of one indicates that both large and small employers pay the same, and a ratio of greater than one indicates that small businesses are paying more per employee than large businesses.*

**Continuing Cost of Compliance:** Although the department recognizes that employers may realize varying costs associated with uniforms in the future, this analysis has been simplified by focusing on potential costs for a one-week period. The number of uniforms required over a period of time, and the replacement rate of uniforms, are indeterminate at this time.

**Additional Information:** A wage sensitivity analysis (Appendix - B) and a threshold analysis (Appendix - C) have been included to provide additional information concerning possible costs for both employers and employees based on varying hourly wages and uniform costs, including laundering.

**Involvement of Small Business:** The department has been in contact with the following industry representatives, involving both labor and management:

- Washington State Labor Council
- United Food and Commercial Workers, Local 1105
- Service Employees International Union
- Teamsters Union
- Association of Washington Business
- Restaurant Association of the State of Washington
- Washington Food Dealers Association
- Hotel Employees and Restaurant Employees, Local 8

Although the financial responsibility of uniforms and uniform laundering has been an on-going labor-management topic of discussion and contention for many years, the department was able to obtain feedback concerning the many drafts of the proposed rule. Feedback was considered, and in some instances incorporated into the rule.

**Professional Services:** Since an employer requiring uniforms is responsible, in some instances, for the costs associated with the laundering of those uniforms, the professional services of a laundry or cleaning business may be required. These costs were considered as part of the uniform cost in the scenario analysis.

**Conclusion:** At the request of the legislature and various industries, the department is proposing amendments to rules concerning an employer's financial responsibility for employee-wearing apparel. Although not required by statute to conduct an SBEIS, the department has evaluated the cost of compliance associated with the proposed rule to provide additional information for both internal and external customers. To evaluate the potential of a disproportionate economic impact to small business, the department has made multiple assumptions concerning the potential impact of the proposed rule on three likely-impacted industries: Grocery stores, eating places, and drinking places. The findings of the

scenario analysis, which analyzed impacts for thirty different scenarios, were that the proposed rule would not place a disproportionate economic impact on small business.

SCENARIO ANALYSIS

Appendix - A

PROPOSED

	Number of Employees	Number of Employees* w/ Uniforms (75%)	Hourly Wage for Employee w/ Uniform	Weekly Wage for Employee w/ Uniform	Cost of Uniform	Employer Contribution/Employee	Employee Contribution	Total Employer Contribution	Cost/Employee
Employer #1	10	8	\$4.90	\$196	\$25	\$25	\$0	\$200	\$20
Employer #2	10	8	\$4.90	\$196	\$50	\$50	\$0	\$400	\$40
Employer #3	10	8	\$4.90	\$196	\$100	\$100	\$0	\$800	\$80
Employer #4	10	8	\$4.90	\$196	\$200	\$200	\$0	\$1,600	\$160
Employer #5	10	8	\$5.50	\$220	\$25	\$1	\$24	\$8	\$1
Employer #6	10	8	\$5.50	\$220	\$50	\$26	\$24	\$208	\$21
Employer #7	10	8	\$5.50	\$220	\$100	\$76	\$24	\$608	\$61
Employer #8	10	8	\$5.50	\$220	\$200	\$176	\$24	\$1,408	\$141
Employer #9	10	8	\$7.50	\$300	\$25	\$0	\$25	\$0	\$0
Employer #10	10	8	\$7.50	\$300	\$50	\$0	\$50	\$0	\$0
Employer #11	10	8	\$7.50	\$300	\$100	\$0	\$100	\$0	\$0
Employer #12	10	8	\$7.50	\$300	\$200	\$96	\$104	\$768	\$77
Employer #13	10	8	\$10.00	\$400	\$25	\$0	\$25	\$0	\$0
Employer #14	10	8	\$10.00	\$400	\$50	\$0	\$50	\$0	\$0
Employer #15	10	8	\$10.00	\$400	\$100	\$0	\$100	\$0	\$0
Employer #16	10	8	\$10.00	\$400	\$200	\$0	\$200	\$0	\$0
Employer #17	222	167	\$4.90	\$196	\$100	\$100	\$0	\$16,700	\$75
Employer #18	222	167	\$5.50	\$220	\$100	\$76	\$24	\$12,692	\$57
Employer #19	222	167	\$7.50	\$300	\$100	\$0	\$100	\$0	\$0
Employer #20	222	167	\$10.00	\$400	\$100	\$0	\$100	\$0	\$0
Employer #21	10	8	\$4.90	\$196	\$100	\$100	\$0	\$800	\$80
Employer #22	10	8	\$7.50	\$300	\$200	\$96	\$104	\$768	\$77
Employer #23	10	8	\$4.90	\$196	\$0	\$0	\$0	\$0	\$0
Employer #24	10	8	\$5.50	\$220	\$0	\$0	\$0	\$0	\$0
Employer #25	10	8	\$5.50	\$220	\$0	\$0	\$0	\$0	\$0
Employer #26	10	8	\$7.50	\$300	\$0	\$0	\$0	\$0	\$0
Employer #27	10	8	\$7.50	\$300	\$0	\$0	\$0	\$0	\$0
Employer #28	10	8	\$10.00	\$400	\$0	\$0	\$0	\$0	\$0
Employer #29	10	8	\$10.00	\$400	\$0	\$0	\$0	\$0	\$0
Employer #30	222	167	\$5.50	\$220	\$0	\$0	\$0	\$0	\$0

\* The number of employees with uniforms has been rounded to the nearest whole-number

Number of Businesses by Size

Small Businesses	25	83%
Large Businesses	5	17%
All Businesses	30	100%

Total Number of Employees by Size

Small Businesses	250	18%
Large Businesses	1,110	82%
All Businesses	1,360	100%

Average Cost "Per Business"

Small Businesses	\$303
Large Businesses	\$5,878
All Businesses	\$1,232

Average Cost "Per Employee"

Small Businesses	\$30
Large Businesses	\$26
All Businesses	\$27

WAGE SENSITIVITY ANALYSIS (Based on varying uniform costs, including laundering costs)

Appendix - B

UNIFORM COST #1		\$25.00	
THRESHOLD WAGE*		\$5.53	
Hourly Wage	Weekly Income	Employee Contribution for Uniform	Employer Contribution for Uniform
\$4.90	\$196.00	\$0.00	\$25.00
\$5.00	\$200.00	\$4.00	\$21.00
\$5.10	\$204.00	\$8.00	\$17.00
\$5.20	\$208.00	\$12.00	\$13.00
\$5.30	\$212.00	\$16.00	\$9.00
\$5.40	\$216.00	\$20.00	\$5.00
\$5.50	\$220.00	\$24.00	\$1.00
\$5.60	\$224.00	\$25.00	\$0.00
\$5.70	\$228.00	\$25.00	\$0.00
\$5.80	\$232.00	\$25.00	\$0.00
\$5.90	\$236.00	\$25.00	\$0.00
\$6.00	\$240.00	\$25.00	\$0.00
\$6.10	\$244.00	\$25.00	\$0.00
\$6.20	\$248.00	\$25.00	\$0.00
\$6.30	\$252.00	\$25.00	\$0.00
\$6.40	\$256.00	\$25.00	\$0.00
\$6.50	\$260.00	\$25.00	\$0.00
\$6.60	\$264.00	\$25.00	\$0.00
\$6.70	\$268.00	\$25.00	\$0.00
\$6.80	\$272.00	\$25.00	\$0.00

UNIFORM COST #2		\$50.00	
THRESHOLD WAGE		\$6.15	
Hourly Wage	Weekly Income	Employee Contribution for Uniform	Employer Contribution for Uniform
\$4.90	\$196.00	\$0.00	\$50.00
\$5.00	\$200.00	\$4.00	\$46.00
\$5.10	\$204.00	\$8.00	\$42.00
\$5.20	\$208.00	\$12.00	\$38.00
\$5.30	\$212.00	\$16.00	\$34.00
\$5.40	\$216.00	\$20.00	\$30.00
\$5.50	\$220.00	\$24.00	\$26.00
\$5.60	\$224.00	\$28.00	\$22.00
\$5.70	\$228.00	\$32.00	\$18.00
\$5.80	\$232.00	\$36.00	\$14.00
\$5.90	\$236.00	\$40.00	\$10.00
\$6.00	\$240.00	\$44.00	\$6.00
\$6.10	\$244.00	\$48.00	\$2.00
\$6.20	\$248.00	\$50.00	\$0.00
\$6.30	\$252.00	\$50.00	\$0.00
\$6.40	\$256.00	\$50.00	\$0.00
\$6.50	\$260.00	\$50.00	\$0.00
\$6.60	\$264.00	\$50.00	\$0.00
\$6.70	\$268.00	\$50.00	\$0.00
\$6.80	\$272.00	\$50.00	\$0.00

UNIFORM COST #3		\$75.00	
THRESHOLD WAGE		\$6.78	
Hourly Wage	Weekly Income	Employee Contribution for Uniform	Employer Contribution for Uniform
\$4.90	\$196.00	\$0.00	\$75.00
\$5.00	\$200.00	\$4.00	\$71.00
\$5.10	\$204.00	\$8.00	\$67.00
\$5.20	\$208.00	\$12.00	\$63.00
\$5.30	\$212.00	\$16.00	\$59.00
\$5.40	\$216.00	\$20.00	\$55.00
\$5.50	\$220.00	\$24.00	\$51.00
\$5.60	\$224.00	\$28.00	\$47.00
\$5.70	\$228.00	\$32.00	\$43.00
\$5.80	\$232.00	\$36.00	\$39.00
\$5.90	\$236.00	\$40.00	\$35.00
\$6.00	\$240.00	\$44.00	\$31.00
\$6.10	\$244.00	\$48.00	\$27.00
\$6.20	\$248.00	\$52.00	\$23.00
\$6.30	\$252.00	\$56.00	\$19.00
\$6.40	\$256.00	\$60.00	\$15.00
\$6.50	\$260.00	\$64.00	\$11.00
\$6.60	\$264.00	\$68.00	\$7.00
\$6.70	\$268.00	\$72.00	\$3.00
\$6.80	\$272.00	\$75.00	\$0.00

PROPOSED

\* The THRESHOLD WAGE is the minimum hourly wage an employer would be required to compensate and not be financially responsible for reimbursing an employee for the cost of a uniform, uniform laundering, or both

**WAGE SENSITIVITY ANALYSIS (Based on varying uniform costs, including laundering costs)**

Appendix - B

PROPOSED

UNIFORM COST #4		\$100.00	
THRESHOLD WAGE*		\$7.40	
Hourly Wage	Weekly Income	Employee Contribution for Uniform	Employer Contribution for Uniform
\$4.90	\$196.00	\$0.00	\$100.00
\$5.00	\$200.00	\$4.00	\$96.00
\$5.10	\$204.00	\$8.00	\$92.00
\$5.20	\$208.00	\$12.00	\$88.00
\$5.30	\$212.00	\$16.00	\$84.00
\$5.40	\$216.00	\$20.00	\$80.00
\$5.50	\$220.00	\$24.00	\$76.00
\$5.60	\$224.00	\$28.00	\$72.00
\$5.70	\$228.00	\$32.00	\$68.00
\$5.80	\$232.00	\$36.00	\$64.00
\$5.90	\$236.00	\$40.00	\$60.00
\$6.00	\$240.00	\$44.00	\$56.00
\$6.10	\$244.00	\$48.00	\$52.00
\$6.20	\$248.00	\$52.00	\$48.00
\$6.30	\$252.00	\$56.00	\$44.00
\$6.40	\$256.00	\$60.00	\$40.00
\$6.50	\$260.00	\$64.00	\$36.00
\$6.60	\$264.00	\$68.00	\$32.00
\$6.70	\$268.00	\$72.00	\$28.00
\$6.80	\$272.00	\$76.00	\$24.00
\$6.90	\$276.00	\$80.00	\$20.00
\$7.00	\$280.00	\$84.00	\$16.00
\$7.10	\$284.00	\$88.00	\$12.00
\$7.20	\$288.00	\$92.00	\$8.00
\$7.30	\$292.00	\$96.00	\$4.00
\$7.40	\$296.00	\$100.00	\$0.00
\$7.50	\$300.00	\$100.00	\$0.00
\$7.60	\$304.00	\$100.00	\$0.00
\$7.70	\$308.00	\$100.00	\$0.00
\$7.80	\$312.00	\$100.00	\$0.00
\$7.90	\$316.00	\$100.00	\$0.00
\$8.00	\$320.00	\$100.00	\$0.00
\$8.10	\$324.00	\$100.00	\$0.00
\$8.20	\$328.00	\$100.00	\$0.00
\$8.30	\$332.00	\$100.00	\$0.00
\$8.40	\$336.00	\$100.00	\$0.00
\$8.50	\$340.00	\$100.00	\$0.00
\$8.60	\$344.00	\$100.00	\$0.00
\$8.70	\$348.00	\$100.00	\$0.00
\$8.80	\$352.00	\$100.00	\$0.00
\$8.90	\$356.00	\$100.00	\$0.00

UNIFORM COST #5		\$150.00	
THRESHOLD WAGE		\$8.65	
Hourly Wage	Weekly Income	Employee Contribution for Uniform	Employer Contribution for Uniform
\$4.90	\$196.00	\$0.00	\$150.00
\$5.00	\$200.00	\$4.00	\$146.00
\$5.10	\$204.00	\$8.00	\$142.00
\$5.20	\$208.00	\$12.00	\$138.00
\$5.30	\$212.00	\$16.00	\$134.00
\$5.40	\$216.00	\$20.00	\$130.00
\$5.50	\$220.00	\$24.00	\$126.00
\$5.60	\$224.00	\$28.00	\$122.00
\$5.70	\$228.00	\$32.00	\$118.00
\$5.80	\$232.00	\$36.00	\$114.00
\$5.90	\$236.00	\$40.00	\$110.00
\$6.00	\$240.00	\$44.00	\$106.00
\$6.10	\$244.00	\$48.00	\$102.00
\$6.20	\$248.00	\$52.00	\$98.00
\$6.30	\$252.00	\$56.00	\$94.00
\$6.40	\$256.00	\$60.00	\$90.00
\$6.50	\$260.00	\$64.00	\$86.00
\$6.60	\$264.00	\$68.00	\$82.00
\$6.70	\$268.00	\$72.00	\$78.00
\$6.80	\$272.00	\$76.00	\$74.00
\$6.90	\$276.00	\$80.00	\$70.00
\$7.00	\$280.00	\$84.00	\$66.00
\$7.10	\$284.00	\$88.00	\$62.00
\$7.20	\$288.00	\$92.00	\$58.00
\$7.30	\$292.00	\$96.00	\$54.00
\$7.40	\$296.00	\$100.00	\$50.00
\$7.50	\$300.00	\$104.00	\$46.00
\$7.60	\$304.00	\$108.00	\$42.00
\$7.70	\$308.00	\$112.00	\$38.00
\$7.80	\$312.00	\$116.00	\$34.00
\$7.90	\$316.00	\$120.00	\$30.00
\$8.00	\$320.00	\$124.00	\$26.00
\$8.10	\$324.00	\$128.00	\$22.00
\$8.20	\$328.00	\$132.00	\$18.00
\$8.30	\$332.00	\$136.00	\$14.00
\$8.40	\$336.00	\$140.00	\$10.00
\$8.50	\$340.00	\$144.00	\$6.00
\$8.60	\$344.00	\$148.00	\$2.00
\$8.70	\$348.00	\$150.00	\$0.00
\$8.80	\$352.00	\$150.00	\$0.00
\$8.90	\$356.00	\$150.00	\$0.00

UNIFORM COST #6		\$200.00	
THRESHOLD WAGE		\$9.90	
Hourly Wage	Weekly Income	Employee Contribution for Uniform	Employer Contribution for Uniform
\$6.20	\$248.00	\$52.00	\$148.00
\$6.30	\$252.00	\$56.00	\$144.00
\$6.40	\$256.00	\$60.00	\$140.00
\$6.50	\$260.00	\$64.00	\$136.00
\$6.60	\$264.00	\$68.00	\$132.00
\$6.70	\$268.00	\$72.00	\$128.00
\$6.80	\$272.00	\$76.00	\$124.00
\$6.90	\$276.00	\$80.00	\$120.00
\$7.00	\$280.00	\$84.00	\$116.00
\$7.10	\$284.00	\$88.00	\$112.00
\$7.20	\$288.00	\$92.00	\$108.00
\$7.30	\$292.00	\$96.00	\$104.00
\$7.40	\$296.00	\$100.00	\$100.00
\$7.50	\$300.00	\$104.00	\$96.00
\$7.60	\$304.00	\$108.00	\$92.00
\$7.70	\$308.00	\$112.00	\$88.00
\$7.80	\$312.00	\$116.00	\$84.00
\$7.90	\$316.00	\$120.00	\$80.00
\$8.00	\$320.00	\$124.00	\$76.00
\$8.10	\$324.00	\$128.00	\$72.00
\$8.20	\$328.00	\$132.00	\$68.00
\$8.30	\$332.00	\$136.00	\$64.00
\$8.40	\$336.00	\$140.00	\$60.00
\$8.50	\$340.00	\$144.00	\$56.00
\$8.60	\$344.00	\$148.00	\$52.00
\$8.70	\$348.00	\$152.00	\$48.00
\$8.80	\$352.00	\$156.00	\$44.00
\$8.90	\$356.00	\$160.00	\$40.00
\$9.00	\$360.00	\$164.00	\$36.00
\$9.10	\$364.00	\$168.00	\$32.00
\$9.20	\$368.00	\$172.00	\$28.00
\$9.30	\$372.00	\$176.00	\$24.00
\$9.40	\$376.00	\$180.00	\$20.00
\$9.50	\$380.00	\$184.00	\$16.00
\$9.60	\$384.00	\$188.00	\$12.00
\$9.70	\$388.00	\$192.00	\$8.00
\$9.80	\$392.00	\$196.00	\$4.00
\$9.90	\$396.00	\$200.00	\$0.00
\$10.00	\$400.00	\$200.00	\$0.00
\$10.10	\$404.00	\$200.00	\$0.00
\$10.20	\$408.00	\$200.00	\$0.00

\* The THRESHOLD WAGE is the minimum hourly wage an employer would be required to compensate and not be financially responsible for reimbursing an employee for the cost of a uniform, uniform laundering, or both

**THRESHOLD WAGE (Based on varying uniform costs, including laundering costs)**

Appendix - C

The THRESHOLD WAGE is the minimum hourly wage an employer would be required to compensate and not be financially responsible for reimbursing an employee for the cost of a uniform, uniform laundering, or both.

TOTAL COST TO EMPLOYEE	THRESHOLD WAGE	TOTAL COST TO EMPLOYEE	THRESHOLD WAGE	TOTAL COST TO EMPLOYEE	THRESHOLD WAGE
\$10.00	\$5.15	\$220.00	\$10.40	\$430.00	\$15.65
\$15.00	\$5.28	\$225.00	\$10.53	\$435.00	\$15.78
\$20.00	\$5.40	\$230.00	\$10.65	\$440.00	\$15.90
\$25.00	\$5.53	\$235.00	\$10.78	\$445.00	\$16.03
\$30.00	\$5.65	\$240.00	\$10.90	\$450.00	\$16.15
\$35.00	\$5.78	\$245.00	\$11.03	\$455.00	\$16.28
\$40.00	\$5.90	\$250.00	\$11.15	\$460.00	\$16.40
\$45.00	\$6.03	\$255.00	\$11.28	\$465.00	\$16.53
\$50.00	\$6.15	\$260.00	\$11.40	\$470.00	\$16.65
\$55.00	\$6.28	\$265.00	\$11.53	\$475.00	\$16.78
\$60.00	\$6.40	\$270.00	\$11.65	\$480.00	\$16.90
\$65.00	\$6.53	\$275.00	\$11.78	\$485.00	\$17.03
\$70.00	\$6.65	\$280.00	\$11.90	\$490.00	\$17.15
\$75.00	\$6.78	\$285.00	\$12.03	\$495.00	\$17.28
\$80.00	\$6.90	\$290.00	\$12.15	\$500.00	\$17.40
\$85.00	\$7.03	\$295.00	\$12.28	\$505.00	\$17.53
\$90.00	\$7.15	\$300.00	\$12.40	\$510.00	\$17.65
\$95.00	\$7.28	\$305.00	\$12.53	\$515.00	\$17.78
\$100.00	\$7.40	\$310.00	\$12.65	\$520.00	\$17.90
\$105.00	\$7.53	\$315.00	\$12.78	\$525.00	\$18.03
\$110.00	\$7.65	\$320.00	\$12.90	\$530.00	\$18.15
\$115.00	\$7.78	\$325.00	\$13.03	\$535.00	\$18.28
\$120.00	\$7.90	\$330.00	\$13.15	\$540.00	\$18.40
\$125.00	\$8.03	\$335.00	\$13.28	\$545.00	\$18.53
\$130.00	\$8.15	\$340.00	\$13.40	\$550.00	\$18.65
\$135.00	\$8.28	\$345.00	\$13.53	\$555.00	\$18.78
\$140.00	\$8.40	\$350.00	\$13.65	\$560.00	\$18.90
\$145.00	\$8.53	\$355.00	\$13.78	\$565.00	\$19.03
\$150.00	\$8.65	\$360.00	\$13.90	\$570.00	\$19.15
\$155.00	\$8.78	\$365.00	\$14.03	\$575.00	\$19.28
\$160.00	\$8.90	\$370.00	\$14.15	\$580.00	\$19.40
\$165.00	\$9.03	\$375.00	\$14.28	\$585.00	\$19.53
\$170.00	\$9.15	\$380.00	\$14.40	\$590.00	\$19.65
\$175.00	\$9.28	\$385.00	\$14.53	\$595.00	\$19.78
\$180.00	\$9.40	\$390.00	\$14.65	\$600.00	\$19.90
\$185.00	\$9.53	\$395.00	\$14.78	\$605.00	\$20.03
\$190.00	\$9.65	\$400.00	\$14.90	\$610.00	\$20.15
\$195.00	\$9.78	\$405.00	\$15.03	\$615.00	\$20.28
\$200.00	\$9.90	\$410.00	\$15.15	\$620.00	\$20.40
\$205.00	\$10.03	\$415.00	\$15.28	\$625.00	\$20.53
\$210.00	\$10.15	\$420.00	\$15.40	\$630.00	\$20.65
\$215.00	\$10.28	\$425.00	\$15.53	\$635.00	\$20.78

PROPOSED

A copy of the statement may be obtained by writing to Greg Mowat, Program Manager, Department of Labor and Industries, P.O. Box 44510, Tumwater, WA 98504-4510, phone (360) 902-5317, or FAX (360) 902-5300.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Significant rule-making criteria apply. This rule impacts employers and employees when the cost of an employer-required uniform reduces an employee's wage or overtime compensation below the state minimum.

Hearing Location: On August 6, 1996, at 1:30 p.m., at the Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA; and on August

8, 1996, at 1:30 p.m., at the Spokane County Public Works Building, Commissioners' Assembly Room, 1026 West Broadway, Spokane, WA.

Assistance for Persons with Disabilities: Contact Stephanie Findley by July 15, 1996, (360) 902-5136.

Submit Written Comments to: Greg Mowat, Program Manager, Employment Standards Section, Department of Labor and Industries, P.O. Box 44510, Olympia, WA 98507-4510, by August 15, 1996. In addition to written comments, the department will accept comments submitted to FAX (360) 902-5300. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: November 20, 1996.

July 3, 1996

Mark O. Brown  
Director

AMENDATORY SECTION (Amending Order 76-15, filed 5/17/76)

**WAC 296-126-098 Wearing apparel.** (1) The employer shall provide for adequate safekeeping of employees' clothing worn to and from the work place but not worn on duty.

(2) ~~((Whenever an employer requires the employees to wear a uniform or an other article of wearing apparel of a specific color, it must be furnished by the employer. Usual and customary wearing apparel in conformance to a general dress standard need not be furnished by the employer.))~~  
What is and what is not a uniform?

(a) Apparel with an employer-designated color, style, or logo that is required by the employer to be worn during the course of employment is a uniform. For purposes of this section, black and white are included among colors.

Examples of uniform apparel required by the employer include but are not limited to: A guard uniform, white jacket and pants worn by culinary, cleaning, or medical personnel, a hat with an employer's logo worn only at work, and a white blouse and/or black skirt.

(b) Apparel worn at work by an employee at the direction of the employer is not a uniform if:

(i) It is usually and customarily worn outside of employment and conforms to a general dress standard allowing choice of style and color; or

(ii) It is considered personal protective equipment and governed by industrial safety and health statutes, rules, and regulations administered by the department of labor and industries.

Examples of non-uniform apparel include but are not limited to: A WISHA required safety helmet and a light shirt and/or dark pants.

(3) Employer responsibility for costs to furnish and maintain uniforms:

(a) The employer must pay costs to furnish and maintain (including laundry and repair) the uniform when costs of obtaining and maintaining the uniform would reduce the employee's wage below the applicable minimum wage or overtime compensation required by the Washington Minimum Wage Act, chapter 49.46 RCW.

Calculation examples include but are not limited to:

(i) An employee is paid only minimum wage: The employer must pay all uniform costs.

(ii) An employee is paid one dollar per hour over minimum wage, works a forty-hour work week, and earns forty dollars above the required minimum each week: If the employer purchases the uniform for forty-five dollars, the employer may deduct up to forty dollars from the employee's earnings without impacting the minimum wage. If the employee purchases the uniform, the employer must reimburse the employee five dollars, the impact on minimum wage.

(b) Except as indicated in this section, uniform costs that impact the minimum wage or overtime compensation earned during a work week must be paid in full to the employee at the earliest regular pay day. Payment shall not be pro-rated over time and shall be based upon the total cost at date of purchase.

(c) Reimbursement to an employee for laundering costs incurred during a work week shall be determined by:

(i) The actual cost of laundering (e.g., charges of a uniform laundry or rental service); or

(ii) If the actual cost cannot be determined, a forty-hour per week employee shall be paid one hour at the Washington minimum wage, and an employee who works less than forty hours per week shall be paid one-fifth of the minimum hourly wage.

(iii) If the uniform consists of "wash and wear" material that requires only washing and tumble or drip drying, and if it can be laundered with other personal garments, reimbursement for laundering costs is not required.

(d) An employer shall not charge an employee:

(i) A deposit for the cost of the uniform; or

(ii) Rent for the cost of maintaining the uniform; or

(iii) "Wear and tear" on the uniform.

(e) Exceptions to this section:

(i) An employer may withhold the actual cost (or not reimburse the employee's actual cost) of a uniform from an employee's final paycheck if the employee has ceased employment and has not returned the uniform to the employer. This withholding may be made provided the employee agrees to this policy upon hiring and provided that the final payroll amount is not reduced below the applicable minimum wage or overtime compensation required by Chapter 49.46 RCW.

(ii) An employer is not required to reimburse an employee for obtaining a uniform when the uniform is owned by the employee and is acceptable to the employer at the time of hire. Costs associated with additional new uniforms shall be paid by the employer when the costs would reduce the employee's wage or overtime compensation below the state minimum in a work week.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-126-224 Wearing apparel.

**WSR 96-14-116**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed July 3, 1996, 10:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-083.

**Title of Rule:** Chapter 296-128 WAC, Minimum wages; WAC 296-128-013 Overtime for commissioned retail sales employees.

**Purpose:** To clarify that commissioned retail sales employees are covered by RCW 49.46.130.

**Other Identifying Information:** New section.

**Statutory Authority for Adoption:** RCW 49.46.130 and 49.12.091.

**Statute Being Implemented:** Chapter 49.12 RCW and RCW 49.46.130.

**Summary:** Employees paid compensation that includes commission for retail sales of products and services are subject to the Washington overtime law and would receive overtime compensation for hours worked in excess of forty hours per week unless exempted by RCW 49.46.130(3).

**Reasons Supporting Proposal:** RCW 49.46.130; Joint Administrative Rules Review Committee finding.

**Name of Agency Personnel Responsible for Drafting:** Greg Mowat, 7273 Linderson Way, Tumwater, WA, (360) 902-5317; **Implementation:** Frank Leuck, 7273 Linderson Way, Tumwater, WA, (360) 902-5495; and **Enforcement:** Ernest LaPalm, 7273 Linderson Way, Tumwater, WA, (360) 902-5329.

**Name of Proponent:** Department of Labor and Industries, governmental.

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** On December 19, 1995, the Joint Administrative Rules Review Committee (JARRC) found that department rule making is necessary to clarify coverage under RCW 49.46.130 (2)(h).

Rule is necessary because of letter from JARRC dated December 19, 1995.

**Explanation of Rule, its Purpose, and Anticipated Effects:** The Washington overtime law, RCW 49.46.130, does not specifically exempt commissioned retail sales employees and requires overtime for all employees not specifically exempt. The department's interpretive guideline ES-013 supports application of RCW 49.46.130 to commissioned retail sales employees. On December 19, 1995, JARRC recommended that "longstanding interpretive statements [be converted] into rules." Accordingly, the proposed rule clarifies that commissioned retail sales employees are covered by RCW 49.46.130 and would receive overtime compensation for hours worked in excess of forty hours per work week unless exempted by RCW 49.46.130(3).

**Proposal Changes the Following Existing Rules:** The proposed rule interprets the overtime provisions of the Washington Minimum Wage Act, RCW 49.46.130, to require employers of commission retail sales employees to

pay overtime when those employees work more than forty hours per week.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

#### Small Business Economic Impact Statement

**Introduction:** As directed by the Joint Administrative Rules Review Committee (JARRC), the department is proposing amendments to chapter 296-128 WAC, Minimum wages. In order to clarify that commissioned retail sales employees are covered under chapter 49.130 RCW, JARRC has directed the department to convert current interpretive guidelines concerning coverage, and the calculation of overtime compensation, into rule.

The Regulatory Fairness Act, chapter 19.85 RCW, requires that the economic impact of proposed regulations be analyzed in relation to small business, and outlines the information that must be included in a small business economic impact statement (SBEIS). Preparation of an SBEIS is required when a proposed rule has the potential of placing a more than minor economic impact on business.

In this instance, and due to the fact that the proposal is converting a current interpretive guideline into rule, the proposed rule does not have the potential of placing a more than minor economic impact on business. Thus, an SBEIS is not required.

However, in order to provide information for both internal and external customers, the department has decided to conduct an SBEIS that will evaluate the potential economic impact of compliance for various sized businesses.

**Summary of Proposed Rule:** The department is adding a section to chapter 296-128 WAC, Minimum wages. WAC 296-128-013 Overtime for commissioned retail sales employees, proposes a clear and concise calculation methodology for computing overtime compensation for commissioned retail sales employees.

**Industry Analysis:** The department recognizes that there are many employers in retail-related industries that have employees that work overtime. However, in order to effectively capture the most significant potential economic impacts on business, the department is focusing this analysis on those industries that have been in contact with the department and the legislature concerning this specific issue. Those industries include furniture stores, consumer electronic stores, and computer stores.

The four-digit Standard Industrial Classification (SIC) codes for the potentially impacted industries are listed below (Table 1 and Table 2), data were provided by the Employment Security Department in conjunction with the Department of Revenue. Additional information can be found in the Industry Analysis (Appendix - A):

Table 1. SIC Data\*

SIC	Industry Classification	Total Potentially Impacted Businesses	Number of Large Businesses	Number of Small Businesses	Total Employees	Total Employees Large Business	Total Employees Small Business
5712	Furniture Stores	648	17	631	5,785	1,788	3,997
5731	Radio, TV, Consumer Electronics, and Music Stores	191	5	186	2,137	1,087	1,050
5734	Computer and Computer Software Stores	216	10	206	2,849	1,395	1,454
	Totals	1,055	32	1,023	10,771	4,270	6,501

Table 2. SIC Data\*

SIC	Industry Classification	Average Employees Per Large Business	Average Employees Per Small Business
5712	Furniture Stores	105	6
5731	Radio, TV, Consumer Electronics, and Music Stores	217	6
5734	Computer and Computer Software Stores	140	7
	Averages	133	6

\* Numbers have been rounded to the nearest whole number

Based on the information above, ninety-seven percent of the potentially impacted businesses would be considered "small" businesses, and have fewer than fifty employees.

**Cost of compliance:** In order to evaluate compliance costs, such as the average "cost per employee" as required by the Regulatory Fairness Act, the department would need to answer the following questions for a representative sample of potentially impacted employers:

- Does the employer have employees that work overtime?
- Does the employer correctly calculate overtime compensation, and compensate accordingly?
- How many employees does the employer have?
- How many employees work overtime?
- What are the wages (regular rate of pay) of the employees who work overtime, including commissions?
- How many hours of overtime were worked, based on a work week?

The department has prepared a scenario analysis (Appendix - B) that will calculate potential compliance costs, taking into consideration the many variables listed above, for sixty different employers. Average costs will then be calculated for large and small businesses for comparative purposes, thus meeting the requirements of the Regulatory Fairness Act. Although the scenario analysis will be based on assumptions concerning the potentially impacted industries, the department is confident that the results will allow for a reasonable evaluation of disproportionality on a "cost per employee" basis. The analysis will also be a source of general information that will enable employers to more accurately evaluate how the proposed rule may affect them.

Due to the number of issues involved in this scenario analysis, the following assumptions will be made:

- Fifty percent of the employers in the potentially impacted industries have employees that work overtime.

- Fifty percent of the employers in the potentially impacted industries do not have employees that work overtime.
- All employees receive the same wage (\$5.00/hour), while commissions vary.
- Overtime compensation is required for all hours exceeding forty hours in a work week.
- Employers with employees that work overtime currently do not compensate for overtime hours.

The scenario analysis involves iterations of the following variables:

1. *Overtime hours* will vary between five and twenty hours.
2. *Number of employees* will be based on the average of size of a small employer (6 employees), and a large employer (133 employees).
3. *Commissions* will vary between \$25 and \$500

A summary of the scenario analysis is presented below (Table 3):

Table 3. Scenario Analysis Summary

Number of employers	30
Number of large employers	5
Number of small employers	25
Average cost/business	\$1,213
Average cost/large business	\$5,861
Average cost/small business	\$284
Average cost/employee	\$27
Average cost/employee large business	\$26
Average cost/employee small business	\$28

**Disproportionate Economic Impact:** The Regulatory Fairness Act requires that the average cost for small business be compared to the average cost for the ten percent of businesses that are the largest businesses. Thus, in order to evaluate potential disproportionality, the average cost per employee for small business will be compared to the average

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cost per employee for large business, based on information derived from the scenario analysis.

The average cost per employee for a small business was determined to be \$20 and the average cost per employee for a large business was \$38. These figures equate to a comparative cost ratio\* of .53, implying that small employers would, on average, pay forty-seven percent less than large employers on a per employee basis. Therefore, based on findings documented in the scenario analysis, the proposed rule would not place a disproportionate economic impact on small business.

\* A comparative cost ratio represents the difference in expenditures between large and small employers. A comparative cost ratio of less than one indicates that large businesses are paying more per employee than small businesses, a ratio of one indicates that both large and small employers pay the same, and a ratio of greater than one indicates that small businesses are paying more per employee than large businesses.

**Continuing Cost of Compliance:** Although the department recognizes that employers may realize varying costs associated with overtime compensation in the future, this analysis has been simplified by focusing on potential costs for a one-week period.

**Involvement of Small Business:** The department has been in contact with the following industry representatives, involving both labor and management:

- Washington Retail Association
- Association of Washington Business
- Hotel Employees and Restaurant Employees, Local 8
- Washington State Labor Council

Although the issue of overtime compensation has been an on-going labor-management topic of discussion and contention for many years, the department was able to obtain feedback concerning the various drafts of the proposed rule. The feedback was considered, and in some instances incorporated into the rule.

**Professional Services:** There are no requirements for professional services associated with the proposed rule.

**Conclusion:** As directed by JARRC, the department has drafted clear rules concerning overtime compensation for commissioned retail sales employees. Based on the findings of a scenario analysis (including departmental assumptions concerning those industries most likely to be impacted), the proposed rule would not place a disproportionate economic impact on small business.

Once again, because the proposed rule is placing current interpretive guidelines into Washington Administrative Code, there are no new requirements associated with this rule. The department has conducted this analysis to provide information to both internal and external customers.

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**INDUSTRY ANALYSIS -  
OVERTIME FOR COMMISSIONED RETAIL SALES**

Appendix - A

SIC	Industry	Number of Employers All Businesses	Number of Employees All Businesses	Total Employees Small	Total Employees Large	Number of Small Businesses	Number of Large Businesses	Number of Businesses Zero Employees	Businesses Potentially- Impacted
5712	Furniture Stores	1,098	5,785	3,997	1,788	631	17	450	648
5731	Radio, TV, Consumer Electronics, and Music Stores	500	2,137	1,050	1,087	188	5	309	191
5734	Computer and Computer Software Stores	1,098	2,849	1,454	1,395	206	10	882	216
	TOTAL	2,696	10,771	6,501	4,270	1,023	32	1,641	1,055

SIC	Industry	Avg # Employees Small	Avg # of Employees Large
5712	Furniture Stores	6.3	105
5731	Radio, TV, Consumer Electronics, and Music Stores	5.6	217
5734	Computer and Computer Software Stores	7.1	340
	TOTAL	6.4	133

SCENARIO ANALYSIS

PROPOSED

	Number of Employees	Employees Working Overtime (50%)	Hourly Wage	Total Weekly Earnings	Weekly Commission	Overtime Hours	Regular Hourly Rate of Compensation	Hourly Rate of Overtime Compensation	Overtime Compensation Per Employee	Total Compensation Per Employee	Total Overtime Compensation (Cost to Employer)	Average Cost Per Employee
Employer #1	6	3	\$5.00	\$250	\$25	5	\$8.11	\$3.06	\$15.28	\$290.28	\$45.83	\$7.64
Employer #2	6	3	\$5.00	\$350	\$100	10	\$9.00	\$4.50	\$45.00	\$495.00	\$135.00	\$22.50
Employer #3	6	3	\$5.00	\$525	\$250	15	\$14.09	\$7.05	\$105.68	\$880.68	\$317.05	\$52.84
Employer #4	6	3	\$5.00	\$800	\$500	20	\$21.67	\$10.83	\$216.67	\$1,516.67	\$650.00	\$108.33
Employer #5	6	3	\$5.00	\$275	\$25	10	\$6.00	\$3.00	\$30.00	\$330.00	\$90.00	\$15.00
Employer #6	6	3	\$5.00	\$285	\$10	15	\$5.36	\$2.68	\$40.23	\$335.23	\$120.68	\$20.11
Employer #7	6	3	\$5.00	\$550	\$250	20	\$13.33	\$6.67	\$133.33	\$933.33	\$400.00	\$66.67
Employer #8	6	3	\$5.00	\$725	\$500	5	\$27.22	\$13.61	\$68.06	\$1,293.06	\$204.17	\$34.03
Employer #9	6	3	\$5.00	\$300	\$25	15	\$5.91	\$2.95	\$44.32	\$369.32	\$132.95	\$22.16
Employer #10	6	3	\$5.00	\$400	\$100	20	\$8.33	\$4.17	\$83.33	\$583.33	\$250.00	\$41.67
Employer #11	6	3	\$5.00	\$475	\$250	5	\$16.11	\$8.06	\$40.28	\$765.28	\$120.83	\$20.14
Employer #12	6	3	\$5.00	\$750	\$500	10	\$25.00	\$12.50	\$125.00	\$1,375.00	\$375.00	\$62.50
Employer #13	6	3	\$5.00	\$325	\$25	20	\$5.83	\$2.92	\$58.33	\$408.33	\$176.00	\$29.17
Employer #14	6	3	\$5.00	\$325	\$100	5	\$9.44	\$4.72	\$23.61	\$448.61	\$70.83	\$11.81
Employer #15	6	3	\$5.00	\$500	\$250	10	\$15.00	\$7.50	\$75.00	\$825.00	\$225.00	\$37.50
Employer #16	6	3	\$5.00	\$775	\$500	15	\$23.16	\$11.59	\$173.88	\$1,448.88	\$521.59	\$86.93
Employer #17	133	67	\$5.00	\$250	\$25	5	\$8.11	\$3.06	\$15.28	\$290.28	\$45.83	\$7.64
Employer #18	133	67	\$5.00	\$350	\$100	10	\$9.00	\$4.50	\$45.00	\$495.00	\$135.00	\$22.50
Employer #19	133	67	\$5.00	\$525	\$250	15	\$14.09	\$7.05	\$105.68	\$880.68	\$317.05	\$52.84
Employer #20	133	67	\$5.00	\$800	\$500	20	\$21.67	\$10.83	\$216.67	\$1,516.67	\$650.00	\$108.33
Employer #21	6	3	\$5.00	\$250	\$25	5	\$8.11	\$3.06	\$15.28	\$290.28	\$45.83	\$7.64
Employer #22	6	3	\$5.00	\$350	\$100	10	\$9.00	\$4.50	\$45.00	\$495.00	\$135.00	\$22.50
Employer #23	6	3	\$5.00	\$525	\$250	15	\$14.09	\$7.05	\$105.68	\$880.68	\$317.05	\$52.84
Employer #24	6	3	\$5.00	\$800	\$500	20	\$21.67	\$10.83	\$216.67	\$1,516.67	\$650.00	\$108.33
Employer #25	6	3	\$5.00	\$275	\$25	10	\$6.00	\$3.00	\$30.00	\$330.00	\$90.00	\$15.00
Employer #26	6	3	\$5.00	\$375	\$100	15	\$8.64	\$4.32	\$64.77	\$539.77	\$194.32	\$32.39
Employer #27	6	3	\$5.00	\$550	\$250	20	\$13.33	\$6.67	\$133.33	\$933.33	\$400.00	\$66.67
Employer #28	6	3	\$5.00	\$725	\$500	5	\$27.22	\$13.61	\$68.06	\$1,293.06	\$204.17	\$34.03
Employer #29	6	3	\$5.00	\$375	\$100	15	\$8.64	\$4.32	\$64.77	\$539.77	\$194.32	\$32.39
Employer #30	6	3	\$5.00	\$550	\$250	20	\$13.33	\$6.67	\$133.33	\$933.33	\$400.00	\$66.67
Employer #31	6	3	\$5.00	\$225	\$25	0	\$6.25	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #32	6	3	\$5.00	\$300	\$100	0	\$10.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #33	6	3	\$5.00	\$450	\$250	0	\$17.50	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #34	6	3	\$5.00	\$700	\$500	0	\$30.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #35	6	3	\$5.00	\$225	\$25	0	\$6.25	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #36	6	3	\$5.00	\$210	\$10	0	\$5.50	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #37	6	3	\$5.00	\$450	\$250	0	\$17.50	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #38	6	3	\$5.00	\$700	\$500	0	\$30.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #39	6	3	\$5.00	\$225	\$25	0	\$6.25	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #40	6	3	\$5.00	\$300	\$100	0	\$10.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #41	6	3	\$5.00	\$450	\$250	0	\$17.50	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #42	6	3	\$5.00	\$700	\$500	0	\$30.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #43	6	3	\$5.00	\$225	\$25	0	\$6.25	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #44	6	3	\$5.00	\$300	\$100	0	\$10.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #45	6	3	\$5.00	\$450	\$250	0	\$17.50	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #46	6	3	\$5.00	\$700	\$500	0	\$30.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #47	6	3	\$5.00	\$225	\$25	0	\$6.25	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #48	6	3	\$5.00	\$300	\$100	0	\$10.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #49	6	3	\$5.00	\$450	\$250	0	\$17.50	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #50	6	3	\$5.00	\$700	\$500	0	\$30.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #51	6	3	\$5.00	\$225	\$25	0	\$6.25	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #52	6	3	\$5.00	\$300	\$100	0	\$10.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #53	6	3	\$5.00	\$450	\$250	0	\$17.50	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #54	6	3	\$5.00	\$700	\$500	0	\$30.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #55	6	3	\$5.00	\$225	\$25	0	\$6.25	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #56	6	3	\$5.00	\$300	\$100	0	\$10.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #57	6	3	\$5.00	\$450	\$250	0	\$17.50	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #58	6	3	\$5.00	\$700	\$500	0	\$30.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #59	6	3	\$5.00	\$300	\$100	0	\$10.00	\$0.00	n/a	n/a	\$0.00	\$0.00
Employer #60	133	67	\$5.00	\$450	\$250	0	\$17.50	\$0.00	n/a	n/a	\$0.00	\$0.00

Small Businesses	65	92%
Large Businesses	6	8%
All Businesses	60	100%

Small Businesses	330	33%
Large Businesses	665	67%
All Businesses	995	100%

Small Businesses	\$118
Large Businesses	\$5,089
All Businesses	\$532

Small Businesses	\$20
Large Businesses	\$38
All Businesses	\$32

A copy of the statement may be obtained by writing to Greg Mowat, Program Manager, Department of Labor and Industries, P.O. Box 44510, Tumwater, WA 98504-4510, phone (360) 902-5317, or FAX (360) 902-5300.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Significant rule-making criteria apply. The proposed rule impacts employers and their commissioned

retail sales employees not specifically exempt from provisions of Washington's overtime law.

Hearing Location: On August 6, 1996, at 9:30 a.m. to 12:00 noon, at the Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA; and on August 8, 1996, at 9:30 a.m. to 12:00 noon, at the Spokane County Public Works Building, Commissioners' Assembly Room, 1026 West Broadway, Spokane, WA.

Assistance for Persons with Disabilities: Contact Stephanie Findley by July 15, 1996, (360) 902-5136.

Submit Written Comments to: Greg Mowat, Program Manager, Employment Standards Section, Department of Labor and Industries, P.O. Box 44510, Olympia, WA 98507-4510, by August 15, 1996. In addition to written comments, the department will accept comments submitted to FAX (360) 902-5300. Comments submitted by FAX must be ten page or less.

Date of Intended Adoption: November 20, 1996.

July 3, 1996  
Mark O. Brown  
Director

### NEW SECTION

**WAC 296-128-013 Overtime for commissioned retail sales employees.** (1) The Washington overtime law, RCW 49.46.130, does not specifically exempt commissioned retail sales employees except in RCW 49.46.130(3). Therefore, employees paid on a commission basis for retail sales of products and services are subject to the Washington overtime law and shall receive overtime compensation for hours worked within the state of Washington in excess of forty hours per work week unless exempted by RCW 49.46.-130(3).

(2) Overtime compensation for commissioned retail sales employees shall be calculated as follows:

(a) The regular hourly rate of pay is total earnings divided by total hours worked during a work week. Total earnings include wages, salaries, and commissions. The regular hourly rate of pay shall equal or exceed the Washington minimum wage.

(b) The compensation required for compliance with RCW 49.46.130 is equal to one-half of the regular hourly rate of pay multiplied by the total number of hours worked in excess of forty hours.

#### **Example:**

*In one week, a retail sales employee earns ten dollars per hour and works ten overtime hours. Total earnings for fifty hours include five hundred dollars in wages and five hundred dollars in commission, or one thousand dollars.*

Regular hourly  
rate of pay = \$ 20.00 (\$1000 total earnings/50  
total hours)

Overtime compen-  
sation due = \$ 100.00 (0.5 x \$20 regular hourly  
rate of pay x 10 overtime  
hours)

Total compensation = \$1100.00 (\$500 wages + \$500  
commission+ \$100 overtime  
compensation due)

**WSR 96-14-120**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 3, 1996, 10:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-078 on March 6, 1996.

Title of Rule: Agriculture-pesticides (worker protection standard). See Purpose below.

Purpose: Chapter 296-306 WAC, Safety standards for agriculture, the Department of Labor and Industries and the Department of Agriculture are working together to jointly adopt the federal Environmental Protection Agency worker protection standard. This action is being taken to fulfill the requirements of SHB 2703, which requires "the department of agriculture and the department of labor and industries coordinate adoption, implementation, and enforcement of a common set of worker protection standards related to pesticides in order to avoid inconsistency and conflict in the application of those rules."

The Department of Agriculture worker protection rules proposal and the Department of Labor and Industries worker protection rules proposal are identical except for the chapter and section number designations.

The worker protection rules being proposed are identical to the federal Environmental Protection Agency worker protection standard with the following exceptions:

- Existing Department of Labor and Industries requirements relating to hazard communication, respirators, enclosed cabs, decontamination water, and eyewash systems have been retained and incorporated.
- Existing Department of Agriculture requirements for an agriculture emergency and clarification of the definition of a crop advisor were retained and incorporated.
- The definition of "animal premises" has been added for clarification.
- The Department of Labor and Industries has added explanatory notes to clarify the definitions of "agricultural employer" and "agricultural establishment."

Federal Environmental Protection Agency worker protection standard requirements are currently in effect. There will be no additional compliance requirements as a result of the proposed rules because the proposed rules encompass either the federal standard or rules already being enforced by either the Department of Agriculture or the Department of Labor and Industries.

Under a separate proposal, the Department of Labor and Industries' agriculture standard has been rewritten and reorganized to be understandable, easy to read, and easy to use. Under that proposal, chapter 296-306 WAC is being replaced with chapter 296-306A WAC. As a result, sections proposed for amendment in this proposal are being repealed and applicable information moved to and included in the new agriculture standard, chapter 296-306A WAC.

Statutory Authority for Adoption: Chapter 49.17 RCW.  
Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, 7273 Linderson Way, Tumwater, WA, (360) 902-5530; Implementation and Enforcement: Frank Leuck, 7273 Linderson Way, Tumwater, WA, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of state law, SHB 2703.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined a small business economic impact statement is not required to meet the requirements of the Regulatory Fairness Act, chapter 19.85 RCW, because the proposed amendments do not place more than minor impact on business..

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Significant rule-making criteria does apply to these rule amendments because they do not meet the exempt criteria outlined in RCW 34.05.328 (5)(b).

Hearing Location: On August 6, 1996, at 6:00 p.m., at the Wenatchee Red Lion, Wenatchee/Chelan Room, 1225 North Wenatchee, Wenatchee, WA; on August 7, 1996, at 6:00 p.m., at the Red Lion Inn, Red Lion Ballroom, North 1100 Sullivan Road, Veradale, WA; on August 8, 1996, at 6:00 p.m., at Cavanaugh's at Columbia Center, North 1101 Columbia Center Boulevard, Kennewick, WA; on August 9, 1996, at 6:00 p.m., at Cavanaugh's at Yakima Center, 607 East Yakima Avenue, Yakima, WA; on August 13, 1996, at 6:00 p.m., at the Best Western Cottontree Inn, 2300 Market Place, Mount Vernon, WA; and on August 14, 1996, at 6:00 p.m., at the Department of Labor and Industries, 7273 Linderson Way, Tumwater, WA.

Assistance for Persons with Disabilities: Contact Linda Dausener by July 21, 1996, (360) 902-5516.

Submit Written Comments to: Tracey Spencer, Standards Supervisor, Division of Consultation and Compliance, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m., August 21, 1996. In addition to written comments, the department will accept comments submitted to: FAX (360) 902-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: September 30, 1996.

July 3, 1996  
Mark O. Brown  
Director

## PART I: PESTICIDES (WORKER PROTECTION STANDARD)

### NEW SECTION

**WAC 296-306A-107 Federal worker protection standards—Washington state department of agriculture.**

This chapter contains the federal Environmental Protection Agency worker protection standards as listed in 40 CFR, Part 170. Revisions to the federal language have been incorporated into this chapter in order to be consistent with

other requirements of Washington state law. These rules are adopted in conjunction with rules adopted by the Washington state department of agriculture in chapter 16-233 WAC.

### NEW SECTION

**WAC 296-306A-110 Scope and purpose—Worker protection standards—40 CFR, § 170.1.** This part contains standards designed to reduce the risks of illness or injury resulting from workers' and handlers' occupational exposures to pesticides used in the production of agricultural plants on farms or in nurseries, greenhouses, and forests and also to reduce the accidental exposure of workers and other persons to such pesticides. It requires workplace practices designed to reduce or eliminate exposure to pesticides and establishes procedures for responding to exposure-related emergencies.

### NEW SECTION

**WAC 296-306A-11005 Definitions—Worker protection standards—40 CFR, § 170.3.** Terms used in this part have the same meanings they have in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. In addition, the following terms, when used in this part, shall have the following meanings:

"Agricultural emergency" means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a pesticide treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss.

"Agricultural employer" means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner or is responsible for the management or condition of an agricultural establishment that uses such workers.

*Note: This definition does not conflict with the definition of employer in WAC 296-306A-012.*

"Agricultural establishment" means any farm, forest, nursery, or greenhouse.

*Note: This applies to all the Standard Industrial Classification (SIC) Codes listed in WAC 296-306A-010.*

"Agricultural plant" means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings.

"Animal premise" means the actual structure used to house, cage or confine animals such as: Barns, poultry houses, mink sheds, corrals, or structures used for shelter.

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

"Commercial pesticide handling establishment" means any establishment, other than an agricultural establishment, that:

- Employs any person, including a self-employed person, to apply on an agricultural establishment, pesticides used in the production of agricultural plants.

• Employs any person, including a self-employed person, to perform on an agricultural establishment, tasks as a crop advisor.

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

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

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

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

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

"Greenhouse" means any operation engaged in the production of agricultural plants inside any structure or space that is enclosed with nonporous covering and that is of sufficient size to permit worker entry. This term includes, but is not limited to, polyhouses, mushroom houses, rhubarb houses, and similar structures. It does not include such structures as malls, atriums, conservatories, arboretums, or office buildings where agricultural plants are present primarily for aesthetic or climatic modification.

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

"Handler" means any person, including a self-employed person:

• Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which WAC 296-306A-130 applies and who is:

- Mixing, loading, transferring, or applying pesticides.
- Disposing of pesticides or pesticide containers.
- Handling opened containers of pesticides.
- Acting as a flagger.
- Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.
- Assisting with the application of pesticides.
- Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling has been met:
  - ◆ To operate ventilation equipment.

- ◆ To adjust or remove coverings used in fumigation.
- ◆ To monitor air levels.
- Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.
- Performing tasks as a crop advisor:
  - ◆ During any pesticide application.
  - ◆ Before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling has been met.
  - ◆ During any restricted-entry interval.
- The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

"Handler employer" means any person who is self-employed as a handler or who employs any handler, for any type of compensation.

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

"Nursery" means any operation engaged in the outdoor production of any agricultural plant to produce cut flowers and ferns or plants that will be used in their entirety in another location. Such plants include, but are not limited to, flowering and foliage plants or trees; tree seedlings; live Christmas trees; vegetable, fruit, and ornamental transplants; and turfgrass produced for sod.

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

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

"Substantial economic loss" means a loss in profitability greater than that which would be expected based on the experience and fluctuations of crop yields in previous years. Only losses caused by the agricultural emergency specific to the affected site and geographic area are considered. The contribution of mismanagement cannot be considered in determining the loss.

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

"Worker" means any person, including a self-employed person, who is employed for any type of compensation and who is performing activities relating to the production of agricultural plants on an agricultural establishment to which WAC 296-306A-120 applies. While persons employed by a commercial pesticide handling establishment are performing tasks as crop advisors, they are not workers covered by the requirements of WAC 296-306A-120.

**NEW SECTION**

**WAC 296-306A-11010 General duties and prohibited actions—Worker protection standards—40 CFR, § 170.7.** (1) General duties. The agricultural employer or the handler employer, as appropriate, shall:

(a) Assure that each worker subject to WAC 296-306A-120 or each handler subject to WAC 296-306A-130 receives the protections required by this part.

(b) Assure that any pesticide to which WAC 296-306A-130 applies is used in a manner consistent with the labeling of the pesticide, including the requirements of this part.

(c) Provide, to each person who supervises any worker or handler, information and directions sufficient to assure that each worker or handler receives the protections required by this part. Such information and directions shall specify which persons are responsible for actions required to comply with this part.

(d) Require each person who supervises any worker or handler to assure compliance by the worker or handler with the provisions of this part and to assure that the worker or handler receives the protections required by this part.

(2) Prohibited actions. The agricultural employer or the handler employer shall not take any retaliatory action for attempts to comply with this part or any action having the effect of preventing or discouraging any worker or handler from complying or attempting to comply with any requirement of this part.

**NEW SECTION**

**WAC 296-306A-11015 Violations of this part—Worker protection standards—40 CFR, § 170.9.** (1) Under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) (FIFRA) section 12 (a)(2)(G) it is unlawful for any person "to use any registered pesticide in a manner inconsistent with its labeling." When this part is referenced on a label, users must comply with all of its requirements except those that are inconsistent with product-specific instructions on the labeling. For the purposes of this part, the department of labor and industries interprets the term "use" to include:

(a) Preapplication activities, including, but not limited to:

(i) Arranging for the application of the pesticide;

(ii) Mixing and loading the pesticide; and

(iii) Making necessary preparations for the application of the pesticide, including responsibilities related to worker notification, training of handlers, decontamination, use and care of personal protective equipment, emergency information, and heat stress management.

(b) Application of the pesticide.

(c) Post-application activities necessary to reduce the risks of illness and injury resulting from handlers' and workers' occupational exposures to pesticide residues during the restricted-entry interval plus thirty days. These activities include, but are not limited to, responsibilities related to worker training, notification, and decontamination.

(d) Other pesticide-related activities, including, but not limited to, providing emergency assistance, transporting or storing pesticides that have been opened, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

(2) A person who has a duty under this part, as referenced on the pesticide product label, and who fails to perform that duty, violates FIFRA section 12 (a)(2)(G) and is subject to a civil penalty under section 14. A person who knowingly violates section 12 (a)(2)(G) is subject to section 14 criminal sanctions.

(3) FIFRA section 14 (b)(4) provides that a person is liable for a penalty under FIFRA if another person employed by or acting for that person violates any provision of FIFRA. The term "acting for" includes both employment and contractual relationships.

(4) The requirements of this part, including the decontamination requirements, shall not, for the purposes of section 653 (b)(1) of Title 29 of the U.S. Code, be deemed to be the exercise of statutory authority to prescribe or enforce standards or regulations affecting the general sanitary hazards addressed by the OSHA Field Sanitation Standard, 29 CFR 1928.110, or other agricultural, nonpesticide hazards.

**STANDARD FOR WORKERS****NEW SECTION**

**WAC 296-306A-120 Applicability of this section—Standards for workers—40 CFR, § 170.102.** Requirement. Except as provided by WAC 296-306A-12005 and 296-306A-12010, WAC 296-306A-120 applies when any pesticide product is used on an agricultural establishment in the production of agricultural plants.

**NEW SECTION**

**WAC 296-306A-12005 Exceptions—Standards for workers—40 CFR, § 170.103.** This section does not apply when any pesticide is applied on an agricultural establishment in the following circumstances:

(1) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(2) On livestock or other animals, or in or about animal premises.

(3) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(4) On plants that are in ornamental gardens, parks, and public or private lawns and grounds that are intended only for aesthetic purposes or climatic modification.

(5) By injection directly into agricultural plants. Direct injection does not include "hack and squirt," "frill and spray," chemigation, soil-incorporation, or soil-injection.

(6) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(7) For control of vertebrate pests.

(8) As attractants or repellents in traps.

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

(10) For research uses of unregistered pesticides.

**NEW SECTION**

**WAC 296-306A-12010 Exemptions—Standards for workers—40 CFR, § 170.104.** The workers listed in this section are exempt from the specified provisions of WAC 296-306A-120.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself/herself or members of his/her immediate family who are performing tasks related to the production of agricultural plants on their own agricultural establishment the protections of:

- (i) WAC 296-306A-12020 (3)(e) through (i);
- (ii) WAC 296-306A-12020 (3)(e) through (i); as referenced in WAC 296-306A-12020 (4)(b)(iii) and (5);
- (iii) WAC 296-306A-12025;
- (iv) WAC 296-306A-12030;
- (v) WAC 296-306A-12040;
- (vi) WAC 296-306A-12045;
- (vii) WAC 296-306A-12050;
- (viii) WAC 296-306A-12055.

(b) The owner of the agricultural establishment must provide the protections listed in (a)(i) through (viii) of this subsection to other workers and other persons who are not members of his/her immediate family.

(2) Crop advisors.

(a) Provided that the conditions of this section are met, a person who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

- (i) WAC 296-306A-12050.
- (ii) WAC 296-306A-12055.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iii) and (iv) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 296-306A-13025 (3)(d).

(ii) Applies only when performing crop advising tasks in the treated area.

(iii) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(iv) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his/her direct supervision of the pesticide product and active ingredient(s) applied, method of application, time of application, the restricted entry interval which tasks to undertake, and how to contact the crop advisor.

**NEW SECTION**

**WAC 296-306A-12015 Restrictions associated with pesticide applications—Standards for workers—40 CFR, § 170.110.** (1) Farms and forests. During the application of any pesticide on a farm or in a forest, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the treated area.

(2) Nurseries. In a nursery, during any pesticide application described in column A of Table 1 of this section, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 1 of this section. After the application is completed, until the end of any restricted-entry interval, the entry-restricted area is the treated area.

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Table 1.—Entry-Restricted Areas in Nurseries During Pesticide Applications

A. During Application of a Pesticide:	B. Workers are Prohibited in:
(1)(a) Applied: (i) Aerially, or (ii) In an upward direction, or (iii) Using a spray pressure greater than 150 psi, or	Treated area plus 100 feet in all directions on the nursery
(b) Applied as a: (i) Fumigant, or (ii) Smoke, or (iii) Mist, or (iv) Fog, or (v) Aerosol.	
(2)(a) Applied downward using: (i) A height of greater than 12 inches from the planting medium, or (ii) A fine spray, or (iii) A spray pressure greater than 40 psi and less than 150 psi.	Treated area plus 25 feet in all directions on the nursery
(b) Not as in 1 or 2(a) above but for which a respiratory protection device is required for application by the product labeling.	
(3) Applied otherwise.	Treated area

(3) Greenhouses.

(a) When a pesticide application described in column A of Table 2 under (d) of this subsection takes place in a greenhouse, the agricultural employer shall not allow or direct any person, other than an appropriately trained and equipped handler, to enter or to remain in the area specified in column B of Table 2 until the time specified in column C of Table 2 has expired.

(b) After the time specified in column C of Table 2 under (d) of this subsection has expired, until the expiration of any restricted-entry interval, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area as specified in column D of Table 2 under (d) of this subsection, except as provided in WAC 296-306A-12020.

(c) When column C of Table 2 under (d) of this subsection specifies that ventilation criteria must be met,

ventilation shall continue until the air concentration is measured to be equal to or less than the inhalation exposure level the labeling requires to be achieved. If no inhalation exposure level is listed on the labeling, ventilation shall continue until after:

- (i) Ten air exchanges are completed; or
  - (ii) Two hours of ventilation using fans or other mechanical ventilating systems; or
  - (iii) Four hours of ventilation using vents, windows or other passive ventilation; or
  - (iv) Eleven hours with no ventilation followed by one hour of mechanical ventilation; or
  - (v) Eleven hours with no ventilation followed by two hours of passive ventilation; or
  - (vi) Twenty-four hours with no ventilation.
- (d) The following Table 2 applies to (a), (b) and (c) of this subsection.

Table 2.—Greenhouse Entry Restrictions Associated With Pesticide Applications

A. When a Pesticide is Applied:	B. Workers are Prohibited in:	C. Until:	D. After the Expiration of Time in Column C Until the Restricted-Entry Interval Expires, the Entry-Restricted Area is:
(1) As a fumigant	Entire greenhouse plus any adjacent structure that cannot be sealed off from the treated area	The ventilation criteria of (c) of this subsection are met	No entry restrictions after criteria in column C are met
(2) As a:	Entire enclosed area	The ventilation criteria of (c) of this subsection are met	Entire enclosed area is the treated area
(i) Smoke, or (ii) Mist, or			

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- (iii) Fog, or
- (iv) Aerosol

(3) Not in 1 or 2 above, and for which a respiratory protection device is required for application by the product labeling	Entire enclosed area	The ventilation criteria of (c) of this subsection are met	Treated area
(4) Not in 1, 2, or 3 above, and:	Treated area plus 25 feet in all directions in the enclosed area	Application is complete	Treated area
(i) From a height of greater than 12 in. from the planting medium, or			
(ii) As a fine spray, or			
(iii) Using a spray pressure greater than 40 psi			
(5) Otherwise	Treated area	Application is complete	Treated area

**NEW SECTION**

**WAC 296-306A-12020 Entry restrictions—Standards for workers—40 CFR, § 170.112.** (1) General restrictions.

(a) After the application of any pesticide on an agricultural establishment, the agricultural employer shall not allow or direct any worker to enter or to remain in the treated area before the restricted-entry interval specified on the pesticide labeling has expired, except as provided in this section.

(b) Entry-restricted areas in greenhouses are specified in column D in Table 2 under WAC 296-306A-12015 (3)(d).

(c) When two or more pesticides are applied at the same time, the restricted-entry interval shall be the longest of the applicable intervals.

(d) The agricultural employer shall assure that any worker who enters a treated area under a restricted-entry interval as permitted by subsections (3), (4), and (5) of this section uses the personal protective equipment specified in the product labeling for early entry workers and follows any other requirements on the pesticide labeling regarding early entry.

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

(a) The worker will have no contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants; and

(b) No such entry is allowed until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling have been met.

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

- (a) No hand labor activity is performed.
- (b) The time in treated areas under a restricted-entry interval for any worker does not exceed one hour in any twenty-four-hour period.

(c) No such entry is allowed for the first four hours following the end of the application, and no such entry is allowed thereafter until any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling have been met.

(d) The personal protective equipment specified on the product labeling for early entry is provided to the worker. Such personal protective equipment shall conform to the following standards:

(i) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(ii) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(iii) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(iv) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(v) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece, chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(vi) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over a layer of clothing. If a

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chemical-resistant suit is substituted for coveralls, it need not be worn over a layer of clothing.

(vii) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent materials must not be worn for early entry activities unless these materials are listed on the product labeling as acceptable for such use. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable for tasks with roses or other plants with sharp thorns, leather gloves may be worn over chemical-resistant liners. However, once leather gloves have been worn for this use, thereafter they shall be worn only with chemical-resistant liners and they shall not be worn for any other use.

(viii) When "chemical-resistant footwear" is specified by the product labeling, it shall be one of the following types of footwear: Chemical-resistant shoes, chemical-resistant boots, or chemical-resistant shoe coverings worn over shoes or boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable for workers, then leather boots may be worn in such terrain.

(ix) When "protective eyewear" is specified by the product labeling, it shall be one of the following types of eyewear: Goggles; face shield; safety glasses with front, brow, and temple protection; or a full-face respirator.

(x) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(e) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner that the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use.

(f) The agricultural employer shall assure that:

(i) Workers wear the personal protective equipment correctly for its intended purpose and use personal protective equipment according to manufacturer's instructions.

(ii) Before each day of use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(iii) Personal protective equipment that cannot be cleaned properly is disposed of in accordance with any applicable federal, state, and local regulations.

(iv) All personal protective equipment is cleaned according to manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(v) Before being stored, all clean personal protective equipment is dried thoroughly or is put in a well-ventilated place to dry.

(vi) Personal protective equipment contaminated with pesticides is kept separately and washed separately from any other clothing or laundry.

(vii) Any person who cleans or launders personal protective equipment is informed that such equipment may be contaminated with pesticides, of the potentially harmful effects of exposure to pesticides, and of the correct way(s) to handle and clean personal protective equipment and to

protect themselves when handling equipment contaminated with pesticides.

(viii) All clean personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(ix) Each worker is instructed how to put on, use, and remove the personal protective equipment and is informed about the importance of washing thoroughly after removing personal protective equipment.

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

(xi) Workers have a clean place(s) away from pesticide-storage and pesticide-use areas for storing personal clothing not in use; putting on personal protective equipment at the start of any exposure period; and removing personal protective equipment at the end of any exposure period.

(g) When personal protective equipment is required by the labeling of any pesticide for early entry, the agricultural employer shall assure that no worker is allowed or directed to perform the early entry activity without implementing, when appropriate, measures to prevent heat-related illness.

(h) During any early entry activity, the agricultural employer shall provide a decontamination site in accordance with WAC 296-306A-12050.

(i) The agricultural employer shall not allow or direct any worker to wear home or to take home personal protective equipment contaminated with pesticides.

(4) Declaration of an agricultural emergency.

(a) The director of the Washington state department of agriculture may declare the existence of circumstances causing an agricultural emergency on a particular establishment or establishments.

(b) The director may declare an agricultural emergency based on the reasonably expected certainty of circumstances occurring based on weather or other forecasts that would create conditions that would normally be anticipated to cause an agricultural emergency.

(c) The agricultural employer may determine if the establishment under his/her control is subject to the agricultural emergency declared by the director.

(d) Emergency repair of equipment that is in use and sited within a pesticide treated area under a restricted-entry interval, such as frost protection devices, shall be considered to be an agricultural emergency. The conditions in WAC 16-228-655 shall be met.

(e) Activities that require immediate response such as fire suppression, relocation of greenhouse plants due to power failure, and similar conditions, shall be considered to be agricultural emergencies. The conditions in WAC 16-228-655 shall be met.

(5) Agricultural activities permitted under an agricultural emergency.

(a) A worker may enter a pesticide treated area under a restricted-entry interval in an agricultural emergency to perform tasks, including hand labor tasks, necessary to mitigate the effects of the agricultural emergency if the agricultural employer assures that all the following requirements are met:

(i) No entry is permitted for the first four hours after the pesticide application or the minimum reentry interval allowed by EPA for that product, whichever is less;

(ii) The personal protective equipment specified on the product labeling for early entry is provided to the worker;

(iii) The agricultural employer shall assure that the worker, before entering the treated area, either has read the product labeling or has been informed, in a manner the worker can understand, of all labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, personal protective equipment specified for early entry, and any other labeling requirements related to safe use;

(iv) The agricultural employer shall assure that the worker wears the proper PPE and that the PPE is in operable condition and that the worker has been trained in its proper use;

(v) The agricultural employer shall assure that measures have been taken, when appropriate, to prevent heat-related illness;

(vi) A decontamination site has been provided in accordance with EPA regulations;

(vii) The agricultural employer shall not allow or direct any worker to wear home or take home personal protective equipment contaminated with pesticides.

(b) If the agricultural emergency is due to equipment failure, then the agricultural employer shall assure that all the requirements in subsection (1) of this section are met plus the following additional requirement. The only permitted activity until the restricted-entry interval has elapsed is equipment repair that would mitigate the effect of the equipment failure.

(6) Recordkeeping required for agricultural emergencies.

(a) If the employer declares that his/her establishment is affected by an agricultural emergency and that activities regulated by the worker protection standard have been performed, the employer shall keep the following records for seven years from the date of the agricultural emergency:

(i) Date of the agricultural emergency;

(ii) Time of the agricultural emergency, start and end;

(iii) Reason for the agricultural emergency, such as frost, fire, equipment failure, etc.;

(iv) Crop/site;

(v) Pesticide(s) - name, EPA number, REI;

(vi) Name, date, time of entry and exit of early entry person(s);

(vii) Estimated potential of economic loss which would have occurred had no early entry been allowed.

(b) Records shall be completed within twenty-four hours of the early entry exposure and be available to the department and/or department of health and/or medical facility or treating physician if requested by the above or the employee.

(7) Exception to entry restrictions requiring EPA approval. EPA may in accordance with 40 CFR, Part 170.112 (5)(a) through (f) grant an exception from the requirements of this section. A request for an exception must be submitted to the Director, Office of Pesticide Programs (H-7501C), Environmental Protection Agency, 401 "M" Street SW, Washington, DC 20460 and must be accompanied by two copies of the information specified in 40 CFR, Part 170.112 (5)(a)(i) through (vi).

## NEW SECTION

**WAC 296-306A-12025 Notice of applications—Standards for workers—40 CFR, § 170.120.** (1) Notification to workers of pesticide applications in greenhouses. The agricultural employer shall notify workers of any pesticide application in the greenhouse in accordance with this subsection.

(a) All pesticide applications shall be posted in accordance with subsection (3) of this section.

(b) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall also provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through the greenhouse; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(2) Notification to workers on farms, in nurseries, or in forests of pesticide applications. The agricultural employer shall notify workers of any pesticide application on the farm or in the nursery or forest in accordance with this subsection.

(a) If the pesticide product labeling has a statement requiring both the posting of treated areas and oral notification to workers, the agricultural employer shall post signs in accordance with subsection (3) of this section and shall provide oral notification of the application to the worker in accordance with subsection (4) of this section.

(b) For any pesticide other than those for which the labeling requires both posting and oral notification of applications, the agricultural employer shall give notice of the application to the worker either by the posting of warning signs in accordance with subsection (3) of this section or orally in accordance with subsection (4) of this section, and shall inform the workers as to which method of notification is in effect.

(c) Notice need not be given to a worker if the agricultural employer can assure that one of the following is met:

(i) From the start of the application until the end of the application and during any restricted-entry interval, the worker will not enter, work in, remain in, or pass through on foot the treated area or any area within one-quarter mile of the treated area; or

(ii) The worker applied (or supervised the application of) the pesticide for which the notice is intended and is aware of all information required by subsection (4)(a) through (c) of this section.

(3) Posted warning signs. The agricultural employer shall post warning signs in accordance with the following criteria:

(a) The warning sign shall have a background color that contrasts with red. The words "DANGER" and "PELIGRO," plus "PESTICIDES" and "PESTICIDAS," shall be at the top of the sign, and the words "KEEP OUT" and "NO ENTRE" shall be at the bottom of the sign. Letters for all words must

be clearly legible. A circle containing an upraised hand on the left and a stern face on the right must be near the center of the sign. The inside of the circle must be red, except that the hand and a large portion of the face must be in a shade that contrasts with red. The length of the hand must be at least twice the height of the smallest letters. The length of

the face must be only slightly smaller than the hand. Additional information such as the name of the pesticide and the date of application may appear on the warning sign if it does not detract from the appearance of the sign or change the meaning of the required information. A black and white example of a warning sign meeting these requirements, other than the size requirements, follows:

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(b) The sign shall be at least fourteen inches by sixteen inches in size, and the letters shall be at least one inch in height unless a smaller sign and smaller letters are necessary because the treated area is too small to accommodate a sign of this size. If a smaller sign is used, it must meet the proportions and other requirements described in (a) of this subsection.

(c) On farms and in forests and nurseries, the signs shall be visible from all usual points of worker entry to the treated area, including at least each access road, each border with any labor camp adjacent to the treated area, and each

footpath and other walking route that enters the treated area. When there are no usual points of worker entry, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

(d) In greenhouses, the signs shall be posted so they are visible from all usual points of worker entry to the treated area including each aisle or other walking route that enters the treated area. When there are no usual points of worker entry to the treated area, signs shall be posted in the corners of the treated area or in any other location affording maximum visibility.

- (e) The signs shall:
- (i) Be posted no sooner than twenty-four hours before the scheduled application of the pesticide.
  - (ii) Remain posted throughout the application and any restricted-entry interval.
  - (iii) Be removed within three days after the end of the application and any restricted-entry interval and before agricultural-worker entry is permitted, other than entry permitted by WAC 296-306A-12020.

(f) The signs shall remain visible and legible during the time they are posted.

(g) When several contiguous areas are to be treated with pesticides on a rotating or sequential basis, the entire area may be posted. Worker entry, other than entry permitted by WAC 296-306A-12020, is prohibited for the entire area while the signs are posted.

(4) Oral warnings. The agricultural employer shall provide oral warnings to workers in a manner that the worker can understand. If a worker will be on the premises during the application, the warning shall be given before the application takes place. Otherwise, the warning shall be given at the beginning of the worker's first work period during which the application is taking place or the restricted-entry interval for the pesticide is in effect. The warning shall consist of:

- (a) The location and description of the treated area.
- (b) The time during which entry is restricted.
- (c) Instructions not to enter the treated area until the restricted-entry interval has expired.

#### NEW SECTION

**WAC 296-306A-12030 Providing specific information about applications—Standards for workers—40 CFR, § 170.122.** When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this part has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the location specified for the pesticide safety poster in WAC 296-306A-12045(4) and shall be accessible and legible, as specified in WAC 296-306A-12045 (4) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if workers will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any worker's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until workers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

- (a) The location and description of the treated area.

(b) The product name, EPA registration number, and active ingredient(s) of the pesticide.

(c) The time and date the pesticide is to be applied.

(d) The restricted-entry interval for the pesticide.

#### NEW SECTION

**WAC 296-306A-12035 Notice of applications to handler employers—Standards for workers—40 CFR, § 170.124.** Whenever handlers who are employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the agricultural employer shall provide to the handler employer, or assure that the handler employer is aware of, the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

- (1) Specific location and description of any such areas; and
- (2) Restrictions on entering those areas.

#### NEW SECTION

**WAC 296-306A-12040 Pesticide safety training—Standards for workers—40 CFR, § 170.130.** (1) General requirement.

(a) Agricultural employer assurance. The agricultural employer shall assure that each worker, required by this section to be trained, has been trained according to this section during the last five years, counting from the end of the month in which the training was completed.

*Note: In addition to the training required by this section, the agricultural employer shall assure without exception, that all employees are trained in accordance with WAC 296-62-054 through 296-62-05427, Hazard communication.*

(b) Requirement for workers performing early entry activities. Before a worker enters a treated area on the agricultural establishment during a restricted-entry interval to perform early entry activities permitted by WAC 296-306A-12020 and contacts anything that has been treated with the pesticide to which the restricted-entry interval applies, including but not limited to, soil, water, or surfaces of plants, the agricultural employer shall assure that the worker has been trained.

(c) Requirements for other agricultural workers.

(i) Information before entry. Except as provided in (b) of this subsection, before a worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this part applies has been applied or the restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been provided the pesticide safety information specified in subsection (3) of this section, in a manner that agricultural workers can understand, such as by providing written materials or oral communication or by other means. The agricultural employer must be able to verify compliance with this requirement.

(ii) Training before the start of a work period. The agricultural employer shall assure that a worker has been

trained before the worker enters any areas on the agricultural establishment where, within the last thirty days a pesticide to which this chapter applies has been applied or a restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been trained.

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

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

(b) A worker who satisfies the training requirements of chapter 17.21 RCW.

(c) A worker who satisfies the handler training requirements of WAC 296-306A-13025(3).

(d) A worker who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: *Provided*, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 296-306A-13025 (3)(d).

(3) Pesticide safety information. The pesticide safety information required by subsection (1)(c)(i) of this section shall be presented to workers in a manner that the workers can understand. At a minimum, the following information shall be provided:

(a) Pesticides may be on or in plants, soil, irrigation water, or drifting from nearby applications.

(b) Prevent pesticides from entering your body by:

(i) Following directions and/or signs about keeping out of treated or restricted areas.

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

(iii) Wearing work clothing that protects the body from pesticide residues.

(iv) Washing/showering with soap and water, shampoo hair, and put on clean clothes after work.

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

(vi) Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(4) Training programs.

(a) General pesticide safety information shall be presented to workers either orally from written materials or audiovisually. The information must be presented in a manner that the workers can understand (such as through a translator) using nontechnical terms. The presenter also shall respond to workers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

(i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or

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

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

(iv) Satisfy the training requirements in WAC 296-306A-13025(3).

(c) Any person who issues a Washington state department of agriculture-approved Worker Protection Standard worker training card must assure that the worker who receives the training card has been trained in accordance with subsection (4)(d) of this section.

(d) The training materials shall convey, at a minimum, the following information:

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

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

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

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

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

(vi) How to obtain emergency medical care.

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

(viii) Hazards from chemigation and drift.

(ix) Hazards from pesticide residues on clothing.

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

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

(5) Verification of training.

(a) Except as provided in subsection (5)(b) of this section, if the agricultural employer assures that a worker possesses a Washington state department of agriculture-approved Worker Protection Standard worker training card, then the requirements of subsection (1) of this section will have been met.

(b) If the agricultural employer is aware or has reason to know that a Washington state department of agriculture-approved Worker Protection Standard worker training card has not been issued in accordance with this section, or has not been issued to the worker bearing the card, or the training was completed more than five years before the beginning of the current month, a worker's possession of that certificate does not meet the requirements of subsection (1) of this section.

#### NEW SECTION

#### **WAC 296-306A-12045 Posted pesticide safety information—Standards for workers—40 CFR, § 170.135.**

(1) Requirement. When workers are on an agricultural establishment and, within the last thirty days, a pesticide covered by this part has been applied on the establishment or a restricted-entry interval has been in effect, the agricultural employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

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

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

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

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

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(b) There are federal rules to protect workers and handlers, including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The agricultural employer shall inform workers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by workers and where workers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Workers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

### NEW SECTION

**WAC 296-306A-12050 Decontamination—Standards for workers—40 CFR, § 170.150.** (1) Requirement. If any worker on an agricultural establishment performs any activity in an area where, within the last thirty days, a pesticide has been applied or a restricted-entry interval has been in effect and contacts anything that has been treated with the pesticide, including, but not limited to, soil, water, or surfaces of plants, the agricultural employer shall provide, in accordance with this section, a decontamination site for washing off pesticide residues.

(2) General conditions.

(a) The agricultural employer shall provide workers with adequate water for routine washing and emergency eyeflushing. At all times when the water is available to workers, the employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The agricultural employer shall provide soap and single-use towels at each decontamination site in quantities sufficient to meet workers' needs.

(d) To provide for emergency eyeflushing, the agricultural employer shall assure that at least one pint of water is immediately available to each worker who is performing early entry activities permitted by WAC 296-306A-12020 and for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the early entry worker, or shall be on the vehicle the early entry worker is using, or shall be otherwise immediately accessible.

(3) Location.

(a) The decontamination site shall be reasonably accessible to and not more than one-quarter mile from where workers are working.

(b) For worker activities performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, and water may be at the nearest place of vehicular access.

(ii) The agricultural employer may permit workers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water at the decontamination site located at the nearest place of vehicular access.

(c) The decontamination site shall not be in an area being treated with pesticides.

(d) The decontamination site shall not be in an area that is under a restricted-entry interval, unless the workers for whom the site is provided are performing early entry activities permitted by WAC 296-306A-12020 and involving contact with treated surfaces and the decontamination site would otherwise not be reasonably accessible to those workers.

(4) Decontamination after early entry activities. At the end of any exposure period for workers engaged in early entry activities permitted by WAC 296-306A-12020 and involving contact with anything that has been treated with the pesticide to which the restricted-entry interval applies, including, but not limited to, soil, water, air, or surfaces of plants, the agricultural employer shall provide, at the site where the workers remove personal protective equipment, soap, clean towels, and an adequate amount of water so that the workers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at early entry sites that do not have running water.

### NEW SECTION

**WAC 296-306A-12055 Emergency assistance—Standards for workers—40 CFR, § 170.160.** If there is reason to believe that a person who is or has been employed on an agricultural establishment to perform tasks related to the production of agricultural plants has been poisoned or injured by exposure to pesticides used on the agricultural establishment, including, but not limited to, exposures from

application, splash, spill, drift, or pesticide residues, the agricultural employer shall:

(1) Make available to that person prompt transportation from the agricultural establishment, including any labor camp on the agricultural establishment, to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

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

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

(d) The circumstances of exposure of that person to the pesticide.

## STANDARD FOR PESTICIDE HANDLERS

### NEW SECTION

**WAC 296-306A-130 Applicability of this section—Standards for pesticide handlers—40 CFR, § 170.202.** (1) Requirement. Except as provided by subsection (2) of this section, WAC 296-306A-130 applies when any pesticide is handled for use on an agricultural establishment.

(2) Exceptions. WAC 296-306A-130 does not apply when any pesticide is handled for use on an agricultural establishment in the following circumstances:

(a) For mosquito abatement, Mediterranean fruit fly eradication, or similar wide-area public pest control programs sponsored by governmental entities.

(b) On livestock or other animals, or in or about animal premises.

(c) On plants grown for other than commercial or research purposes, which may include plants in habitations, home fruit and vegetable gardens, and home greenhouses.

(d) On plants that are in ornamental gardens, parks, and public or private lawns and grounds and that are intended only for aesthetic purposes or climatic modification.

(e) In a manner not directly related to the production of agricultural plants, including, but not limited to, structural pest control, control of vegetation along rights-of-way and in other noncrop areas, and pasture and rangeland use.

(f) For control of vertebrate pests.

(g) As attractants or repellents in traps.

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

(i) For research uses of unregistered pesticides.

(j) Exemptions. Except as provided by WAC 296-306A-130 and 296-306A-13005, WAC 296-306A-130 applies when a pesticide is handled for an agricultural establishment.

### NEW SECTION

**WAC 296-306A-13005 Exemptions—Standards for handlers—40 CFR, § 170.204.** The handlers listed in this section are exempt from the specified provisions of this part.

(1) Owners of agricultural establishments.

(a) The owner of an agricultural establishment is not required to provide to himself or members of his immediate

family who are performing handling tasks on their own agricultural establishment the protections of:

(i) WAC 296-306A-13010 (2) and (3).

(ii) WAC 296-306A-13015.

(iii) WAC 296-306A-13025.

(iv) WAC 296-306A-13030.

(v) WAC 296-306A-13035.

(vi) WAC 296-306A-13040.

(vii) WAC 296-306A-13045 (5) through (7).

(viii) WAC 296-306A-13050.

(ix) WAC 296-306A-13055.

(b) The owner of the agricultural establishment must provide the protections listed in subsection (1)(a)(i) through (ix) of this section to other handlers and other persons who are not members of his immediate family.

(2) Crop advisors.

(a) Provided that the conditions of (b) of this subsection are met, a person who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) WAC 296-306A-13030.

(ii) WAC 296-306A-13045.

(iii) WAC 296-306A-13050.

(iv) WAC 296-306A-13055.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in (b)(iv) and (v) of this subsection. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(b) Conditions of exemption.

(i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in WAC 296-306A-13025 (3)(d).

(ii) No entry into the treated area occurs until after application ends.

(iii) Applies only when performing crop advising tasks in the treated area.

(iv) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(v) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his direct supervision of the pesticide products and active ingredient(s) applied, method of application, time of application, the restricted-entry interval, which tasks to undertake, and how to contact the crop advisor.

(c) Applies only when the persons are performing crop advising tasks in the treated area.

(d) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

**NEW SECTION**

**WAC 296-306A-13010 Restrictions during applications—Standards for pesticide handlers—40 CFR, § 170.210.** (1) Contact with workers and other persons. The handler employer and the handler shall assure that no pesticide is applied so as to contact, either directly or through drift, any worker or other person, other than an appropriately trained and equipped handler.

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

(3) Fumigant applications in greenhouses. The handler employer shall assure:

(a) That any handler who handles a fumigant in a greenhouse, including a handler who enters the greenhouse before the acceptable inhalation exposure level or ventilation criteria have been met to monitor air levels or to initiate ventilation, maintains continuous visual or voice contact with another handler.

(b) That the other handler has immediate access to the personal protective equipment required by the fumigant labeling for handlers in the event entry into the fumigated greenhouse becomes necessary for rescue.

**NEW SECTION**

**WAC 296-306A-13015 Providing specific information about applications—Standards for pesticide handlers—40 CFR, § 170.222.** When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this part has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, specific information about the pesticide.

(1) Location, accessibility, and legibility. The information shall be displayed in the same location specified for the pesticide safety poster in WAC 296-306A-13040(4) and shall be accessible and legible, as specified in WAC 296-306A-13040 (5) and (6).

(2) Timing.

(a) If warning signs are posted for the treated area before an application, the specific application information for that application shall be posted at the same time or earlier.

(b) The information shall be posted before the application takes place, if handlers (except those employed by a commercial pesticide handling establishment) will be on the establishment during application. Otherwise, the information shall be posted at the beginning of any such handler's first work period.

(c) The information shall continue to be displayed for at least thirty days after the end of the restricted-entry interval (or, if there is no restricted-entry interval, for at least thirty days after the end of the application) or at least until the handlers are no longer on the establishment, whichever is earlier.

(3) Required information. The information shall include:

- (a) The location and description of the treated area.
- (b) The product name, EPA registration number, and active ingredient(s) of the pesticide.
- (c) The time and date the pesticide is to be applied.
- (d) The restricted-entry interval for the pesticide.

**NEW SECTION**

**WAC 296-306A-13020 Notice of applications to agricultural employers—Standards for pesticide handlers—40 CFR, § 170.224.** Before the application of any pesticide on or in an agricultural establishment, the handler employer shall provide the following information to any agricultural employer for the establishment or shall assure that any agricultural employer is aware of:

- (1) Specific location and description of the treated area.
- (2) Time and date of application.
- (3) Product name, EPA registration number, and active ingredient(s).
- (4) Restricted-entry interval.
- (5) Whether posting and oral notification are required.
- (6) Any other product-specific requirements on the product labeling concerning protection of workers or other persons during or after application.

**NEW SECTION**

**WAC 296-306A-13025 Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230.** (1) Requirement. Before any handler performs any handling task, the handler employer shall assure that the handler has been trained in accordance with this section during the last five years, counting from the end of the month in which the training was completed.

*Note: In addition to the training required by this section, the agricultural employer shall assure, without exception, that all employees are trained in accordance with WAC 296-62-054 through 296-62-05427, Hazard communication.*

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

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

(b) A handler who is certified or licensed as a crop advisor by the Washington state department of agriculture under RCW 15.58.230: *Provided*, That a requirement for such certification or licensing is pesticide safety training that includes all the information set out in WAC 296-306A-13025 (3)(d).

(3) Training programs.

(a) General pesticide safety information shall be presented to handlers either orally from written materials or audiovisually. The information must be presented in a manner that the handlers can understand (such as through a translator). The presenter also shall respond to handlers' questions.

(b) The person who conducts the training shall meet at least one of the following criteria:

- (i) Be currently certified as an applicator of restricted-use pesticides under chapter 17.21 RCW; or
- (ii) Be currently designated as a trainer of certified applicators or pesticide handlers by the Washington state

department of agriculture under chapters 15.58 or 17.21 RCW; or

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

(c) Any person who issues a Washington state department of agriculture-approved Worker Protection Standard handler training card must assure that the handler who receives the training card has been trained in accordance with (d) of this subsection.

(d) The pesticide safety training materials must convey, at a minimum, the following information:

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

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

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

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

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

(vi) How to obtain emergency medical care.

(vii) Routine and emergency decontamination procedures.

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

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

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

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

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

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

(4) Verification of training.

(a) Except as provided in (b) of this subsection, if the handler employer assures that a handler possesses a Washington state department of agriculture-approved Worker Protection Standard handler training card, then the requirements of subsection (1) of this section will have been met.

(b) If the handler employer is aware or has reason to know that a Washington state department of agriculture-approved Worker Protection Standard handler training card has not been issued in accordance with this section, or has not been issued to the handler bearing the card, or the handler training was completed more than five years before the beginning of the current month, a handler's possession of that card does not meet the requirements of subsection (1) of this section.

#### NEW SECTION

**WAC 296-306A-13030 Knowledge of labeling and site-specific information—Standards for pesticide handlers—40 CFR, § 170.232.** (1) Knowledge of labeling information.

(a) The handler employer shall assure that before the handler performs any handling activity, the handler either has read the product labeling or has been informed in a manner the handler can understand of all labeling requirements related to safe use of the pesticide, such as signal words, human hazard precautions, personal protective equipment requirements, first-aid instructions, environmental precautions, and any additional precautions pertaining to the handling activity to be performed.

(b) The handler employer shall assure that the handler has access to the product labeling information during handling activities.

(2) Knowledge of site-specific information. Whenever a handler who is employed by a commercial pesticide handling establishment will be performing pesticide handling tasks on an agricultural establishment, the handler employer shall assure that the handler is aware of the following information concerning any areas on the agricultural establishment that the handler may be in (or may walk within one-quarter mile of) and that may be treated with a pesticide or that may be under a restricted-entry interval while the handler will be on the agricultural establishment:

(a) Specific location and description of any such areas; and

(b) Restrictions on entering those areas.

#### NEW SECTION

**WAC 296-306A-13035 Safe operation of equipment—Standards for pesticide handlers—40 CFR, § 170.234.** (1) The handler employer shall assure that before the handler uses any equipment for mixing, loading, transferring, or applying pesticides, the handler is instructed in the safe operation of such equipment, including, when relevant, chemigation safety requirements and drift avoidance.

(2) The handler employer shall assure that, before each day of use, equipment used for mixing, loading, transferring, or applying pesticides is inspected for leaks, clogging, and worn or damaged parts, and any damaged equipment is repaired or is replaced.

(3) Before allowing any person to repair, clean, or adjust equipment that has been used to mix, load, transfer, or apply pesticides, the handler employer shall assure that pesticide residues have been removed from the equipment, unless the person doing the cleaning, repairing, or adjusting is a handler employed by the agricultural or commercial pesticide handling establishment. If pesticide residue removal is not feasible, the handler employer shall assure that the person who repairs, cleans, or adjusts such equipment is informed:

(a) That such equipment may be contaminated with pesticides.

(b) Of the potentially harmful effects of exposure to pesticides.

(c) Of the correct way to handle such equipment.

**NEW SECTION**

**WAC 296-306A-13040 Posted pesticide safety information—Standards for pesticide handlers—40 CFR, § 170.235.** (1) Requirement. When handlers (except those employed by a commercial pesticide handling establishment) are on an agricultural establishment and, within the last thirty days, a pesticide covered by this part has been applied on the establishment or a restricted-entry interval has been in effect, the handler employer shall display, in accordance with this section, pesticide safety information.

(2) Pesticide safety poster. A safety poster must be displayed that conveys, at a minimum, the following basic pesticide safety concepts:

(a) Help keep pesticides from entering your body. At a minimum, the following points shall be conveyed:

(i) Avoid getting on your skin or into your body any pesticides that may be on plants and soil, in irrigation water, or drifting from nearby applications.

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

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

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

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

(vi) Wash immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(vii) Follow directions about keeping out of treated or restricted areas.

(c) There are federal rules to protect workers and handlers including a requirement for safety training.

(3) Emergency medical care information.

(a) The name, address, and telephone number of the nearest emergency medical care facility shall be on the safety poster or displayed close to the safety poster.

(b) The handler employer shall inform handlers promptly of any change to the information on emergency medical care facilities.

(4) Location.

(a) The information shall be displayed in a central location on the farm or in the nursery or greenhouse where it can be readily seen and read by handlers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by handlers and where handlers are likely to congregate or pass by, such as at a decontamination site or an equipment storage site.

(5) Accessibility. Handlers shall be informed of the location of the information and shall be allowed access to it.

(6) Legibility. The information shall remain legible during the time it is posted.

**NEW SECTION**

**WAC 296-306A-13045 Personal protective equipment—Standards for pesticide handlers—40 CFR, § 170.240.** (1) Requirement. Any person who performs tasks as a pesticide handler shall use the clothing and

personal protective equipment specified on the labeling for use of the product.

(2) Definition.

(a) Personal protective equipment (PPE) means devices and apparel that are worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(b) Long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, socks, and other items of work clothing are not considered personal protective equipment for the purposes of this section and are not subject to the requirements of this section, although pesticide labeling may require that such work clothing be worn during some activities.

(3) Provision. When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the handler employer shall provide the appropriate personal protective equipment in clean and operating condition to the handler.

(a) When "chemical-resistant" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(b) When "waterproof" personal protective equipment is specified by the product labeling, it shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(c) When a "chemical-resistant suit" is specified by the product labeling, it shall be a loose-fitting, one-piece or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(d) When "coveralls" are specified by the product labeling, they shall be a loose-fitting, one-piece or two-piece garment, such as a cotton or cotton and polyester coverall, that covers, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that the coveralls be worn over another layer of clothing.

(e) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material shall not be worn for handling activities unless such materials are listed on the product labeling as acceptable for such use.

(f) When "chemical-resistant footwear" is specified by the product labeling, one of the following types of footwear must be worn:

(i) Chemical-resistant shoes.

(ii) Chemical-resistant boots.

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

(g) When "protective eyewear" is specified by the product labeling, one of the following types of eyewear must be worn:

(i) Goggles.

(ii) Face shield.

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

(iv) Full-face respirator.

(h) When a "chemical-resistant apron" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.

(i) When a respirator is specified by the product labeling, it shall be appropriate for the pesticide product used and for the activity to be performed. The handler employer shall assure that the respirator fits correctly by using the procedures consistent with WAC 296-62-071. If the label does not specify the type of respirator to be used, it shall meet the requirements of WAC 296-62-071. The respiratory protection requirements of the general occupational health standards, WAC 296-62-071, shall apply.

(j) When "chemical-resistant headgear" is specified by the product labeling, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(4) Exceptions to personal protective equipment specified on product labeling.

(a) Body protection.

(i) A chemical-resistant suit may be substituted for "coveralls," and any requirement for an additional layer of clothing beneath is waived.

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

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

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

(d) Closed systems. If handling tasks are performed using properly functioning systems that enclose the pesticide to prevent it from contacting handlers or other persons, and if such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided in (d)(i) and (ii) of this subsection.

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

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

(iii) Persons using a closed system that operates under pressure shall wear protective eyewear.

(iv) Persons using a closed system shall have all labeling-specified personal protective equipment immediately available for use in an emergency.

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

(i) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(ii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist-filtering respirator is specified on the pesticide product labeling, it must be worn.

(iii) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by the Washington state department of labor and industries to provide respiratory protection equivalent to or greater than the vapor-removing or gas-removing respirator specified on pesticide product labeling may substitute a long-sleeved shirt, long pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

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

(f) Aerial applications.

(i) Use of gloves. Chemical-resistant gloves shall be worn when entering or leaving an aircraft contaminated by pesticide residues. In the cockpit, the gloves shall be kept in an enclosed container to prevent contamination of the inside of the cockpit.

(ii) Open cockpit. Persons occupying an open cockpit shall use the personal protective equipment specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for chemical-resistant headgear. A visor may be substituted for protective eyewear.

(iii) Enclosed cockpit. Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long pants, shoes, and socks for labeling-specified personal protective equipment.

(g) Crop advisors. Crop advisors entering treated areas while a restricted-entry interval is in effect may wear the personal protective equipment specified on the pesticide labeling for early entry activities instead of the personal protective equipment specified on the pesticide labeling for handling activities, provided:

(i) Application has been completed for at least four hours.

(ii) Any inhalation exposure level listed in the labeling has been reached or any ventilation criteria established by WAC 296-306A-12015 (3)(c) or in the labeling have been met.

(5) Use of personal protective equipment.

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

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

(6) Cleaning and maintenance.

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

(b) If any personal protective equipment cannot be cleaned properly, the handler employer shall dispose of the personal protective equipment in accordance with any applicable federal, state, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall be not be reused.

(c) The handler employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(d) The handler employer shall assure that all clean personal protective equipment shall be either dried thoroughly before being stored or shall be put in a well ventilated place to dry.

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

(f) The handler employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

(i) When breathing resistance becomes excessive.

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

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

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

(g) The handler employer shall assure that when gas-removing or vapor-removing respirators are used, the gas-removing or vapor-removing canisters or cartridges shall be replaced:

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

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

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

(h) The handler employer shall inform any person who cleans or launders personal protective equipment:

(i) That such equipment may be contaminated with pesticides.

(ii) Of the potentially harmful effects of exposure to pesticides.

(iii) Of the correct way(s) to clean personal protective equipment and to protect themselves when handling such equipment.

(i) The handler employer shall assure that handlers have a clean place(s) away from pesticide storage and pesticide use areas where they may:

(i) Store personal clothing not in use.

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

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

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

(7) Heat-related illness. When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the handler employer shall assure that no handler is allowed or directed to perform the handling activity unless appropriate measures are taken, if necessary, to prevent heat-related illness.

#### NEW SECTION

**WAC 296-306A-13050 Decontamination—Standards for pesticide handlers—40 CFR, § 170.250.** (1) Requirement. During any handling activity, the handler employer shall provide for handlers, in accordance with this section, a decontamination site for washing off pesticides and pesticide residues.

(2) General conditions.

(a) The handler employer shall provide handlers with enough water for routine washing, for emergency eyeflushing, and for washing the entire body in case of an emergency. At all times when the water is available to handlers, the handler employer shall assure that it is of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eyeflushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The handler employer shall provide soap and single-use towels at each decontamination site in quantities sufficient to meet handlers' needs.

(d) The handler employer shall provide one clean change of clothing, such as coveralls, at each decontamination site for use in an emergency.

(3) Location. The decontamination site shall be reasonably accessible to and not more than one-quarter mile from each handler during the handling activity.

(a) Exception for mixing sites. For mixing activities, the decontamination site shall be at the mixing site.

(b) Exception for pilots. The decontamination site for a pilot who is applying pesticides aerially shall be in the airplane or at the aircraft's loading site.

(c) Exception for handling pesticides in remote areas. When handling activities are performed more than one-quarter mile from the nearest place of vehicular access:

(i) The soap, single-use towels, clean change of clothing, and water may be at the nearest place of vehicular access.

(ii) The handler employer may permit handlers to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water at the decontamination site located at the nearest place of vehicular access.

(d) Decontamination site in treated areas. The decontamination site shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless:

(i) The decontamination site is in the area where the handler is performing handling activities;

(ii) The soap, single-use towels, and clean change of clothing are in enclosed containers; and

(iii) The water is running tap water or is enclosed in a container.

(4) Emergency eyeflushing. To provide for emergency eyeflushing, the handler employer shall assure that at least one pint of water is immediately available to each handler who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.

(5) A plumbed or portable emergency eyewash capable of delivering at least 1.5 liters (0.4 gals.) of water per minute for fifteen minutes shall be provided at all pesticide mixing and loading stations or handler decontamination sites when the label requires protective eyewear for mixing, loading or applying. A plumbed or portable system meeting the above requirements shall be provided at all permanent pesticide mixing and loading sites.

(6) Decontamination after handling activities. At the end of any exposure period, the handler employer shall provide at the site where handlers remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the handlers may wash thoroughly. At least ten gallons of water for one employee and twenty gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water.

#### NEW SECTION

**WAC 296-306A-13055 Emergency assistance—Standards for pesticide handlers—40 CFR, § 170.260.** If there is reason to believe that a person who is or has been employed by an agricultural establishment or commercial pesticide handling establishment to perform pesticide handling tasks has been poisoned or injured by exposure to pesticides as a result of that employment, including, but not limited to, exposures from handling tasks or from application, splash, spill, drift, or pesticide residues, the handler employer shall:

(1) Make available to that person prompt transportation from the place of employment or the handling site to an appropriate emergency medical facility.

(2) Provide to that person or to treating medical personnel, promptly upon request, any obtainable information on:

(a) Product name, EPA registration number, and active ingredients of any product to which that person might have been exposed.

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

(c) The circumstances of handling of the pesticide.

(d) The circumstances of exposure of that person to the pesticide.

**WSR 96-14-121**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed July 3, 1996, 10:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-034 on March 1, 1996.

Title of Rule: Agriculture-clear rule writing. See Purpose below.

Purpose: Chapter 296-306 WAC, Safety standards for agriculture, ESSB 5121 (1995) stated agriculture operations would benefit from safety rules that were easily referenced and agriculture specific. The department, in coordination with the legislature, agriculture growers, and agriculture worker representatives worked to develop an understandable, easy to read, and easy to use version of the agriculture standard. As a result of this work, the department is proposing a revised agriculture standard which has been rewritten and reorganized for clarity and easy use for those in the agriculture industry.

The department involved agriculture industry employers and employee representatives throughout the development of this standard proposal by soliciting and considering comments on earlier drafts of the proposal. In addition, the department held forum meetings around the state in April 1996 to solicit comments. The standard being proposed is the result of that effort.

The current agriculture standard, chapter 296-306 WAC (January 15, 1996, effective date), was published for the public with a series of appendices attached. The appendices contain all of the requirements from chapter 296-24 WAC, that apply to agriculture operations. The proposed agriculture standard, chapter 296-306A WAC, contains all of the requirements of chapter 296-306 WAC merged with the applicable requirements of chapter 296-24 WAC, currently published as appendices.

The sole purpose of this clear rule writing proposal is to produce a clearly written agriculture standard that is easy to use. The intent of the existing standard requirements have not changed and no new requirements are being proposed.

(Additional amendments are proposed to selected sections of the agriculture standard under a separate proposal. These sections will also be repealed and be incorporated into the new chapter. This separate proposal is being made as a result of SHB 2703 and a joint effort between the Department of Labor and Industries and the Department of Agriculture to adopt the federal Environmental Protection Agency worker protection standard and a common set of

pesticide worker protection standards to avoid inconsistency and conflict in the application of those rules between the two agencies. Federal Environmental Protection Agency worker protection standard requirements are currently in effect. There will be no additional compliance requirements as a result of the proposed rules because the proposed rules encompass either the federal standard or rules already being enforced by either the Department of Agriculture or the Department of Labor and Industries. Two separate sets of hearings for these proposals were considered. However, to accommodate the agriculture industry, as requested by commentators at the April forum meetings, both proposals will be held for comment at the same time in one set of public hearings.)

The following changes or types of changes have been proposed to produce a standard written and reorganized for clarity and for easy use for those in the agriculture industry. These amendments are made to:

- Replace the existing chapter 296-306 WAC, Safety standards for agriculture, with chapter 296-306A WAC, Safety standards for agriculture. This change was recommended by the code reviser's office. It also allows chapter information to be reorganized in the order felt to be most useful to the user.
  - Merge applicable existing requirements of chapter 296-24 WAC, General safety and health standards (currently included by reference in the appendix of chapter 296-306 WAC) into chapter 296-306A WAC.
  - Move existing agriculture standard requirements into new sections in chapter 296-306A WAC.
  - Rewrite the entire agriculture standard for clarity.
  - Simplify the overall outline structure of the chapter.
  - Separate sections into smaller single-topic sections.
  - Reorganize sections and subsections for better organization of information and easier use.
  - Use questions for section titles to better describe the information contained in the section.
  - Use a "less formal voice" in the way the rules are written. For example, the employer is referred to as "you" rather than "the employer," and the department is referred to as "we" rather than "the department."
  - Eliminate cross references as much as possible.
  - Eliminate repetitive language as much as possible.
  - Highlight exceptions to rules whenever possible.
  - Delete definition numbering as required by the code reviser.
  - Move definitions closer to where they are used in the chapter.
  - Delete definitions commonly understood or not used in the chapter.
  - Replace manufacturing requirements with references to the appropriate industry standard.
  - Replace "means of egress" requirement language with the OSHA's proposed general industry "exit routes" language.
  - Repeat section numbering in chapter 296-306 WAC.
- Statutory Authority for Adoption: Chapter 49.17 RCW.  
Statute Being Implemented: RCW 49.17.040, [49.17].050, [42.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting:  
Tracy Spencer, 7273 Linderson Way, Tumwater, WA, (360)

902-5530; Implementation and Enforcement: Frank Leuck, 7273 Linderson Way, Tumwater, WA, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of state law, ESSB 5121 (1995).

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has determined that an economic impact statement is not required because there are no probable costs associated with the amendments proposed.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. Rule-making criteria does apply. The proposed rule proposes significant modifications to the standard. (However, the proposal does not add requirements, nor does it change the intent of existing requirements in the standard.)

Hearing Location: On August 6, 1996, at 7:00 p.m.\*, at the Wenatchee Red Lion, Wenatchee/Chelan Room, 1225 North Wenatchee, Wenatchee, WA; on August 7, 1996, at 7:00 p.m.\*, at the Red Lion Inn, Red Lion Ballroom, North 1100 Sullivan Road, Veradale, WA; on August 8, 1996, at 7:00 p.m.\*, at Cavanaugh's at Columbia Center, North 1101 Columbia Center Boulevard, Kennewick, WA; on August 9, 1996, at 7:00 p.m.\*, at Cavanaugh's at Yakima Center, 607 East Yakima Avenue, Yakima, WA; on August 13, 1996, at 7:00 p.m.\*, at the Best Western Cottontree Inn, 2300 Market Place, Mount Vernon, WA; and on August 14, 1996, 7:00 p.m.\*, at the Department of Labor and Industries, 7273 Linderson Way, Tumwater, WA.

\*Hearings related to the Pesticides Worker Protection Standard will begin at 6:00 p.m. at each of these locations. Hearings related to the clear rule writing of the agriculture standard will follow at approximately 7:00 p.m. (time dependent on the conclusion of the pesticides hearings.)

Assistance for Persons with Disabilities: Contact Linda Dausener by July 21, 1996, (360) 902-5516.

Submit Written Comments to: Tracy Spencer, Standards Supervisor, Division of Consultation and Compliance, P.O. Box 44620, Olympia, WA 98507-4620, by 5:00 p.m., August 21, 1996. In addition to written comments, the department will accept comments submitted to: FAX (360) 902-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: October 31, 1996.

July 3, 1996

Mark O. Brown  
Director

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-306-003	Subsections, subdivisions, items, subitems, and segments.
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- WAC 296-306-006 Equipment approval by nonstate agency or organization.
- WAC 296-306-009 Equipment whether or not owned by, or under control of the employer.
- WAC 296-306-010 Purpose and scope.
- WAC 296-306-01001 Cadmium.
- WAC 296-306-012 Definitions applicable to all sections of this chapter.
- WAC 296-306-015 Variance procedures.
- WAC 296-306-020 Serious injury reporting.
- WAC 296-306-025 Management's responsibility.
- WAC 296-306-030 Employee's responsibility.
- WAC 296-306-035 Accident prevention program.
- WAC 296-306-040 Safety bulletin board.
- WAC 296-306-045 First-aid training and certification.
- WAC 296-306-050 First-aid kit.
- WAC 296-306-055 Safe place standards.
- WAC 296-306-057 Hand tools.
- WAC 296-306-061 Machinery and machine guarding.
- WAC 296-306-06101 Powered saws, general requirements.
- WAC 296-306-06103 Band saws.
- WAC 296-306-06105 Radial armsaws.
- WAC 296-306-06107 Table saws.
- WAC 296-306-06109 Circular fuel wood saws.
- WAC 296-306-065 Materials handling and storage—General requirements.
- WAC 296-306-070 Reserved.
- WAC 296-306-075 Bench grinders.
- WAC 296-306-07501 Definitions.
- WAC 296-306-07503 Use, mounting, and guarding.
- WAC 296-306-080 Guarding of hand-held portable power tools.
- WAC 296-306-084 Portable abrasive wheels.
- WAC 296-306-085 Fire protection and ignition sources.
- WAC 296-306-08501 Scope and application.
- WAC 296-306-08503 General requirements.
- WAC 296-306-08505 Selection and distribution.
- WAC 296-306-08507 Inspection, maintenance and testing.
- WAC 296-306-08509 Employee emergency and fire prevention plans.
- WAC 296-306-090 Storage and handling of anhydrous ammonia.
- WAC 296-306-09001 Storage and handling of liquefied petroleum gases.
- WAC 296-306-09003 Hazardous materials, flammable and combustible liquids, spray finishing, dip tanks.
- WAC 296-306-095 Walking working surfaces, elevated walkways and platforms.
- WAC 296-306-100 Handrails.
- WAC 296-306-105 Ladders.
- WAC 296-306-110 Job-made ladders.
- WAC 296-306-115 Bins, bunkers, hoppers, tanks, pits and trenches.
- WAC 296-306-120 Aerial manlift equipment.
- WAC 296-306-125 Gas welding and cutting.
- WAC 296-306-130 Welding.
- WAC 296-306-135 Arc welding and cutting.
- WAC 296-306-140 Welding areas protected.
- WAC 296-306-145 Electrical.
- WAC 296-306-14501 Purpose, scope and application.
- WAC 296-306-14503 Definitions.
- WAC 296-306-14505 Temporary lighting and wiring.
- WAC 296-306-14507 Guarding of live parts.
- WAC 296-306-14509 Equipment installation and maintenance.
- WAC 296-306-14511 Proximity to overhead lines.
- WAC 296-306-14513 Safeguards for personal protection.
- WAC 296-306-14515 Selection and use of work practices.
- WAC 296-306-150 Slow-moving vehicles.
- WAC 296-306-155 General requirements for maintenance of farm motor vehicles and equipment.
- WAC 296-306-160 Vehicles.
- WAC 296-306-165 General requirements for all agricultural equipment.
- WAC 296-306-170 Auger conveying equipment.
- WAC 296-306-175 Farm field equipment guarding.
- WAC 296-306-180 Farmstead equipment.
- WAC 296-306-200 Rollover protective structures (ROPS) for tractors used in agricultural operations.
- WAC 296-306-250 Protective frames for wheel-type agricultural tractors—Test procedures and performance requirements—Purpose.
- WAC 296-306-25003 Types of tests.
- WAC 296-306-25005 Description.
- WAC 296-306-25007 Test procedures.
- WAC 296-306-25009 Performance requirements.
- WAC 296-306-25013 Protective enclosures for wheel-type agricultural tractors—Test procedures and performance requirements—Purpose.
- WAC 296-306-25017 Types of tests.
- WAC 296-306-25019 Description.
- WAC 296-306-25021 Test procedures.
- WAC 296-306-25023 Performance requirements.
- WAC 296-306-25095 Exhibit B—Figures C-1 thru C-16.
- WAC 296-306-260 Rollover protective structures (ROPS) for material handling equipment.
- WAC 296-306-26001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors.
- WAC 296-306-265 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in agriculture.

- WAC 296-306-270 Overhead protection for operators of agricultural and industrial tractors.
- WAC 296-306-27095 Exhibit B—Figures C-17 through C-34.
- WAC 296-306-275 Seatbelts.
- WAC 296-306-300 Field sanitation—Scope.
- WAC 296-306-310 Field sanitation—Definitions.
- WAC 296-306-320 Field sanitation—Requirements.
- WAC 296-306-40003 General requirements.
- WAC 296-306-40005 Pesticides record form.
- WAC 296-306-40011 Cholinesterase monitoring for employees mixing, loading, or applying organophosphate pesticides, and/or early reentering of treated areas. Nonmandatory.

**Chapter 296-306A WAC  
SPECIALIZED OPERATIONS**

**FIELD OPERATIONS AND  
GENERAL REQUIREMENTS**

**PART A**

**GENERAL AND EDUCATIONAL REQUIREMENTS**

NEW SECTION

**WAC 296-306A-003 How is this chapter divided?**

The first three digits of the WAC (296) are the title. The second three digits are the chapter (306A). The third number group is the section, which may have three or five digits. The fourth and fifth digits are treated as if there were a decimal point after the third digit.

For example: Section 330 of this chapter includes all five-digit sections whose number begins with 330.

Sections may be further divided as indicated below.

Title-Chapter-Section 296-306A-330  
296-306A-33003

- Subsection (1)
- (2)
- Subdivision (a)
- (b)
- Item (i)
- (ii)

Note: The chapter is also divided into "parts" according to subject, to make it easier for you to find the information you need.

NEW SECTION

**WAC 296-306A-006 What does this chapter cover?**

(1) Chapter 296-306A WAC applies to all agricultural operations with one or more employees covered by the Washington Industrial Safety and Health Act (WISHA), chapter 49.17 RCW.

"Agricultural operations" are all operations necessary to farming and ranching, including equipment and machinery maintenance, and planting, cultivating, growing or raising, keeping for sale, harvesting, or transporting on the farm or to the first place of processing any tree, plant, fruit, vegeta-

ble, animal, fowl, fish, or insects or products. Agricultural operations include all employers in one or more of the following standard industrial classification (SIC) codes:

- 0111 Wheat
- 0115 Corn
- 0119 Cash grains not elsewhere classified, barley, peas, lentils, oats, etc.
- 0133 Sugar cane and sugar beets
- 0134 Irish potatoes—all potatoes except yams
- 0139 Field crops—hay, hops, mint, etc.
- 0161 Vegetables and melons, all inclusive
- 0171 All berry crops
- 0172 Grapes
- 0173 Tree nuts
- 0175 Deciduous tree fruits
- 0179 Tree fruits or tree nuts not elsewhere classified
- 0181 Ornamental floriculture and nursery products
- 0182 Food crops grown under cover
- 0191 General farms, primarily crops
- 0211 Beef cattle feedlots
- 0212 Beef cattle except feedlots—cattle ranches
- 0213 Hogs
- 0214 Sheep and goats
- 0219 General livestock except dairy and poultry
- 0241 Dairy farms
- 0251 Broiler, fryer, and roaster chickens
- 0252 Chicken eggs
- 0253 Turkeys and turkey eggs
- 0254 Poultry hatcheries
- 0259 Poultry and eggs not elsewhere classified
- 0271 Fur bearing animals and rabbits
- 0272 Horses
- 0273 Animal aquaculture
- 0279 Animal specialties not elsewhere classified
- 0291 General farms, primarily livestock and animal specialties
- 0711 Soil preparation services
- 0721 Crop planting, cultivating, and protecting
- 0722 Crop harvesting, primarily by machine
- 0751 Livestock services, except veterinary
- 0761 Farm labor contractors
- 0811 Timber tracts, Christmas tree growing, tree farms
- 0831 Forest nurseries
- 0851 Forestry services—reforestation

"In-field" processing operations directly related to agricultural operations are covered under this chapter.

(2) If rules in this chapter conflict with rules in another chapter of Title 296 WAC, this chapter shall prevail.

(3) When you assign employees to perform tasks other than those directly related to agricultural operations, the proper chapter of Title 296 WAC shall apply instead of this chapter.

For example: Employees working in fruit and vegetable packing are covered by the general safety and health standards in chapter 296-24 WAC. Employees working on logging and sawmill activities are covered by the appropriate chapter of Title 296 WAC.

PROPOSED

NEW SECTION

**WAC 296-306A-009 What definitions apply to this chapter?** "Approved" means approved by the director of the department of labor and industries, or by another organization designated by the department. Also means listed or approved by a nationally recognized testing laboratory.

"Authorized person" means someone you have approved to perform specific duties or to be at a specific location on the job site.

"Department" means the department of labor and industries. When this chapter refers to "we" or "us," it shall mean the department.

"Director" means the director of the department of labor and industries, or a designated representative.

"Employee" means someone providing personal labor in the business of the employer, including anyone providing personal labor under an independent contract.

"Employer" means a business entity having one or more employees. Also, any person, partnership, or business entity with no employees but having industrial insurance coverage is both an employer and an employee. When this chapter refers to "you," it shall mean the employer or a designated representative.

"Hazard" means a condition that can cause injury, death, or occupational disease.

"Listed" means listed by a nationally recognized testing laboratory.

"Nationally recognized testing laboratory" See 29 CFR 1910.7 (federal OSHA requirements).

"Pesticide" means:

- Any substance intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

- Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

- Any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own, intended to be used with any pesticide as an aid to its application or effect, and sold in a package or container separate from that of the pesticide with which it is to be used.

"Safety factor" means the ratio of the ultimate breaking strength of a piece of material or equipment to the actual working stress or safe load when in use.

"Shall" or "must" means mandatory.

"Should" or "may" means recommended.

"Standard safeguard" means a device designed and constructed to remove a hazard related to the machine, appliance, tool, building, or equipment to which it is attached.

"Working day," for appeals and accident reporting, means a calendar day, except Saturdays, Sundays, and legal holidays. To compute the time within which an act is to be completed, exclude the first working day and include the last.

NEW SECTION

**WAC 296-306A-012 What does it mean when equipment is approved by a nonstate organization?** Whenever the department requires that you have equipment or processes approved by an organization such as the Underwriters Laboratories (UL), the Bureau of Mines (MSHA), or the National Institute for Occupational Safety and Health (NIOSH), the approval of that organization shall be considered evidence of your compliance.

NEW SECTION

**WAC 296-306A-015 What must an employer do if a serious injury occurs?** (1) You must report to us within eight hours of an incident that:

- Causes a fatal or possibly fatal injury;
- Involves acute injury or illness from exposure to pesticides; or
- Causes injury requiring in-patient hospitalization of any employee.

You may phone us or report in person, or you may use the OSHA toll-free central telephone number, 1-800-321-6742.

Exception: If you do not learn of a reportable incident when it happens, you must report it within eight hours of learning about the incident.

(a) Your report shall include:

- Establishment name;
- Location of the incident;
- Time of the incident;
- Number of fatalities;
- Hospitalized employees or pesticide exposures;
- Contact person;
- Phone number; and
- Brief description of the incident.

(b) Fatalities or hospitalizations that occur within thirty days of an incident must also be reported.

(2) If a department investigator asks for assistance, you must assign the employees that the investigator requests.

(3) Do not move any equipment involved in the incident until we complete an investigation.

Exception: You may move equipment to prevent additional incidents, or to remove the victim.

NEW SECTION

**WAC 296-306A-018 What are the employer's responsibilities?** You must:

- (1) Provide a safe and healthful working environment.
- (2) Ensure that employees do not use defective or unsafe tools and equipment, including tools and equipment that may be furnished by the employee.
- (3) Implement a written accident prevention program as required by these standards.
- (4) Implement a hazard communication program as required by chapter 296-62 WAC, Part C.
- (5) Establish a system for reporting and recording accidents on the OSHA 200 log. (See chapter 296-27 WAC.)
- (6) Provide safety education and training programs.

(7) Implement the requirements of WAC 296-62-074 through 296-62-07451 to ensure the safety of employees who are exposed to cadmium in the workplace.

#### NEW SECTION

**WAC 296-306A-021 What are the employee's responsibilities?** (1) Employees shall cooperate with you and other employees in efforts to eliminate accidents.

(2) Employees shall be informed of and observe all safe practices.

(3) Employees shall notify you of unsafe conditions of equipment or workplaces.

(4) Employees shall use all required safety devices and protective equipment.

(5) Employees shall not willfully damage personal protective equipment.

(6) Each employee shall promptly report any job-related injury or illness to his or her immediate supervisor, regardless of the degree of severity.

(7) Employees shall not engage in any activity unrelated to work that may cause injury to other employees during the course of performing work assignments.

(8) Employees shall attend any required training and/or orientation programs designed to increase their competency in occupational safety and health.

(9) Employees shall not report to work under the influence of alcohol or controlled substances. Alcohol or controlled substances shall not be brought on the worksite.

#### NEW SECTION

**WAC 296-306A-024 How does an employer apply for a variance?** (1) If you find that it is impractical for you to comply with specific requirements of this standard, the director may permit a variation from the requirements. However, you must still provide equal protection by substitute means and comply with the requirements of chapter 49.17 RCW and chapter 296-350 WAC, variances.

(2) On the variance application you must certify that you have posted a copy of the written application in a place reasonably accessible to your employees. You must also mail a copy of the application to any authorized employee representative. The notice must advise employees of their right to request that the director conduct a hearing on the variance application. You must notify employees before you apply to the director.

Note: To request a permanent or temporary variance, write to: Department of Labor and Industries, Division of Consultation and Compliance Services, PO Box 44620, Olympia, WA 98504-4620. We will mail you an application form and instruction sheet. We will also send a copy of chapter 296-350 WAC, variances, if you request it.

### **PART B ACCIDENT PREVENTION PROGRAM; FIRST-AID REQUIREMENTS; SAFE PLACE STANDARD**

#### NEW SECTION

**WAC 296-306A-030 What are the required elements of an accident prevention program?** (1) You must instruct all employees in safe working practices at the beginning of employment. Your instruction must be tailored to the types of hazards to which employees are exposed.

(2) You must develop an accident prevention program tailored to the needs of your agricultural operation and to the types of hazards involved.

(3) Your accident prevention program must contain at least the following elements:

(a) How, when, and where to report injuries and illnesses, and the location of first-aid facilities.

(b) How to report unsafe conditions and practices.

(c) The use and care of personal protective equipment.

(d) What to do in emergencies.

(e) Identification of hazardous chemicals or materials and the instruction for their safe use.

(f) An on-the-job review of the practices necessary to perform job assignments in a safe and healthful manner.

(4) Your accident prevention program must be outlined in writing.

(5) At least once a month, you must conduct a walk-around safety inspection of active job sites, the materials and equipment involved, and operating procedures. A representative chosen by employees shall be invited and allowed to accompany you.

#### NEW SECTION

**WAC 296-306A-033 How often must safety meetings be held?** (1) Foreman-crew safety meetings shall be held at least monthly or whenever there are significant changes in job assignments. These meetings shall be tailored to the particular operation or activity occurring at the time.

(2) The meeting minutes shall document subjects discussed and attendance.

(3) Short-term operations that last less than one week, such as harvesting, do not require foreman-crew safety meetings but only require initial safety orientation for the operations.

(4) You must maintain copies of the minutes of each foreman-crew safety meeting at the location where the majority of employees report to work each day.

(5) You must retain minutes of foreman-crew safety meetings for one year and be able to show us copies if we ask to see them.

#### NEW SECTION

**WAC 296-306A-036 What items go on the safety bulletin board?** (1) You must provide a bulletin board or posting area large enough to display the required safety and health poster, "Job Safety and Health Protection" (F416-081-000), and other safety education material.

(2) The bulletin board shall be readily visible in a place where employees gather during some part of the work day. (For example, at the entrance to a field, a parking area, or in a farm building.)

(3) If for any reason any employee is unable to read the notices posted on the bulletin board, you must ensure that the message of the required poster explaining employee

PROPOSED

rights is communicated to the employee in terms he or she understands. This same requirement applies to variance applications, denials or grants, and to any other notice affecting the employee's rights under WISHA.

(4) Posting shall be in the employees' language.

For example: In many cases, posting will need to be in Spanish as well as English.

**NEW SECTION**

**WAC 296-306A-039 How many people at the worksite must be first-aid trained?** (1) During working hours, each farm or crew must have at least one person qualified to give first-aid.

"Qualified" means that the person holds a current certificate of first-aid training from the American Red Cross or another course with equivalent content and hours.

"Current certificate" means a first-aid training certificate that has not expired.

Note: The local department of labor and industries service location has a list of first-aid courses.

(2) The above requirement is met if the farm operator or spouse holds a current first-aid certificate and is available during working hours.

(3) Exception: The above requirements shall not apply to employees whose duties require them to work alone at isolated work stations. However, they shall be checked at intervals by some method agreed upon by you and the employee.

**NEW SECTION**

**WAC 296-306A-042 Must an employer provide first-aid kits?** (1) You must furnish first-aid kits as required by this section.

(2) First-aid supplies shall be readily accessible and provided for employees working alone at isolated stations.

(3) First-aid kit sizes and numbers shall be determined by the number of employees normally dependent upon each kit as outlined in the following table:

Number of employees normally assigned to worksite	Minimum first-aid supplies required at worksite
1-15 employees	1 ten-package kit
16-30 employees	2 ten-package kits or 1 24-package kit
31-50 employees	3 ten-package kits or 1 36-package kit
Over 50 employees (Within 1/2 mile radius of supplies)	First-aid Station or 1 36-package kit plus stretcher and 2 blankets

Note: Kits may be carried in any motor vehicle that is used near the crew. The vehicle may be considered a first-aid station when it is identified as one and when the driver is trained in first aid.

(4) First-aid kits shall contain at least the following items:

1 package 1-inch adhesive bandages (16 per package)

- 2 packages 4-inch bandage compress (1 per package)
- 1 package scissors and tweezers (1 each per package)
- 2 packages 40-inch triangular bandage (1 per package)
- 1 package antiseptic soap or pads (3 per package)
- 2 packages eye dressing (1 per package)
- 1 package 24" x 72" absorbent gauze (1 per package)

Note: You may add items to first-aid kits.

(5) Items used from first-aid kits shall be replaced before the next shift. Kits shall be checked at least weekly for unauthorized removal of items.

**NEW SECTION**

**WAC 296-306A-045 What are the requirements of the safe place standard?** (1) You must furnish to each employee a place of employment free from recognized controllable hazards likely to cause serious injury or death.

(2) You must furnish and require employees to use any safety devices and safeguards that are needed to control recognized hazards. All agricultural methods, operations, and processes shall be designed to promote the safety and health of employees.

(3) No employee may be required to engage in any duty or enter any place that is not safe.

(4) No person shall:

(a) Remove, displace, damage, destroy or carry off any safety device, safeguard, notice or warning for use in any place of employment.

(b) Interfere in any way with the use of any safety device, method or process adopted for the protection of any employee.

(5) Intoxicating beverages or narcotics are prohibited in or around worksites. Employees under the influence of alcohol or narcotics shall not be permitted on the worksite.

Exception: This rule shall not apply to anyone taking prescription drugs and/or narcotics as directed by a physician providing such use does not endanger the employee or others.

**PART C  
HAND TOOLS**

**NEW SECTION**

**WAC 296-306A-050 What requirements apply to hand tools?** (1) Using hoes with handles less than four feet long or any hand tool used for weeding or thinning crops in a stooped position, is prohibited.

(2) You must ensure that hand tools are in good condition. Using defective hand tools is prohibited.

(3) You must ensure that hand tools are stored safely when not in use.

**PART D  
LADDERS, BULK STORAGE,  
PITS, AND TRENCHES**

**NEW SECTION**

**WAC 296-306A-055 Ladders.**

PROPOSED

NEW SECTION

**WAC 296-306A-05501 How must ladders be cared for and maintained?** (1) Ladders shall be quickly checked for defects prior to use, and shall be thoroughly inspected periodically. Ladders shall be inspected immediately in the following situations:

(a) If a ladder tips over, inspect for side rails dents or bends, or excessively dented rungs; check all rung-to-side-rail connections; check hardware connections; check rivets for shear.

(b) If a ladder is exposed to excessive heat, inspect visually for damage and test for deflection and strength characteristics. If you are unsure about the ladder's condition, seek help from the manufacturer.

(2) Ladders shall be maintained in good condition at all times. Joints between steps and side rails shall be tight. All hardware and fittings shall be securely attached, and the moveable parts shall operate freely without binding or with too much play.

(3) Defective ladders shall be withdrawn from service for repair or destruction and tagged as "Dangerous—Do not use."

(4) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made.

(5) Ladders shall be handled with care. Avoid unnecessary dropping, jarring, or misuse.

(6) Ladder storage shall:

(a) Protect the ladder when not in use;

(b) Provide sufficient support to prevent excessive sagging;

(c) Provide ease of access or inspection; and

(d) Prevent danger of accidents when withdrawing a ladder for use.

NEW SECTION

**WAC 296-306A-05503 How must an employer instruct employees to use ladders?** (1) At the beginning of employment, you must provide employees with orientation and training on the proper use of ladders, including how to set a ladder and properly dismount with a full load.

(2) To prevent ladder upset, you must instruct employees to avoid overreaching while standing on the ladder.

(3) You must instruct employees that before climbing ladders; rungs, shoes, and boots shall be clean of substances that would make them hazardous.

(4) Standing on the top two steps of the orchard ladder is prohibited.

(5) Employees shall not ascend or descend ladders while carrying tools or materials that interfere with the free use of both hands.

(6) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height.

(7) Stepladders shall not be used as single ladders.

(8) When working from a ladder over twenty-five feet from the ground or floor, the ladder shall be secured at both top and bottom. When work on a ladder over twenty-five feet from the ground or floor requires the use of both hands, a safety belt must be worn and the safety lanyard secured to the ladder.

(9) Portable ladders shall be placed so that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load. The top of the ladder must be placed with the two rails supported, unless equipped with a single support attachment. Such an attachment should be substantial and large enough to support the ladder under load.

(10) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.

NEW SECTION

**WAC 296-306A-05505 How must orchard ladders be used?** (1) Orchard ladders longer than sixteen feet are prohibited.

(2) Employers shall instruct employees to not stand on the top two steps (the top cap and the next step down) of orchard ladders.

(3) Employers shall instruct employees to not step off the ladder onto branches of trees except onto the main crotch.

NEW SECTION

**WAC 296-306A-05507 What other requirements apply to ladders?** (1) Ladders made by fastening cleats across a single rail are prohibited.

(2) Wood ladders, when not in use, should be stored where they will not be exposed to the elements, but where there is good ventilation. They shall be stored away from radiators, stoves, steam pipes, or other excessive heat or dampness.

(3) Wooden ladders should be kept coated with a suitable protective material. Painted ladders are acceptable as long as the ladders are carefully inspected prior to painting by competent and experienced inspectors acting for, and responsible to, the purchaser, and as long as the ladders are not for resale.

(4) Where necessary, ladders shall have the feet equipped with steel points or other nonslipping base designed for the surface on which it will be used.

(5) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked open, locked, or guarded.

(6) Ladder safety devices may be used on tower, water tank and chimney ladders over twenty feet long in place of cage protection. No landing platform is required in these cases. All ladder safety devices such as lifelabels, friction brakes, and sliding attachments shall meet the design requirements of the ladders that they serve.

(7) See chapter 296-306A WAC Part K for requirements related to working near overhead lines.

NEW SECTION

**WAC 296-306A-060 What requirements apply to job-made ladders?** A "job-made ladder" is a ladder that you or your employees build.

Job-made ladders must meet the following requirements:

(1) One-by-four-inch nominal lumber, or stronger, shall be used for cleats.

PROPOSED

(2) Cleats shall be inset into the edges of side rails to a depth of one-half inch, or filler blocks shall be used on the rails between the cleats.

(3) Each cleat shall be fastened to each rail with three 8d common wire nails or other fasteners of equal strength.

(4) Cleats shall be uniformly spaced approximately 12 inches from the top of one cleat to the top of the next.

(5) Side rails shall be continuous, unless splices develop the full strength of a continuous rail of equal length.

**NEW SECTION**

**WAC 296-306A-061 What requirements apply to working around bins, bunkers, hoppers, tanks, pits, and trenches?** (1) Employees shall be prohibited from entering any bin, bunker, hopper, or similar area when loose materials (such as chips, sand, grain, gravel, sawdust, etc.) may collapse, unless the employee wears a safety belt with a lifeline attached and is attended by a helper.

Note: Silage pits are exempt from this section.

(2) When employees are required to work in a trench or a pit 4 feet deep or more, the trench or the pit shall be shored or shall be sloped according to the following table:

SOIL OR ROCK TYPE	MAXIMUM ALLOWABLE SLOPES (H:V) (1) FOR EXCAVATIONS LESS THAN 20 FEET DEEP (2)
STABLE ROCK	VERTICAL (90°)
TYPE A	3/4:1 (53°)
TYPE B	1:1 (45°)
TYPE C	1 1/2:1 (34°)

1 Numbers in parentheses next to maximum allowable slopes are angles in degrees from the horizontal. Angles have been rounded off.

2 Sloping or benching for excavations greater than 20 feet deep shall be designed by a registered professional engineer.

(3) Each soil and rock deposit shall be classified by a competent person as Stable Rock, Type A, B, or C according to the definitions in WAC 296-155-66401. "Competent person" means someone who is able to identify working conditions that are hazardous to employees, and has authority to take prompt action to eliminate the hazards.

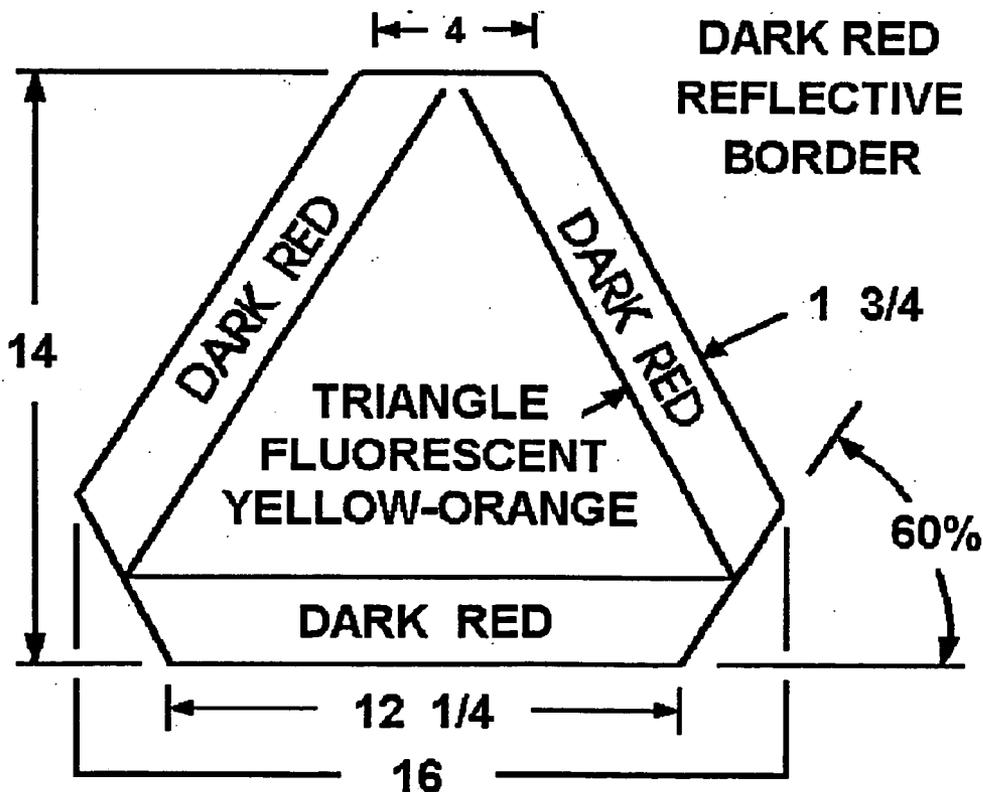
(4) Classification of the deposits shall be based on the results of at least one visual and at least one manual analysis. Such analyses shall be conducted by a competent person using tests in recognized methods of soil classification and testing such as those adopted by the American Society for Testing Materials, or the U.S. Department of Agriculture textural classification system.

**PART E  
VEHICLES AND FARM FIELD EQUIPMENT**

**NEW SECTION**

**WAC 296-306A-065 How must slow-moving vehicles be marked?** (1) You must ensure that farm tractors, farm equipment and implements of husbandry used on public roads have lamps, reflectors and a slow-moving vehicle emblem. From one-half hour after sunset to one-half hour before sunrise, slow-moving vehicles must be equipped with lights and reflectors.

(2) The slow-moving vehicle emblem consists of a fluorescent yellow-orange triangle with a dark red reflective border. The emblem shall only be used on public roads by vehicles designed to move slowly (25 M.P.H. or less).



PROPOSED

NEW SECTION**WAC 296-306A-070 Motor vehicles.**NEW SECTION

**WAC 296-306A-07001 How must motor vehicles be maintained?** (1) Motor vehicles shall be maintained in good mechanical condition at all times.

(2) You must ensure that all parts and accessories of vehicles are kept in good repair and safe condition. Tires worn beyond the point of safety shall not be used.

(3) You must ensure that, before an employee performs service or repair work under hydraulic or mechanical raised dump truck beds, blades, discs, or other equipment, the raised portion of the equipment is manually pinned or blocked to prevent falling.

(4) If a motor vehicle or other farm equipment is in unsafe operating condition, the operator shall report the condition immediately to the person in charge. If any defect would make the vehicle or equipment unsafe to operate under existing conditions, you must ensure that the vehicle or equipment is removed from service and repaired before being used.

(5) Shut off motors before refueling. Take care to prevent fuel from spilling on hot parts.

NEW SECTION

**WAC 296-306A-07003 How must motor vehicles be operated?** (1) Vehicles shall be driven at safe operating speed.

(2) Truck drivers shall at all times operate equipment at a safe speed for roadway conditions.

(3) When an employee is backing a truck where vision is obstructed, you must ensure that the employee is assisted by a signaler. The signaler must be stationed with a clear view of the rear of the truck and the operator of the truck at all times.

(4) Truck drivers shall sound their horn before starting to back, and shall sound the horn intermittently during the entire backing operation.

NEW SECTION

**WAC 296-306A-07005 Who may operate motor vehicles?** Only qualified drivers shall be permitted to operate motor vehicles and shall possess a current motor vehicle operator's license.

NEW SECTION

**WAC 296-306A-07007 What requirements apply to motor vehicle brakes?** (1) You must ensure that motor vehicles are equipped with brakes that will safely hold the maximum load on maximum grades.

(2) You must ensure that trailers are equipped with working air brakes, or another approved type. Air must be cut into the trailer brake system at the time that the trailer is coupled to the truck.

(3) You must ensure that the driver tests truck and trailer brakes before driving down a steep grade.

(4) Trucks parked on an incline shall have the steered wheels turned into the curb and shall have at least one

"driver" wheel chocked on each side, independent of the braking system.

Exception: If the truck has a functioning secondary braking system supplementing the regular parking brake, the turned wheels and chock are not required.

NEW SECTION

**WAC 296-306A-07009 How must motor vehicles be loaded and unloaded?** (1) You must ensure that employees use safe methods of loading and unloading motor vehicles.

(2) All loads transported on trucks or truck and trailer combinations shall be properly secured and distributed. Loads shall also be limited to the safe operating load for the condition of the roadway and the capacity of the bridges, trestles, and other structures.

NEW SECTION

**WAC 296-306A-07011 What safety equipment must be provided on motor vehicles?** All motor vehicles shall be equipped with standard lights, horn, flags, flares, and other safety equipment that conforms to the state of Washington motor vehicles laws.

NEW SECTION

**WAC 296-306A-07013 What rules apply to vehicles used to transport employees?** You must ensure that motor vehicles used regularly to transport employees meet the following requirements:

(1) The vehicles are well equipped, covered against the weather, and maintained in good mechanical condition at all times.

(2) A sufficient number of properly secured seats are provided in each vehicle to accommodate the number of employees transported. When emergency conditions make it necessary to transport more employees than the seating capacity can accommodate, all employees must ride within the vehicle. No employee may ride on fenders or running boards of the vehicle.

(3) No employees may ride in or on any vehicle with their legs hanging over the end or sides. All trucks without tail gates should have safety bars.

(4) The vehicles are equipped with storage strong enough to retain sharp tools that could present a hazard to employees being transported.

(5) All dump-trucks used to transport employees have an adequate safety chain or locking device to ensure that the body of the truck is not raised while employees are riding in it.

(6) Explosives or highly inflammable materials are not carried in or on the vehicle while it is used to transport employees.

(7) Exhaust systems are installed and maintained in proper condition, and are designed to eliminate the employee exposure to exhaust gases and fumes.

(8) Within the cab, crew trucks may carry only the number of passengers for which they are designed. In any seating arrangement, the driver must be able to maintain full freedom of motion. The driver's normal vision shall be free from obstruction by passengers or the seating arrangement.

(9) All enclosed crew trucks have an emergency exit in addition to the regular entrance.

(10) Trucks used for hauling gravel may be used as crew trucks if they meet the following requirements:

- (a) Steps in proper places;
- (b) Wooden floors;
- (c) Securely fastened seats;
- (d) Truck is properly covered; and
- (e) Compliance with all other general regulations covering crew trucks.

(11) Half-ton vehicles may haul no more than six persons including driver. Three-quarter-ton vehicles may haul no more than eight persons including driver.

(12) When vehicles are used as a first-aid station, they must be equipped with stretchers and fire extinguishers.

(13) Heating units with open fires are not used in vehicles transporting crews.

#### NEW SECTION

**WAC 296-306A-073 What requirements apply to changing and charging storage batteries?** (1) Battery changing installations shall be located in areas designated for that purpose.

(2) Facilities shall be provided for:

- Flushing and neutralizing spilled electrolyte;
- Fire protection;
- Protecting charging apparatus from damage by trucks;

and

- Adequate ventilation of fumes from gassing batteries.

(3) Racks used to support batteries should be made of or covered with materials that will not create sparks.

(4) A conveyor, overhead hoist, or equivalent material handling equipment shall be provided for handling batteries.

(5) Reinstalled batteries shall be properly positioned and secured in the vehicle.

(6) A carboy tilter or siphon shall be provided for handling electrolyte.

(7) When mixing water and acid for charging batteries, pour acid into water; do not pour water into acid.

(8) Vehicles shall be properly positioned and the brake applied before attempting to change or charge batteries.

(9) When charging batteries, the vent caps should be kept in place to avoid electrolyte spray. Care shall be taken to ensure that vent caps are functioning. The battery (or compartment) cover(s) shall be open for cooling.

(10) Precautions shall be taken to prevent open flames, sparks, or electric arcs in battery charging areas.

(11) Tools and other metallic objects shall be kept away from the tops of uncovered batteries.

#### NEW SECTION

**WAC 296-306A-076 How must farm field equipment be guarded?** "Farm field equipment" means tractors or implements, including self-propelled implements, used in agricultural operations.

(1) All power transmission components shall be guarded according to WAC 296-306A-280.

(2) 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.

(3) You must ensure that all power takeoff shafts, including rear, mid-mounted or side-mounted shafts, are guarded by a master shield, as follows:

(a) The rear power takeoff has a master shield. The master shield shall have sufficient strength to prevent permanent deformation of the shield when a 250-pound operator mounts or dismounts the tractor using the shield as a step.

(b) Power takeoff driven equipment is guarded to prevent employee contact with rotating members of the power drive system. When the tractor master shield must be removed to use specific power takeoff driven equipment, the equipment must provide protection from the part of the tractor power takeoff shaft that protrudes from the tractor.

(c) Signs are placed at prominent locations on the tractor and on power takeoff driven equipment requiring that safety shields are kept in place.

(4) The following functional components shall be shielded to a degree consistent with the intended function and operator's vision of the component.

- Snapping or husking rolls;
- Straw spreaders and choppers;
- Cutterbars;
- Flail rotors;
- Rotary beaters;
- Mixing augers;
- Feed rolls;
- Conveying augers;
- Rotary tillers; and
- Similar units that must be exposed for proper function

(5) Where removing a guard or access door will expose an employee to any component that continues to rotate after the power is disengaged, you must provide, in the immediate area:

(a) A safety sign warning the employee to look and listen for evidence of rotation and to wait until all components have stopped before removing the guard or access door.

(b) A readily visible or audible warning of rotation on equipment manufactured after October 25, 1976.

(6) If the mounting steps or ladder and the handholds of the propelling vehicle are made inaccessible by installation of other equipment, other steps and handholds shall be provided on the equipment.

(7) You must ensure that the operator's steps and platform have a slip-resistant covering to minimize the possibility of slipping.

(8) Powered machines not driven by an individual motor shall have a clutch or other effective means of stopping.

(9) All friction clutches shall have sufficient clearance and shall be kept adjusted to prevent drag or creeping when disengaged.

### PART F ROLLOVER PROTECTIVE STRUCTURES (ROPS) FOR TRACTORS

NEW SECTION

**WAC 296-306A-080 Rollover protective structures (ROPS) for tractors.**

NEW SECTION

**WAC 296-306A-08003 Which agricultural tractors are covered by this section?** All agricultural tractors manufactured after October 25, 1976, shall meet the requirements of WAC 296-306A-080. An agricultural tractor manufactured on or before October 25, 1976, shall meet the requirements of WAC 296-306A-080 if:

- (1) The tractor was built or sold with rollover protective structures (ROPS) as an optional accessory; or
- (2) According to the manufacturer, the tractor was structurally engineered so that ROPS installation is feasible.

NEW SECTION

**WAC 296-306A-08006 What definitions apply to rollover protective structures (ROPS) for agricultural tractors?** "Agricultural tractor" means a two-wheel-drive or four-wheel-drive vehicle, or a track vehicle of more than twenty net engine horsepower, designed to furnish the power to pull, carry, propel, or drive implements that are designed for agriculture. All human-powered implements are excluded.

"Low profile tractor" means a wheel or track-equipped vehicle with the following characteristics:

- The front wheel spacing is equal to the rear wheel spacing, as measured between the centerlines of the wheels;
- The clearance from the bottom of the tractor chassis to the ground is eighteen inches or less;
- The highest point of the hood is sixty inches or less, and
- The tractor is designed so that the operator straddles the transmission when seated.

NEW SECTION

**WAC 296-306A-08009 What requirements apply to the testing and performance of ROPS used on agricultural tractors?** You must provide a rollover protective structure (ROPS) for each employee-operated tractor that is covered by WAC 296-306A-080. ROPS used on wheel-type tractors shall meet the test and performance requirements of OSHA 1928.52 CFR, Protective Frames for Wheel Type Agricultural Tractors, and ROPS used on track-type tractors shall meet the test and performance requirements of SAE Standard J334a (July 1970) and the portions of SAE Standard J167 (1971) pertaining to overhead protection requirements.

NEW SECTION

**WAC 296-306A-08012 What requirements apply to seatbelts used with ROPS on agricultural tractors?** (1) Where ROPS are required by WAC 296-306A-080, you must:

- (a) Provide each tractor with a seatbelt;
- (b) Require that each employee use the seatbelt while the tractor is moving; and

(c) Require that each employee tighten the seatbelt sufficiently to confine the employee to the ROPS protected area.

(2) Each seatbelt and seatbelt anchorage shall meet the requirements of ANSI/SAE J800 April 1986, Motor Vehicle Seat Belt Assemblies.

(a) Where a suspended seat is used, the seatbelt shall be fastened to the movable portion of the seat.

(b) The seatbelt webbing material shall be at least as resistant to acids, alkalis, mildew, aging, moisture and sunlight as untreated polyester fiber.

NEW SECTION

**WAC 296-306A-08015 When are ROPS not required on agricultural tractors?** ROPS are not required on agricultural tractors that are used as follows:

(1) Low profile tractors used in orchards, vineyards or hop yards where the vertical clearance requirements would substantially interfere with normal operations, and for work related to these uses.

(2) 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.

(3) Tractors while used with mounted equipment that is incompatible with ROPS (for example, cornpickers, cotton strippers, vegetable pickers, and fruit harvesters).

(4) Track-type agricultural tractors whose overall width (measured between the outside edges of the tracks) is at least three times the height of the rated center of gravity, and whose rated maximum speed in forward or reverse is not greater than seven miles per hour, when used only for tillage or harvesting operations, and which:

(a) Does not involve operating on slopes in excess of forty percent from horizontal; and

(b) Does not involve operating on piled crop products or residue (for example: Silage in stacks or pits); and

(c) Does not involve operating in close proximity to irrigation ditches, streams or other excavations more than two feet deep that contain slopes of more than forty percent from horizontal; and

(d) Does not involve construction-type operation, such as bulldozing, grading, or land clearing.

NEW SECTION

**WAC 296-306A-08018 What employee training requirements apply to ROPS used on agricultural tractors?** (1) You must ensure that every employee who operates an agricultural tractor is informed of the operating practices listed below and of any other practices dictated by the work environment. You must provide the information at the time of initial assignment and at least annually thereafter.

(2) You must ensure that every employee who operates an agriculture tractor is trained specifically in the operation of the tractor to be used. The training shall include an orientation of the operator to the topographical features of the land where the tractor will be operated. Training shall emphasize safe operating practices to avoid rollover.

(3) The tractor training program shall be described in the written accident prevention program required by WAC 296-306A-030.

NEW SECTION

**WAC 296-306A-08021 What other requirements apply to ROPS used on agricultural tractors?** (1) You must ensure that batteries, fuel tanks, oil reservoirs, and coolant systems are constructed and located or sealed to ensure that no spillage comes in contact with the operator in the event of an upset.

(2) All sharp edges and corners at the operator's station shall be designed to minimize operator injury in the event of an upset.

(3) When ROPS are removed for any reason, they shall be remounted to meet the requirements of WAC 296-306A-080.

(4) You must ensure that each ROPS has a label, permanently affixed to the structure, that 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.

NEW SECTION

**WAC 296-306A-085 When must ROPS be provided for material handling equipment?** (1) This section applies to the following types of material handling equipment: Rubber-tired, self-propelled scrapers; rubber-tired front-end loaders; rubber-tired dozers; wheel-type agricultural and industrial tractors; crawler tractors; crawler-type loaders; and motor graders, with or without attachments, that are used in agricultural work. This section does not apply to side-boom pipelaying tractors.

(2) You must ensure that material handling equipment manufactured on or after October 25, 1976, is equipped with ROPS that meet the minimum performance standards of WAC 296-306A-08009.

(3) ROPS and supporting attachments shall meet the minimum performance standards of OSHA 1928.52 CFR, Protective Frames for Wheel Type Agricultural Tractors, or shall be designed, fabricated, and installed in a manner that will support, based on the ultimate strength of the metal, at least two times the weight of the prime mover applied at the point of impact.

(a) The ROPS shall be designed to minimize the likelihood of a complete overturn and to minimize the possibility of the operator being crushed in a rollover.

(b) The design shall provide a vertical clearance of at least fifty-two inches from the work deck to the ROPS at the entrance.

(4) When ROPS are removed for any reason, they shall be remounted so as to meet the requirements of this section.

(5) Each ROPS shall have a label, permanently affixed to the structure, that 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.

NEW SECTION

**WAC 296-306A-090 What requirements apply to overhead protection for operators of agricultural and industrial tractors?** This section applies to wheel-type agricultural tractors used in construction work and to wheel-type industrial tractors used in agriculture work.

(1) The overhead protection may be constructed of a solid material. If grid or mesh is used, the largest permissible opening shall be 1.5 in. (38 mm.) in diameter. The overhead protection shall not be installed in such a way as to become a hazard in the case of upset.

(2) All equipment used in site clearing operations shall be equipped with rollover guards meeting the requirements of this chapter. You must ensure that rider-operated equipment is equipped with an overhead and rear canopy guard meeting the following requirements:

(a) The overhead covering is at least eighth-inch steel plate or quarter-inch woven wire mesh with openings no greater than one inch, or equivalent.

(b) The opening in the rear of the canopy structure is covered with not less than quarter-inch woven wire mesh with openings no greater than one inch.

(3) Overhead protection that meets the provisions of SAE Standard J334 (July 1970) for rubber-tired dozers and rubber-tired loaders also meets the requirements of this standard.

## PART G FIELD SANITATION

NEW SECTION

**WAC 296-306A-095 Field sanitation.**

NEW SECTION

**WAC 296-306A-09503 What does this section cover?** WAC 296-306A-095 applies to any agricultural employer with one or more employees engaged in any hand-labor operations in the field.

Exception: WAC 296-306A-09515 (handwashing facilities) and 296-306A-09518 (toilet facilities) do not apply if your employees:

- (1) Are engaged in field activities for the production of grains, seeds, livestock, or livestock feed; or
- (2) Use vehicles, machinery, or animals as part of their field activities and, when needed, can transport themselves to and from toilet and handwashing facilities.

NEW SECTION

**WAC 296-306A-09506 What definitions apply to this section?** "Accessible" means a maximum of one-quarter mile or five minutes travel time from the worksite.

"Hand-labor operations" means agricultural operations performed by hand or with hand tools.

For example: The hand cultivation, weeding, planting or harvesting of vegetables, nuts, fruit, seedlings or other crops, including mushrooms, and hand packing into containers.

Exception: Hand-labor does not include logging operations, the care or feeding of livestock, or hand-labor operations in permanent structures (e.g., canning facilities or packing houses).

"Handwashing facility" means a facility that meets the requirements of WAC 296-306A-09515 and is approved by the local health authority.

"Toilet" means a fixed or portable facility designed for the purpose of adequate collection and containment of both defecation and urination. "Toilet" includes biological, chemical, flush, and combustion toilets, or sanitary outhouses.

#### NEW SECTION

**WAC 296-306A-09509 What orientation must employers provide for field sanitation?** You must provide each employee with verbal orientation on field sanitation facilities. The orientation shall be understandable to each employee and shall include:

- (1) The location of potable water supplies;
- (2) Identification of all nonpotable water at the worksite and prohibition of the use of nonpotable water with an explanation of the hazards associated with using nonpotable water;
- (3) The location of handwashing facilities with an explanation of when and how they should be used and the hazards associated with not using them; and
- (4) The location of toilet facilities; an explanation that facilities are for employee convenience and health considerations; the necessity to keep them sanitary; and that using the fields, orchards, or forests is not an option.

#### NEW SECTION

**WAC 296-306A-09512 What potable water sources must an employer provide?** You must provide potable water for employees engaged in hand-labor operations in the field, without cost to the employee. Potable water shall meet the following requirements:

- (1) Potable water is in locations that are accessible to all employees.
- (2) Potable water containers are refilled daily or more often as necessary.
- (3) Potable water dispensers are designed, constructed, and serviced so that sanitary conditions are maintained. They are closeable and equipped with a tap.
- (4) 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.
- (5) Any container used to distribute drinking water is clearly marked in English and with the appropriate international symbol describing its contents.
- (6) Any container used to distribute drinking water is only used for that purpose.
- (7) Potable water is suitably cool and provided 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, employees may require up to three gallons of water per day.

- (8) The use of common drinking cups or dippers is prohibited. Water is dispensed in single-use drinking cups, personal containers, or by water fountains.

"Single-use drinking cups" means containers of any type or size, disposable or not, and including personal containers as long as the choice to use a personal container is made by the employee, not the employer.

(9) Employees shall be prohibited from drinking from irrigation ditches, creeks or rivers. Potable water shall meet the quality standards for drinking purposes of the state or local authority or shall meet quality standards of the United States Environmental Protection Agency's National Interim—Primary Drinking Water Regulations, published in 40 CFR Part 141 and 40 CFR 147.2400.

#### NEW SECTION

**WAC 296-306A-09515 What handwashing facilities must an employer provide?** You must provide handwashing facilities for employees engaged in hand-labor operations in the field, without cost to the employee. Handwashing facilities shall meet the following requirements:

- (1) One handwashing facility with a tap and an adequate supply of water, soap, single-use hand towels, and either a basin or other suitable container for washing is provided for each twenty employees or fraction of twenty.

Note: Nonpotable water shall not be used for washing any part of a person, except as permitted by the local health authority.

- (2) Each facility has running water.
- (3) Each facility has a dispenser containing handsoap or a similar cleansing agent.
- (4) Each facility has individual single-use hand towels.
- (5) Facilities are maintained in a clean and sanitary condition according to appropriate public health sanitation practices.
- (6) Waste receptacles are provided. Disposal of wastes from the facilities does not create a hazard nor cause an unsanitary condition.
- (7) Employees are allowed reasonable time during the work period to use the facilities.
- (8) Handwashing facilities are near toilet facilities and within one-quarter mile of each employee's worksite in the field.

Exception: Where it is not feasible to locate facilities as required above, the facilities shall be located at the point of closest vehicular access.

#### NEW SECTION

**WAC 296-306A-09518 What toilet facilities must an employer provide?** You must provide toilet facilities for employees engaged in hand-labor operations in the field, without cost to the employee. Toilet facilities shall meet the following requirements:

- (1) One toilet facility is provided for each twenty employees or fraction of twenty.
- (2) You must 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 is taken. Inspections are documented and the record maintained at the worksite for at least seventy-two hours.
- (3) Toilet facilities are adequately ventilated; appropriately screened, and have self-closing doors that can be

closed and latched from the inside. Toilet facilities are constructed to ensure privacy.

(4) Facilities are maintained in a clean, sanitary, and functional condition and according to appropriate public health sanitation practices.

(5) Toilets are supplied with toilet paper.

(6) Disposal of wastes from the facilities does not create a hazard or cause an unsanitary condition.

(7) Employees are allowed reasonable time during the work period to use the facilities.

(8) Facilities are near handwashing facilities and within one-quarter mile of each employee's worksite in the field.

**Exception:** Where it is not feasible to locate facilities as required above, the facilities shall be located at the point of closest vehicular access.

## PART H PERSONAL PROTECTIVE EQUIPMENT

### NEW SECTION

**WAC 296-306A-100 Personal protective equipment.**

### NEW SECTION

**WAC 296-306A-10005 Who must provide personal protective equipment?** (1) You must ensure that employees are protected from injury or impairment of any bodily function that might occur through absorption, inhalation or physical contact of any substance, vapor, radiation, or physical hazard. Wherever appropriate, you must ensure that employees use protective clothing; respiratory devices; shields; barriers; and adequate protective equipment for eyes, face, head, and extremities.

(2) You must provide personal protective equipment at no cost to employees, including replacement due to normal wear and tear. Such equipment shall be maintained in sanitary and reliable condition.

**Exception:** You may require employees to provide their own normal work clothing, including long-sleeved shirts, long-legged pants, and socks.

(3) If employees provide their own protective equipment, then you must ensure that the equipment is adequate, properly maintained, and sanitary.

### NEW SECTION

**WAC 296-306A-10010 What requirements apply to eye protection?** You must require eye protection wherever employees are exposed to flying objects, welding or cutting glare, injurious liquids, or injurious radiation. Eye protectors shall meet the criteria of the American National Standard for Occupational and Educational Eye and Face Protection.

### NEW SECTION

**WAC 296-306A-10015 How must personal protective equipment be used?** (1) You must ensure that employees use personal protective equipment according to the manufacturer's instructions.

(2) You must ensure that, before each use, employees inspect all personal protective equipment for leaks, holes,

tears, or worn places, and any damaged equipment is repaired or discarded.

(3) The employee shall use personal protective equipment in accordance with instructions and training received.

(4) The employee shall notify you of any defects in personal protective equipment or when the equipment becomes contaminated.

### NEW SECTION

**WAC 296-306A-10020 What must an employer do to prevent heat-related illness?** You must take appropriate measures to prevent heat-related illness that may be caused by employees wearing any required personal protective equipment.

### NEW SECTION

**WAC 296-306A-10025 What instruction on personal protective equipment must an employer give to employees?** You must instruct each employee in the proper use of personal protective equipment. The instruction shall include any special limitations or precautions indicated by the manufacturer.

## PART I PESTICIDES (WORKER PROTECTION STANDARD)

## PART J PESTICIDES RECORDKEEPING

### NEW SECTION

**WAC 296-306A-145 Pesticides recordkeeping.**

### NEW SECTION

**WAC 296-306A-14505 What records must an employer keep for pesticide applications?** (1) If you apply pesticides in connection with the production of an agricultural crop, or cause pesticides to be applied in connection with such production, you must keep records for each application. The records shall include at least the following information:

(a) The address or exact location of the land where the pesticide was applied or the site where the pesticide was stored;

**Note:** If application is made to one acre or more, the field/land location must be shown on the map on the required form for at least the first application.

(b) The year, month, day, and time the pesticide was applied or stored;

(c) The product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide that was applied or stored;

(d) The crop or site to which the pesticide was applied (application crop or site);

(e) The amount of pesticide applied per acre, or other appropriate measure;

(f) The concentration of pesticide that was applied;

(g) The number of acres, or other appropriate measure, to which pesticide was applied (total area treated);

(h) If applicable, the licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application;

(i) The direction and estimated velocity of the wind at the time the pesticide was applied;

**Exception:** Wind information does not have to be recorded for applications of baits in bait stations and pesticide applications within structures.

(j) Any other reasonable information required by the department;

(k) A commercial pesticide applicator who applies a pesticide to an agriculture crop or agricultural land shall provide a copy of the pesticide application records to the owner, or to the lessee if applied on behalf of the lessee, of the lands to which the pesticide is applied. Pesticide application records may be provided on any form that includes all required information.

(2) The records shall be updated on the same day that a pesticide is applied. If you have a copy of a pesticide application record, the copy may be used as the record of the pesticide application. You must maintain and preserve the pesticide application records for at least seven years after the date of the application.

(3) The pesticide application records shall be readily accessible to employees and their designated representatives in a central location in the workplace beginning on the day the application is made and for at least thirty days following the application. You are entitled to view the pesticide application records and make your own record from the information contained in the application records.

(4) New or newly assigned employees shall be made aware of the accessibility of the application records before working with pesticides or in a work area containing pesticides.

(5) When storing pesticides, you must, at least once in each calendar year, perform an inventory of the pesticides stored in any work area.

(6) The pesticide inventory records shall include the following information:

(a) The location of the site where the pesticide is stored;

(b) The year, month, day, and time the pesticide was first stored;

(c) The product name used on the registered label and the United States Environmental Protection Agency Registration Number, if applicable, of the pesticide that is stored; and

(d) The amount of pesticide in storage at the time of the inventory.

(7) The inventory records shall be maintained and preserved for at least seven years.

(8) You must maintain a record of pesticide purchases made between the annual inventory dates.

(a) Instead of this purchase record, you may obtain from distributors from whom pesticides are purchased, a statement obligating the distributor to maintain the purchase records on your behalf and in satisfaction of your obligation under this section.

(b) We may require the submission of all purchase records from you or distributors, covering the purchases

during a specified period of time or in a specified geographical area.

(9) When activities for which the records are maintained cease, the records shall be filed with us. If you are succeeded or replaced by another person, the person who succeeds or replaces you shall retain the records as required by this section but is not liable for violations committed by you under chapter 49.70 RCW or rules adopted under chapter 49.70 RCW, including violations relating to the retention and preservation of records.

(10) The records required under this section shall be readily accessible to us for inspection. Copies of the records shall be provided on request, to:

(a) An employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries;

(b) Treating health care personnel;

(c) The pesticide incident reporting and tracking review panel; or

(d) Department representative.

(11) The designated representative or treating health care personnel are not required to identify the employee represented or treated.

(12) We will keep the name of any affected employee confidential according to RCW 49.17.080(1).

(13) When a request for records is made under this section by treating health care personnel and the record is required for determining treatment, copies of the record shall be provided immediately. Information for treating health care personnel shall be made immediately available by telephone, if requested, with a copy of the records provided within twenty-four hours. For all other requests, copies of the records shall be provided within seventy-two hours.

(14) Copies of records provided to any person or entity under this section shall, if so requested, be provided or made available on a form provided by the department.

(15) If you have reason to suspect that an employee is ill or injured because of an exposure to one or more pesticides, you must immediately provide the employee with a copy of the relevant pesticide application records.

(16) If a request for a copy of a record is made under this section and you refuse to provide a copy, the requester may notify the department of the request and your refusal.

(a) Within seven working days, the department shall request that you provide us with all pertinent copies of the records, except that in a medical emergency the request shall be made within two working days.

(b) You must provide copies of the records to us within twenty-four hours after we request.

(17) We shall include inspection of the records required under this section as part of any on-site inspection of a workplace conducted under this chapter or chapter 49.17 RCW. The inspection shall determine whether the records are readily transferable to a form adopted by the department, and readily accessible to employees. However, your records will not be inspected more than once in any calendar year, unless a previous inspection has found recordkeeping violations. If recordkeeping violations are found, we may conduct reasonable multiple inspections, pursuant to rules adopted by the department. (See WAC 296-27-16018, Compliance inspections, and WAC 296-27-16026, Pro-

grammed inspections.) Nothing in this section limits our inspection of records pertaining to pesticide-related injuries, illnesses, fatalities, accidents, or complaints.

(18) If you fail to maintain and preserve the records, or provide access to or copies of the records required under this section, you will be subject to penalties authorized under RCW 49.17.180.

(19) The department of labor and industries and the department of agriculture shall jointly adopt by rule, forms that satisfy the information requirements of this section and RCW 17.21.100.

PROPOSED

**NEW SECTION**

**WAC 296-306A-14510** What do the pesticides forms look like?

WAC 296-306-40005, Pesticides record form.

State of Washington  
Department of Agriculture  
Olympia, Washington 98504

**PESTICIDE APPLICATION RECORD (Version 1)**

**NOTE:** This form must be completed same day as the application and it must be retained for 7 years. (Ref. RCW 17.21)

1. Date of Application - Year: ..... Month: ..... Day: ..... Time: .....
2. Name of person for whom the pesticide was applied: .....  
Firm Name (if applicable): .....  
Street Address: ..... City: ..... State: ..... Zip: .....
3. Licensed Applicator's Name (if different from #2 above): ..... License No.: .....  
Firm Name (if applicable): ..... Tel. No.: .....  
Street Address: ..... City: ..... State: ..... Zip: .....
4. Name of person(s) who applied the pesticide (if different than #3 above): .....  
..... License No(s), if applicable: .....
5. Application Crop or Site: .....
6. Total Area Treated (acre., sq. ft., etc): .....
7. Was this application made as a result of a WSDA Permit?  No  Yes (if yes, give Permit No.) #.....
8. Pesticide information (please list all information for each pesticide in the tank mix):

a) <u>Product Name</u>	b) <u>EPA Reg No.</u>	c) <u>Total Amount of Pesticide Applied in Area Treated</u>	d) <u>Pesticide Applied/Acre (or other measure)</u>	e) <u>Concentration Applied</u>
_____	_____	_____	_____ / _____	_____
_____	_____	_____	_____ / _____	_____
_____	_____	_____	_____ / _____	_____
_____	_____	_____	_____ / _____	_____
_____	_____	_____	_____ / _____	_____

9. Address or exact location of application. NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form.

10. Wind direction and estimated velocity during the application: .....
11. Temperature during the application: .....
12. Apparatus license plate number (if applicable): .....
13.  Air  Ground  Chemigation
14. Miscellaneous Information:

PROPOSED

WAC 296-306-40005, Pesticides record form.

Location of Application (if the application covers more than one township or range, please indicate the township & range for the top left section of the map only):

Township: .....

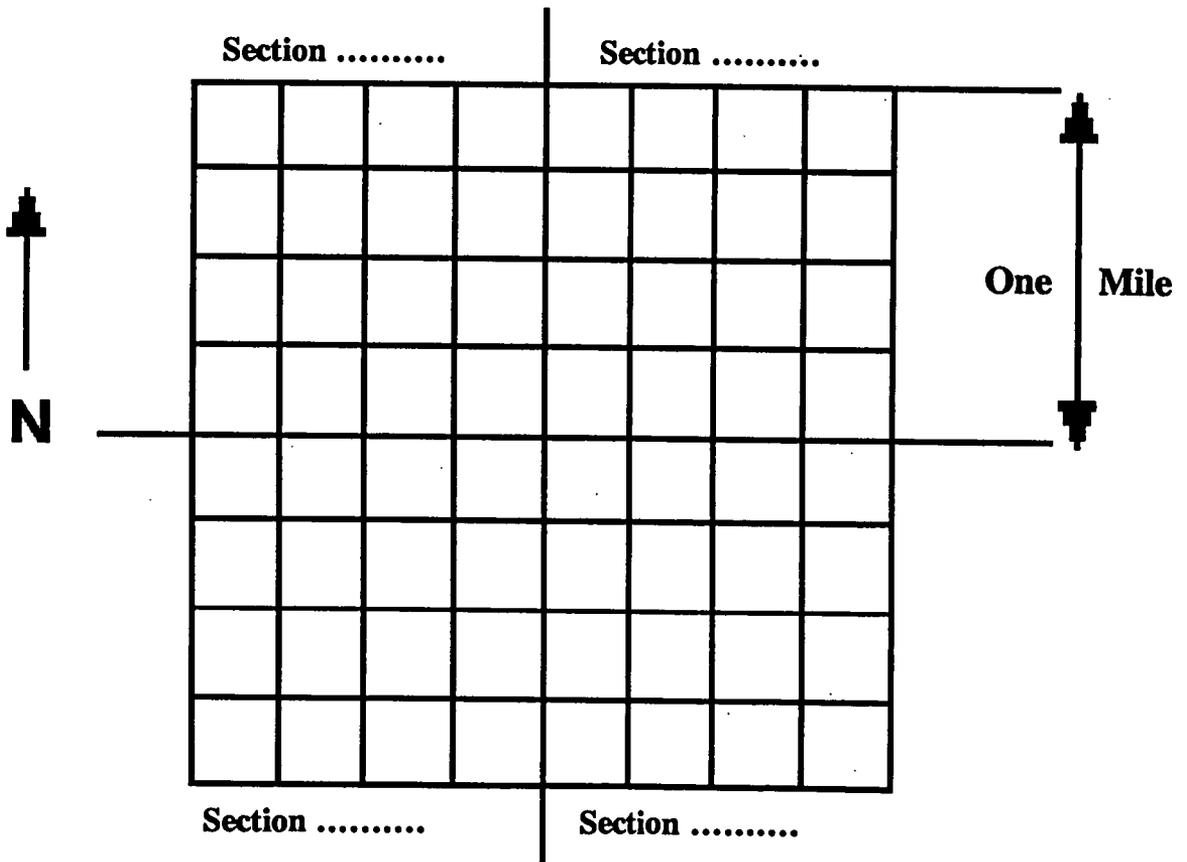
Range: E or W (please indicate) .....

Section(s): .....

County: .....

**PLEASE NOTE:**

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.



Miscellaneous Information:

PROPOSED

WAC 296-308-40005, Pesticides record form.

State of Washington  
 Department of Agriculture  
 Olympia, Washington 98504

**PESTICIDE APPLICATION RECORD (Version 2)**

NOTE: Application information must be completed on the same day as the application and must be retained for seven years. (Ref. RCW 17.21)

PROPOSED

<b>1. Name &amp; Address of Person for Whom Pesticide was Applied:</b> _____ _____ _____ _____	<b>2. Applicator Name and Address (if different from {1}):</b> _____ _____ _____ _____ Tel. No. _____ Lic. No. _____
<b>3. Address or exact location of application (NOTE: If the application is made to one acre or more of agricultural land, the field location must be shown on the map on page two of this form)</b> _____ _____ _____	<b>4. Misc. Info.:</b> _____ _____ _____

5. Date and Time of Application	8. Crop or Site Treated	7. Acres Treated (or other measure)	8. PRODUCT NAME	9. EPA Registration Number	10. Amount of Product Applied		11. Concentration	12. Weather Conditions, Apparatus License Plate No. and Name and License No. of person(s) who applied pesticide
					Rate per acre (or other measure)	Total Product Applied		
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							
	<input type="checkbox"/> Air <input type="checkbox"/> Ground <input type="checkbox"/> Chemigation							

WAC 296-306-40005, Pesticides record form.

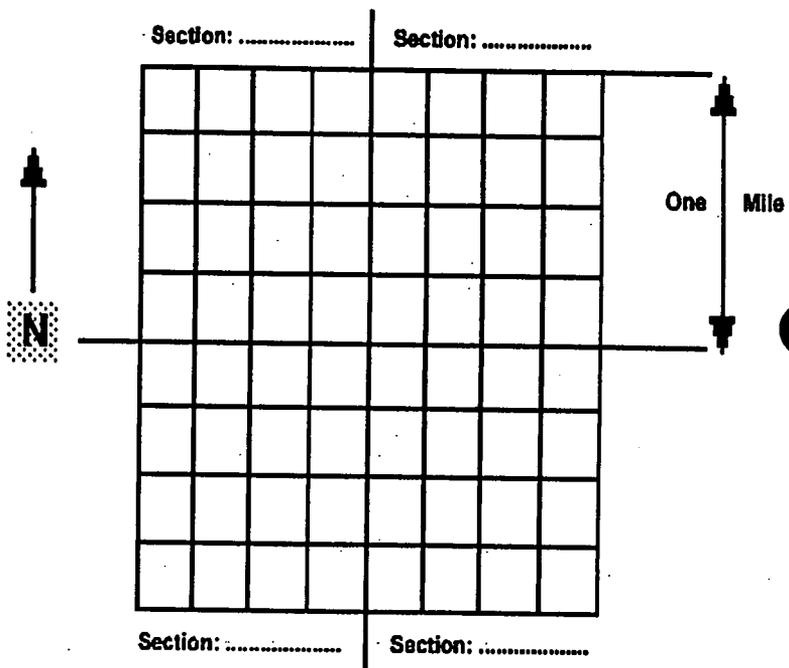
PROPOSED

*Location of Application:* (If the application covers more than one township or range, please indicate the township & range for the top left section of the map only)

TOWNSHIP: \_\_\_\_\_ N  
 RANGE: \_\_\_\_\_ E or W  
 (please indicate)  
 SECTION(S): \_\_\_\_\_  
 COUNTY: \_\_\_\_\_

**PLEASE NOTE:**

The map is divided into 4 sections with each section divided into quarter-quarter sections. Please complete it by marking the appropriate section number(s) on the map and indicate as accurately as possible the location of the area treated.









NEW SECTION

**WAC 296-306A-14520 What are the department's recommendations for cholinesterase monitoring? (Nonmandatory)** (1) We recommend that you implement a screening program for cholinesterase monitoring for employees handling organophosphate and carbamate pesticides.

(2) Red blood cell and plasma cholinesterase testing of employees who handle toxicity class 1 or 2 carbamate or organophosphate pesticides is an acceptable bioassay method for determining the extent and effects of exposure to these types of pesticides. The schedule of testing should include a preexposure baseline level, followed by periodic monitoring during the period of exposure.

(3) You should provide baseline cholinesterase tests for all employees handling carbamate or organophosphate pesticides for 30 hours or more in any 30-day period.

(4) Employees should be given baseline tests before actual exposure, at the beginning of the growing season, or upon first hire. These baseline tests should be repeated every two years.

(5) Periodic tests should be conducted every 30 days after the initial baseline for the next three months, and every 60 days thereafter until organophosphate or carbamate pesticide exposure ceases.

(6) You should not allow a monitored employee to be further exposed to carbamate or organophosphate pesticides if any cholinesterase test in comparison to the baseline is less than 70% of red blood cell baseline levels or 60% of plasma baseline levels. These employees should not be further exposed to organophosphate pesticides until their cholinesterase levels return to 80% or more of their baseline levels.

(7) Employees should be monitored for plasma or red blood cell cholinesterase levels.

(8) Monitoring programs should include appropriate follow-up and referrals to health care providers as needed, and should include a mechanism for recordkeeping and report tracking.

**PART K  
WORKING NEAR OVERHEAD LINES**

NEW SECTION

**WAC 296-306A-150 Employees working near overhead lines.**

NEW SECTION

**WAC 296-306A-15003 What does this section cover?** WAC 296-306A-150 does not apply to the construction, reconstruction, operation, or maintenance of overhead electrical conductors (and their supporting structures and associated equipment) by authorized and qualified electrical employees. It also does not apply to authorized and qualified employees engaged in the construction, reconstruction, operations and maintenance of overhead electrical circuits or conductors (and their supporting structures and associated equipment) of rail transportation systems, or electrical generating, transmission, distribution, and communication systems.

NEW SECTION

**WAC 296-306A-15006 What clearance and safeguards are required to protect employees working near overhead lines?** (1) All exposed overhead conductors shall be isolated from accidental contact by employees or equipment.

(2) Irrigation pipe shall not be stored within one hundred feet of overhead conductors.

(3) Upending irrigation pipe within one hundred feet of overhead conductors is prohibited.

(4) Water and irrigation systems, and other devices that discharge a conductive liquid, shall be set up and operated so that the discharge from the system is directed more than ten feet away from overhead high-voltage lines, and avoids contact with any exposed electrical power conductor.

(5) Employees are prohibited from entering or working in proximity to high-voltage lines, unless there are guards to prevent accidental contact.

Note: Voltage 600V and higher is considered high voltage.

(6) The following are prohibited if it is possible to bring these objects within ten feet of high-voltage lines:

(a) Operating, erecting, or transporting tools, equipment, or a moving part;

(b) Handling, transporting, or storing materials; or

(c) Moving a building near high-voltage lines.

(7) Equipment or machines shall be operated near power lines according to the following:

(a) For lines rated 50 kv. or below, minimum clearance between the lines and any part of the object shall be ten feet;

(b) For lines rated over 50 kv. minimum clearance between the lines and any part of the object shall be ten feet plus four tenths of an inch for each 1 kv., over 50 kv., or twice the length of the line insulator but never less than ten feet;

(c) In transit, the clearance shall be a minimum of four feet for voltages less than 50 kv., ten feet for voltages over 50 kv. up to and including 345 kv., and sixteen feet for voltages up to and including 750 kv.;

(d) You must designate someone to observe clearance and give warning for operations where it is difficult for the operator to see well enough to maintain the necessary clearance.

Exception: You are exempt from this requirement if electrical distribution and transmission lines have been deenergized and visibly grounded at point of work; or if insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines.

NEW SECTION

**WAC 296-306A-15009 What signs must an employer post to warn employees working near overhead lines?** You must post and maintain in plain view of the operator on each derrick, power-shovel, drilling-rig, hay loader, hay stacker, or similar apparatus with parts that are capable of vertical, lateral or swinging motion, a durable warning sign legible at twelve feet that says, "unlawful to operate this equipment within ten feet of high-voltage lines."

NEW SECTION

**WAC 296-306A-15012 When must an employer notify the utility of employees working near overhead lines?** The employer must notify the operator of high-voltage lines when any operations are to be performed, tools or materials handled, or equipment is to be moved or operated within ten feet of any high-voltage line. All required safety measures must be completed before proceeding with any work that would reduce the clearance requirements of this section.

**PART L  
TEMPORARY LABOR CAMPS**

NEW SECTION

**WAC 296-306A-160 Temporary labor camps.**

NEW SECTION

**WAC 296-306A-16001 What requirements apply to camp sites?** (1) You must ensure that all sites used for temporary labor camps are adequately drained. The site shall not be subject to periodic flooding, nor located within 200 feet of a swamp, pool, sink hole, or other surface collection of water unless the water surface can be subject to mosquito control. Drainage from and through the camp must not endanger any domestic or public water supply. All sites shall be free from depressions in which water may become a nuisance.

(2) All sites shall be large enough to prevent overcrowding of necessary structures. The principal camp area for sleeping and for food preparation and eating shall be at least 500 feet from where livestock are kept.

(3) The grounds and open areas surrounding the shelters shall be maintained in a clean and sanitary condition.

(4) Whenever the camp is closed for the season or permanently, all garbage, manure, and other refuse shall be collected and disposed of to prevent nuisance. All abandoned toilet pits shall be filled with earth, and the grounds and buildings left in a clean and sanitary condition. If outhouse buildings remain, they shall be locked or otherwise secured to prevent entrance.

NEW SECTION

**WAC 296-306A-16003 How must camp shelters be constructed?** (1) You must ensure that every shelter in the camp is constructed in a manner that provides protection against the elements.

(2) Each room used for sleeping purposes shall have at least 50 square feet of floor space for each occupant. The room shall have at least a 7-foot ceiling.

(3) You must provide beds, cots, or bunks, and suitable storage facilities such as wall lockers for clothing and personal articles in every sleeping room.

(a) Beds shall be at least 36 inches apart, both laterally and end to end, and the frame shall keep mattresses at least 12 inches off the floor.

(b) Double-deck bunks shall be spaced at least 48 inches apart, both laterally and end to end.

(c) The minimum clear space between lower and upper bunks shall be at least 27 inches.

(d) Triple-deck bunks are prohibited.

(4) The floors of each shelter shall be constructed of wood, asphalt, or concrete. Wooden floors shall be smooth and tight. The floors shall be kept in good repair.

(5) All wooden floors shall be elevated at least 1 foot above ground level at all points to prevent dampness and to permit free air circulation.

(6) You may "bank" around outside walls with earth or other suitable material to guard against extreme low temperatures.

(7) All living quarters shall have windows covering a total area equal to at least one-tenth of the floor area. You must ensure that at least one-half of each window can be opened for ventilation.

(8) All exterior openings shall be screened with 16-mesh material. All screen doors shall have self-closing devices.

(9) You must ensure that each dwelling unit has at least 70 square feet of floor space for the first occupant and at least 50 square feet of floor space for each additional occupant. In a family unit, the husband and wife must have a separate sleeping area whenever living with one or more children over six years old.

(10) In camps with common cooking facilities, you must provide stoves in an enclosed and screened shelter. You must provide one stove for every 10 people or one stove for every two families.

(11) You must provide sanitary facilities for storing and preparing food.

(12) If a camp is used during cold weather, you must provide adequate heating equipment.

Note: All heating, cooking, and water heating equipment shall be installed according to state and local ordinances, codes, and regulations governing such installations.

NEW SECTION

**WAC 296-306A-16005 What requirements apply to the water supply?** (1) In each camp, you must provide an adequate and convenient water supply for drinking, cooking, bathing, and laundry purposes. The water supply must be approved by the appropriate health authority.

(2) "Adequate water supply" means a water supply that is capable of delivering 35 gallons per person per day to the campsite at a peak rate of 2 1/2 times the average hourly demand.

(3) You must ensure that the distribution lines are able to supply water at normal operating pressures to all fixtures for simultaneous operation. If water is not piped to the shelters, water outlets shall be distributed throughout the camp so that no shelter is more than 100 feet from a yard hydrant.

(4) Where water under pressure is available, you must provide one or more drinking fountains for each 100 occupants or fraction thereof. The construction of drinking fountains shall comply with ANSI Standard Specifications for Drinking Fountains, Z4.2-1942. Common drinking cups are prohibited.

NEW SECTION

**WAC 296-306A-16007 Must an employer provide toilet facilities for the camp?** (1) You must provide toilet facilities adequate for the camp capacity.

(2) You must ensure that no one has to pass through a sleeping room to reach a toilet room. Toilet rooms shall either have a window of at least 6 square feet opening directly to the outside, or be satisfactorily ventilated. All outside openings shall be screened with 16-mesh material. No fixture, water closet, chemical toilet, or urinal shall be located in a room used for other than toilet purposes.

(3) A toilet room shall be located within 200 feet of the door of each sleeping room. No outhouse shall be closer than 100 feet to any sleeping room, dining room, lunch area, or kitchen.

(4) Where toilet rooms are shared, such as in multifamily shelters and in barracks type facilities, you must provide separate toilet rooms for each sex. These rooms shall be distinctly marked "men" and "women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling.

(5) Where toilet facilities are shared, you must provide water closets or outhouses for each sex, based on the maximum number of persons of that sex that the camp is designed to house at any one time. Water closets or outhouses must be provided in the ratio of one unit for each 15 persons, and a minimum of two units for any shared facility.

(6) You must provide one urinal or 2 linear feet of urinal trough for each 25 men. The floor from the wall and out at least 15 inches from the outer edge of the urinals shall be constructed of materials impervious to moisture. Where water under pressure is available, urinals shall be provided with an adequate water flush. Urinal troughs in outhouses shall drain freely into the pit or vault and the drain shall be constructed to exclude flies and rodents from the pit.

(7) Every water closet installed after the effective date of these standards shall be located in a toilet room.

(8) An adequate supply of toilet paper shall be provided in each outhouse, water closet, or chemical toilet compartment.

(9) Toilet rooms shall be kept in a sanitary condition. They shall be cleaned at least daily.

NEW SECTION

**WAC 296-306A-16009 Must sewer lines connect to public sewers?** All sewer lines and floor drains from buildings shall be connected to public sewers when sewers are available.

NEW SECTION

**WAC 296-306A-16011 What facilities must an employer provide for laundry, handwashing, and bathing?** (1) Laundry, handwashing, and bathing facilities shall be provided in the following ratio:

(a) One handwash basin per family shelter or per six persons in shared facilities.

(b) One shower head for every 10 persons.

(c) One laundry tray or tub for every 30 persons.

(d) One "deepwell" type sink in each building used for laundry, hand washing, and bathing.

(2) Floors shall be smooth but not slippery and shall be moisture resistant. All junctions of the curbing and the floor shall be coved. The walls and partitions of shower rooms shall be smooth and moisture resistant to the height of splash. All shower baths, shower rooms, or laundry rooms must have floor drains to remove waste water and facilitate cleaning.

(3) An adequate supply of hot and cold running water shall be provided for bathing and laundry purposes. Facilities for heating water shall be provided.

(4) Every service building shall be provided with equipment capable of maintaining a temperature of at least 70°F.

(5) Facilities for drying clothes shall be provided.

(6) All service buildings shall be kept clean.

NEW SECTION

**WAC 296-306A-16013 What lighting must an employer provide in camp buildings?** Each habitable room in a camp shall be provided with at least one ceiling-type light fixture and at least one separate floor-type or wall-type convenience outlet. Laundry and toilet rooms and rooms where people congregate shall contain at least one ceiling-type or wall-type fixture. Light levels in toilet and storage rooms shall be at least 20 foot-candles 30 inches from the floor. Other rooms, including kitchens and living quarters, shall be at least 30 foot-candles 30 inches from the floor.

NEW SECTION

**WAC 296-306A-16015 What requirements apply to refuse disposal?** (1) Cleanable or single service containers that can be securely closed, approved by the state board of health, shall be provided for garbage storage. At least one such container shall be provided for each family shelter and shall be located within 100 feet of each shelter on a wooden, metal, or concrete pad.

(2) Garbage containers shall be kept clean.

(3) Garbage containers shall be emptied when full, but not less than twice a week.

NEW SECTION

**WAC 296-306A-16017 How must kitchens, dining halls, and feeding facilities be constructed?** (1) In all camps where central dining or multiple family feeding operations are permitted or provided, the food handling facilities shall comply with the requirements of the "Food Service Sanitation Ordinance and Code," Part V of the Food Service Sanitation Manual, U.S. Public Health Service Publication 934 (1965).

(2) You must provide a properly constructed kitchen and dining hall, adequate in size, and separate from the sleeping quarters, in connection with all food handling facilities. There shall be no direct opening from living or sleeping quarters into a kitchen or dining hall.

(3) No person with any communicable disease shall work in food handling, in any kitchen or dining room operated in connection with a camp or regularly used by persons living in a camp.

#### NEW SECTION

**WAC 296-306A-16019 Must an employer provide insect and rodent control?** You must take effective measures to prevent and control insect and rodent infestation.

#### NEW SECTION

**WAC 296-306A-16021 What first-aid facilities must be available in the camp?** (1) In every camp, you must provide and maintain adequate first-aid facilities, approved by a health authority, for emergency treatment.

(2) A first-aid trained person shall be in charge of first-aid facilities.

#### NEW SECTION

**WAC 296-306A-16023 When must an employer report communicable diseases in a camp?** (1) You must report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease.

(2) Whenever suspected food poisoning or an unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice occurs, the camp superintendent must report immediately the outbreak to the local health officer or state board of health.

### INDOOR OPERATIONS

#### PART M

#### GUARDING TOOLS; FARM SHOPS; MATERIALS HANDLING

#### NEW SECTION

**WAC 296-306A-185 Guarding powered saws.**

#### NEW SECTION

**WAC 296-306A-18503 What general requirements apply to powered saws?** (1) You must ensure that all cracked saw blades are removed from service, except as indicated in WAC 296-306A-18515(6).

(2) Inserting a wedge between a saw disk and its collar to form a "wobble saw" for rabbeting is prohibited.

Exception: This does not apply to properly designed adjustable rabbeting blades.

(3) You must ensure that any saw used for ripping has anti-kick-back fingers on each side and a spreader.

(4) You must ensure that ripping and ploughing are permitted only against the direction in which the saw turns. Mark the direction of saw rotation on the hood, and attach a permanent warning sign to the rear of the guard that prohibits ripping or ploughing from that position.

(5) You must provide push sticks or push blocks in sizes and types suitable for the work to be done.

#### NEW SECTION

**WAC 296-306A-18506 How must band saws be guarded?** (1) You must ensure that all band wheels are completely encased or guarded on both sides. Guards shall be constructed of not less than No. 14 U.S. gauge metal, nominal two-inch wood material, or mesh or perforated metal of not less than U.S. gauge No. 20 with openings not greater than three-eighths inch.

(2) You must ensure that all portions of the band saw blade are enclosed or guarded except the working side of the blade between the guide and the table.

(3) You must ensure that the guard for the portion of the blade between the sliding guide and the upper-saw-wheel guard protects the saw blade at the front and outer side.

#### NEW SECTION

**WAC 296-306A-18509 How must radial arm saws be guarded?** (1) You must ensure that the upper hood completely encloses the upper portion of the blade, including the end of the saw arbor. The upper hood shall be constructed to protect the operator from flying material, and to deflect sawdust. 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.

(2) You must provide a mechanism to prevent the leading edge of the saw from passing the front edge of the table or roll case.

(3) You must equip radial arm-saws with a mechanism to return the saw and keep it in position at the back of the table.

For example: You may use a counter-weight or a saw retractor device, or tilt the arm sufficiently to maintain the saw at the back when released by the operator.

#### NEW SECTION

**WAC 296-306A-18512 How must table saws be guarded?** (1) You must ensure that each circular crosscut table saw is guarded by a standard hood that covers the saw at all times at least to the depth of the teeth. The hood shall adjust itself automatically to the thickness of, and shall remain in contact with, the material being cut.

Exception: When finished surfaces of stock may be marred by the guard, it may be raised slightly to avoid contact. The hood shall be designed to protect the operator from flying material.

(2) While used in performing rabbeting, ploughing, grooving or dado operations they may be used without a spreader, but upon completion of such operations, the spreader shall be replaced immediately.

(3) You must ensure that the part of the table saw that is beneath the table is fully guarded.

(4) Power transmission components of table saws shall be guarded according to WAC 296-306A-280.

PROPOSED

**NEW SECTION**

**WAC 296-306A-18515 How must circular fuel-wood saws be guarded?** (1) You must ensure that fuel-wood saws are guarded by a standard guard that completely encloses the blade to the depth of the teeth, except for the area where material is fed into the blade.

(2) You must ensure that the tables of fuel-wood saws is constructed so that material being sawed is supported on both sides of the blade.

(3) You must provide a mechanism that will prevent the leading edge of the saw from passing the front edge of the table or roll case.

(4) You must provide tilting tables of fuel-wood saws with a backrest for the full length of the table. The backrest shall extend upward from the table platform at least to the height of the saw opening. Backrest construction shall allow no opening greater than two inches. The backrest frame and filler shall be constructed of material of sufficient strength and rigidity to prevent distortion under normal use conditions.

(5) Power transmission components of fuel-wood saws shall be guarded according to WAC 296-306A-280.

(6) When a circular fuel-wood saw blade develops a crack, you must discontinue its use until properly repaired, according to the following measurements.

Length of crack	Diameter of saw in inches
1/2"	12"
1"	24"
1-1/2"	36"

**NEW SECTION**

**WAC 296-306A-190 Guarding bench grinders and abrasive wheels.**

**NEW SECTION**

**WAC 296-306A-19003 What definitions apply to this section?** "Abrasive wheel" means a cutting tool consisting of abrasive grains held together by organic or inorganic bonds. This includes diamond and reinforced wheels.

"Flanges" means collars, discs, or plates between which wheels are mounted. Also referred to as adapter, sleeve, or back.

"Mounted wheels" means wheels of various dimensions that are usually 2 inches in diameter or smaller. They can be either organic or inorganic bonded abrasive wheels. They are secured to plain or threaded steel mandrels.

"Off-hand grinding" means grinding material or a part that is held in the operator's hand.

"Portable grinding" means the grinding machine is hand-held and may be easily moved from one location to another.

"Reinforced wheels" means a class of organic wheels that contain strengthening fabric or filament. "Reinforced" does not mean wheels using such mechanical additions as steel rings, steel cup backs, or wire or tape winding.

"Safety guard" means an enclosure designed to restrain the pieces of the grinding wheel and protect the operator in the event that the wheel is broken in operation.

**NEW SECTION**

**WAC 296-306A-19006 What rules apply to guarding abrasive wheels?** (1) Abrasive wheels shall be used only on machines provided with safety guards.

Exception: This requirement does not apply to the following:

- (a) Wheels used for internal work while the wheel is within the work being ground.
- (b) Mounted wheels 2 inches and smaller in diameter, used in portable operations.
- (c) Types 16, 17, 18, 18R, and 19 cones, plugs, and threaded hole pot balls where the work offers protection.
- (d) Specially shaped "sickle grinding" wheels mounted in mandrel-type bench or floor stands.

(2) The safety guard shall cover the spindle end, nut, and flange projections.

Exceptions:

- (a) When the work provides protection to the operator, the spindle end, nut, and outer flange may be exposed. When the work entirely covers the side of the wheel, the side covers of the guard may be omitted.
- (b) The spindle end, nut, and outer flange may be exposed on portable machines designed for, and used with, type 6, 11, 27, and 28 abrasive wheels, cutting off wheels, and tuck pointing wheels.
- (c) The spindle end, nut, and outer flange may be exposed on machines designed as portable saws.

(3) The guard shall cover the sides and periphery of the wheel.

Exceptions:

- (a) Bench and floor stands;
  - (i) The maximum permissible angle of exposure is 90°. This exposure shall begin at a point not more than 65° above the horizontal plane of the wheel spindle.
  - (ii) Wherever the nature of the work requires contact with the wheel below the horizontal plane of the spindle, the exposure shall not exceed 125°. This exposure shall begin at a point not more than 65° above the horizontal plane of the wheel spindle.
- (b) Swing-frame grinders may only be exposed on the bottom half; the top half of the wheel shall be enclosed at all times.
- (c) Where the work is applied to the top of the wheel, the exposure of the grinding wheel periphery shall not exceed 60°.
- (d) When the work entirely covers the side of the wheel, the side covers of the guard may be omitted.

(4) The safety guard shall be mounted to maintain proper alignment with the wheel, and the strength of the fastenings shall exceed the strength of the guard.

(5) Take care to see that the safety guard is properly positioned before starting the mounted wheel.

(6) Abrasive wheel machinery guards shall meet the design specifications of ANSI B7.1-1970.

(7) Exception: WAC 296-306A-19006 does not apply to natural sandstone wheels and metal, wooden, cloth, or paper discs, with a layer of abrasive on the surface.

**NEW SECTION**

**WAC 296-306A-19009 What are the use, mounting, and guarding rules for abrasive wheels?** (1) Immediately before mounting, the operator shall closely inspect and sound (ring test) all wheels to make sure they are not damaged. Before mounting the wheel, the operator shall check the spindle speed of the machine to be certain that it does not exceed the maximum operating speed marked on the wheel.

"Ring test" means to tap the wheel gently with a light nonmetallic implement, such as the handle of a screwdriver for light wheels, or a wooden mallet for heavier wheels.

PROPOSED

(2) Grinding wheels shall fit freely on the spindle and remain free under all grinding conditions. The wheel hole shall be made suitably oversized to ensure that heat and pressure do not create a hazard.

(3) All contact surfaces of wheels, blotters, and flanges shall be flat and free of foreign matter.

(4) Bushings used in the wheel hole shall not exceed the width of the wheel and shall not contact the flanges.

(5) On offhand grinding machines, work rests shall be used to support the work. They shall be rigid and adjustable to compensate for wheel wear. Work rests shall be kept adjusted closely to the wheel with a maximum opening of one-eighth inch to prevent the work from jamming between the wheel and the rest. The work rest shall be securely clamped after each adjustment and shall not be adjusted with the wheel in motion.

(6) Goggles or face shields shall be used when grinding.

(7) Nonportable grinding machines shall be securely mounted on substantial floors, benches, foundations, or other adequate structures.

(8) After mounting, abrasive wheels shall be run at operating speed with the safety guard in place and properly adjusted, or in a protected enclosure for at least one minute before applying work. During this time, no one shall stand in front of or in line with the wheel.

(9) Grinders or abrasive wheels that vibrate or are out of balance shall be repaired before use.

(10) Abrasive wheels not designed for the machine or guard shall not be mounted on a grinder.

(11) Side grinding shall only be performed with wheels designed for this purpose.

Note: Light grinding on the side of straight wheels is permitted only when very delicate pressure is applied.

#### NEW SECTION

**WAC 296-306A-19012 What requirements apply to flanges?** (1) Grinding machines shall be equipped with flanges.

(2) All abrasive wheels shall be mounted between flanges that are at least one-third the diameter of the wheel. Regardless of flange type used, the wheel shall always be guarded. Blotters shall be used in accordance with this section.

(3) Design and material requirements include:

(a) Flanges shall be designed to transmit the driving torque from the spindle to the grinding wheel.

(b) Flanges may be made of steel, cast iron, or other material of equal or greater strength and rigidity.

(4) An abrasive wheel that is designed to be held by flanges shall not be operated without them. Except for those types requiring flanges of a special design, flanges shall be at least one-third the diameter of the wheel.

(5) Facings of compressible material (blotters) shall be inserted between the abrasive wheel and flanges to ensure uniform distribution of flange pressure.

(6) All flanges shall be maintained in good condition. When the bearing surfaces become damaged, they should be trued or refaced. When refacing or truing, exercise care to make sure that proper relief and rigidity is maintained before starting the wheel.

(7) Where the operator may stand in front of the opening, safety guards shall be adjustable to compensate for wheel wear. The distance between the wheel periphery and the adjustable tongue or the guard above the wheel shall not exceed one-quarter inch.

#### NEW SECTION

**WAC 296-306A-19015 How must vertical portable grinders be guarded?** Safety guards on right angle head or vertical portable grinders shall have a maximum exposure angle of 180°, and the guard shall be between the operator and the wheel during use. The guard shall be adjusted so that pieces of an accidentally broken wheel will be deflected away from the operator.

#### NEW SECTION

**WAC 296-306A-19018 How must other portable grinders be guarded?** Other portable grinding machines shall be guarded so that only the bottom half of the wheel is exposed. The top half of the wheel shall be enclosed at all times.

#### NEW SECTION

**WAC 296-306A-195 What rules apply to grounding and "dead man" controls for hand-held portable power tools?** (1) Each hand-held, power-driven tool shall be provided with a "dead man" control, such as a spring-actuated switch, valve, or equivalent device, so that the power will be automatically shut off whenever the operator releases the control.

(2) The frames and all exposed, noncurrent-carrying metal parts of portable electric machinery, operated at more than fifty volts to ground, shall be grounded. Other hand-held portable motors driving electric tools shall be grounded if they operate at more than fifty volts to ground. The ground shall use a separate ground wire and polarized plug and receptacle.

Exception: Double insulated tools that are designed and used according to the requirements of Article 250-45 of the National Electrical Code (1971 edition) are exempt from the grounding requirements.

#### NEW SECTION

**WAC 296-306A-200 Compressed air.**

#### NEW SECTION

**WAC 296-306A-20005 May compressed air be used for cleaning?** Compressed air shall not be used for cleaning purposes except where reduced to less than 30 psi and then only with effective chip guarding and personal protective equipment.

#### NEW SECTION

**WAC 296-306A-20010 What requirements apply to compressed air tools?** (1) When using compressed air tools, use care to prevent the tool from being shot from the gun.

(2) When momentarily out of use, the gun should be laid so that the tool cannot fly out if the pressure is acciden-

tally released. When not in use, all tools should be removed from the gun.

(3) When disconnecting a compressed air tool from the air line, first shut off the pressure and then operate the tool to release the pressure remaining in the hose.

(4) Compressed air hose or guns shall not be pointed at or brought into contact with the body of any person.

#### NEW SECTION

**WAC 296-306A-205 Guarding portable powered tools.**

#### NEW SECTION

**WAC 296-306A-20505 What requirements apply to guarding portable powered tools?** (1) All portable, power-driven circular saws with a blade diameter greater than 2 inches shall be equipped with guards above and below the base plate or shoe.

(a) 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.

(b) 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.

(c) When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to covering position.

(2) Portable belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley. These guards shall prevent the hands or fingers of the operator from coming in contact with the nip points. The unused run of the sanding belt shall be guarded against accidental contact.

(3) Portable electric powered tools shall meet the electrical requirements of chapter 296-306A WAC Part T.

#### NEW SECTION

**WAC 296-306A-20510 What requirements apply to switches and controls on portable powered tools?** (1) The following powered tools shall be equipped with a constant pressure switch or control that will shut off the power when the pressure is released:

- All hand-held powered circular saws with a blade diameter-greater than 2 inches;
- Electric, hydraulic or pneumatic chain saws; and
- Percussion tools without positive accessory holding means.

All hand-held gasoline powered chain saws shall be equipped with a constant pressure throttle control that will shut off the power to the saw chain when the pressure is released.

(2) The following powered tools shall be equipped with a constant pressure switch or control:

- All hand-held powered drills, tappers, fastener drivers, and horizontal, vertical, and angle grinders with wheels greater than 2 inches in diameter;
- Disc sanders with discs greater than 2 inches in diameter;
- Belt sanders;
- Reciprocating saws;

- Saber, scroll, and jig saws with blade shanks greater than a nominal 1/4 inch; and
- Other similarly operating powered tools.

These tools may have a lock-on control if they can be turned off by a single motion of the same finger or fingers that turn it on.

(3) The following powered tools may be equipped with either a positive on-off control, or other controls as described above:

- All other hand-held powered tools, including:
  - Platen sanders;
  - Grinders with wheels 2 inches in diameter or less;
  - Disc sanders with discs 2 inches in diameter or less;
  - Routers;
  - Planers;
  - Laminate trimmers;
  - Nibblers;
  - Shears; and
  - Saber, scroll, and jig saws with blade shanks a nominal 1/4 inch wide or less.

(a) Saber, scroll, and jig saws with nonstandard blade holders may use blades with shanks that are nonuniform in width, provided the narrowest portion of the blade shank is an integral part in mounting the blade.

(b) Blade shank width shall be measured at the narrowest portion of the blade shank when saber, scroll, and jig saws have nonstandard blade holders.

(c) "Nominal" in this section means +0.05 inch.

(4) The operating control on hand-held power tools shall be located to minimize the possibility of accidental operation that would constitute a hazard to employees.

Exception: This section does not apply to concrete vibrators, concrete breakers, powered tampers, jack hammers, rock drills, garden appliances, household and kitchen appliances, personal care appliances, or to fixed machinery.

#### NEW SECTION

**WAC 296-306A-20515 What requirements apply to pneumatic powered tools and hose?** (1) The operating trigger on portable pneumatic powered tools shall be located to minimize the possibility of accidental operation and shall be arranged to close the air inlet valve automatically when the operator removes pressure.

(2) A tool retainer shall be installed on each tool that would otherwise be ejected from the hose.

(3) Hose and hose connections used for conducting compressed air to utilization equipment shall be designed for the pressure and service to which they are subjected.

#### NEW SECTION

**WAC 296-306A-220 Power lawnmowers.**

#### NEW SECTION

**WAC 296-306A-22003 What definitions apply to this section?** "Blade tip circle" means the path described by the outermost point of the blade as it rotates about its shaft axis.

"Catcher assembly" means a part that provides a means for collecting grass clippings or debris.

"Deadman control" means a control designed to automatically interrupt power to a drive when the operator releases the control.

"Guard" means a part for shielding a hazardous area of a machine.

"Lowest blade position" means the lowest blade position when the mower is not in use.

"Operator area" (walk-behind mowers) means a circular area behind the mower that is no smaller than 30 inches in diameter, the center of which is 30 inches behind the nearest blade tip circle.

"Power reel mower" means a lawn-cutting machine with a power source that rotates one or more helically formed blades about a horizontal axis and creates a shearing action with a stationary cutter bar or bed knife.

"Power rotary mower" means a lawn-cutting machine with a power source that rotates one or more cutting blades about a vertical axis.

"Riding mower" means a powered, self-propelled lawn-cutting vehicle on which the operator rides and controls the machine.

"Sulky type mower" means a walk-behind mower that has been converted to a riding mower by the addition of a sulky.

"Walk-behind mower" means a mower either pushed or self-propelled and normally guided by the operator walking behind the unit.

#### NEW SECTION

**WAC 296-306A-22006 What are the general guarding requirements for power lawnmowers?** (1) Walk-behind, riding-rotary, and reel power lawnmowers designed for use by employees shall meet the design specifications in ANSI B71.1-1968.

**Exception:** These specifications do not apply to sulky-type mowers, flail mowers, sickle-bar mowers, or mowers designed for commercial use.

(2) All power-driven chains, belts, and gears shall be positioned or guarded to prevent accidental contact with the operator during normal starting, mounting, and operation of the machine.

(3) A shut-off device shall be provided to stop operation of the motor or engine. This device shall require manual and intentional reactivation to restart the motor or engine.

(4) All positions of the operating controls shall be clearly identified.

(5) The words, "caution. Be sure the operating control(s) is in neutral before starting the engine," or similar wording shall be clearly visible at an engine starting control point on self-propelled mowers.

#### NEW SECTION

**WAC 296-306A-22009 What rules apply to walk-behind and riding rotary mowers?** (1) The mower blade shall be enclosed except on the bottom and the enclosure shall extend to or below the lowest blade position.

(2) Guards that must be removed to install a catcher assembly shall comply with the following:

(a) Warning instructions shall be attached to the mower near the opening stating that the mower shall not be used without either the catcher assembly or the guard in place.

(b) The catcher assembly or the guard shall be shipped and sold as part of the mower.

(c) The instruction manual shall state that the mower shall be used only with either the catcher assembly or the guard in place.

(d) The catcher assembly, when properly and completely installed, shall not create a condition that violates the limits given for the guarded opening.

(3) Grass discharge openings shall be limited to a maximum vertical angle of the opening of 30°. Measurements shall be taken from the lowest blade position.

(4) The total area of the grass discharge opening(s) shall not exceed 1,000 square degrees on units having a width of cut less than 27 1/2 inches, or 2,000 square degrees on units having a width of cut 27 1/2 inches or over.

(5) The word "caution" or stronger wording shall be placed on the mower at or near each discharge opening.

(6) Blade(s) shall stop rotating from the manufacturer's specified maximum speed within 15 seconds after declutching, or shutting off power.

(7) In a multipiece blade, the means of fastening the cutting members to the body of the blade or disc shall be so designed that they will not become worn to a hazardous condition before the cutting members themselves are worn beyond use.

(8) The maximum tip speed of any blade shall be 19,000 feet per minute.

#### NEW SECTION

**WAC 296-306A-22012 What rules apply to walk-behind rotary mowers?** (1) The horizontal angle of the grass discharge opening(s) in the blade enclosure shall not contact the operator area.

(2) There shall be one of the following at all grass discharge openings:

(a) A minimum of 3 inches between the end of the discharge chute and the blade tip circle.

(b) A rigid bar fastened across the discharge opening, secured to prevent removal without the use of tools. The bottom of the bar shall be no higher than the bottom edge of the blade enclosure.

(3) The highest point(s) on the blade enclosure front, except discharge-openings, may be a maximum of 1-1/4 inches above the lowest blade position. Mowers with a swingover handle are considered to have no front in the blade enclosure and therefore shall comply with WAC 296-306A-22009(1).

(4) The mower handle shall be fastened to the mower so as to prevent loss of control by unintentional uncoupling while in operation.

(5) Mower handles shall be locked in the normal operating position(s) so that they cannot be accidentally disengaged during normal mower operation.

(6) A swingover handle, that complies with the above requirements, will be permitted.

(7) Wheel drive disengaging controls, except deadman controls, shall move opposite to the direction of the vehicle

motion in order to disengage the drive. Deadman controls may operate in any direction to disengage the drive.

#### NEW SECTION

**WAC 296-306A-22015 What rules apply to riding rotary mowers?** (1) The highest point(s) of all openings in the blade enclosure front shall be a maximum of 1 1/4 inches above the lowest blade position.

(2) Opening(s) shall not allow grass or debris to discharge directly toward the operator seated in normal operator position.

(3) There shall be one of the following at all grass discharge openings:

(a) A minimum of 6 inches between the end of the discharge chute and the blade tip circle.

(b) A rigid bar fastened across the discharge opening secured to prevent removal without the use of tools. The bottom of the bar shall be no higher than the bottom edge of the blade enclosure.

(4) Mowers shall be provided with stops to prevent jackknifing or locking of the steering mechanism.

(5) The mower shall have brakes.

(6) Hand-operated wheel drive disengaging controls shall move opposite to the direction of vehicle motion in order to disengage the drive. Foot-operated wheel drive disengaging controls shall be depressed to disengage the drive. Deadman controls, both hand and foot operated, may operate in any direction to disengage the drive.

#### NEW SECTION

**WAC 296-306A-225 Jacks.**

#### NEW SECTION

**WAC 296-306A-22503 What definitions apply to this section?** "Jack" means an appliance for lifting and lowering or moving horizontally a load using a pushing force.

Note: Jack types include lever and ratchet, screw, and hydraulic.

"Rating" means the maximum working load for which a jack is designed to lift the load safely throughout its travel.

#### NEW SECTION

**WAC 296-306A-22506 How shall the rated load be marked on a jack?** (1) The operator shall make sure that the jack used has a load rating sufficient to lift and sustain the load.

(2) The rated load shall be legibly and permanently marked in a prominent location on the jack by casting, stamping, or other suitable means.

(3) The manufacturer's specifications should be followed to raise the rated load of a jack.

#### NEW SECTION

**WAC 296-306A-22509 What rules apply to the operation and maintenance of jacks?** (1) In the absence of a firm foundation, the base of the jack shall be blocked. If the cap might slip, a block shall be placed in between the cap and the load.

(2) The operator shall watch the stop indicator, which shall be kept clean, in order to determine the limit of travel. The indicated limit shall not be overrun.

(3) After the load has been raised, it shall immediately be cribbed, blocked, or otherwise secured.

(4) Hydraulic jacks exposed to freezing temperatures shall be supplied with an adequate antifreeze liquid.

(5) All jacks shall be properly lubricated at regular intervals. The lubricating instructions of the manufacturer should be followed, and only lubricants recommended by the manufacturer should be used.

(6) You must ensure that each jack is thoroughly inspected according to the service conditions and at least:

(a) For constant or intermittent use at one locality, once every 6 months;

(b) For jacks sent out of shop for special work, when sent out and when returned;

(c) For a jack subjected to abnormal load or shock, immediately before and immediately thereafter.

(7) Repair or replacement parts shall be examined for possible defects.

(8) Jacks that are out of order shall be tagged accordingly, and shall not be used until repaired.

#### NEW SECTION

**WAC 296-306A-230 What are the general requirements for materials handling and storage?** (1) Safe clearances of three feet shall be allowed for aisles, loading docks, doorways, and wherever turns or passage must be made. Passageways shall be kept clear and in good repair, with no obstructions.

(2) Bags, bales, boxes, and other containers stored in tiers shall be made secure against sliding or collapse.

(3) Storage areas shall be kept free from any accumulation of materials that could cause tripping, fire, or explosion.

(4) Employees shall be instructed in proper lifting or moving techniques and methods. Mechanical devices or assistance in lifting shall be used when moving heavy objects.

(5) When removing material stored in piles, employees shall remove material in a manner that maintains the stability of the pile and prevents collapse.

(6) Storage areas shall be provided with proper drainage.

(7) You must provide clearance signs to warn of clearance limits.

(8) For powered industrial truck (forklift) requirements, see WAC 296-306A-520.

#### NEW SECTION

**WAC 296-306A-232 What requirements apply to conveyors?** Conveyors shall be constructed, operated, and maintained in accordance with the provisions of ANSI B 20.1-1957. The following additional provisions shall apply where applicable.

(1) When the return strand of a conveyor operates within seven feet of the floor, there shall be a trough provided of sufficient strength to carry the weight resulting from a broken chain.

(2) If the strands are over a passageway, a means shall be provided to catch and support the ends of the chain in the event of a break.

(3) When the working strand of a conveyor crosses within three feet of the floor level in passageways, a bridge shall be provided for employees to cross over the conveyor.

(4) Whenever conveyors pass adjacent to or over working areas or passageways, protective guards shall be installed. These guards shall be designed to catch and hold any load or materials that may fall off or dislodge and injure an employee.

(5) Employees shall not be allowed to walk on the rolls of roller-type conveyors except in an emergency.

(6) Guards, screens, or barricades that are strong enough to prevent material from falling shall be installed on all sides of the shaftway of elevator-type conveyors except at openings where material is loaded or unloaded. Automatic shaftway gates or suitable barriers shall be installed at each floor level where material is loaded or unloaded from the platform.

(7) Conveyors shall be provided with an emergency stopping device that can be reached from the conveyor. Such device shall be located near the material entrance to each chopper, mulcher, saw, or similar equipment.

**Exception:** The emergency stopping device is not required where the conveyor leading into the equipment is under constant control of an operator with full view of the material entrance and the conveyor is located where the operator cannot fall onto it.

(8) Where conveyors are over seven feet high, means shall be provided to safely permit essential inspection and maintenance operations.

(9) Any part showing signs of significant wear shall be inspected carefully and replaced before it creates a hazard.

(10) Replacement parts shall be equal to or exceed the manufacturer's specifications.

## PART N SANITATION FOR INDOOR WORKPLACES

### NEW SECTION

**WAC 296-306A-240** Sanitation for fixed, indoor workplaces.

### NEW SECTION

**WAC 296-306A-24001** Must an employer comply with state health regulations? You must comply with the rules and regulations of the state board of health governing sanitation in the workplace. We shall enforce these regulations according to statute law (RCW 43.20.050).

### NEW SECTION

**WAC 296-306A-24003** What does this section cover? WAC 296-306A-240 covers sanitation for employees who normally work in fixed, indoor places of agricultural employment.

A "fixed, indoor workplace" is one where the employees perform a majority of their duties at that site.

This does not cover field employees who only occasionally enter a shop or other farm building as part of their normal duties. Field employees are covered by the field sanitation requirements of WAC 296-306A-095.

This section does not cover measures for the control of toxic materials.

### NEW SECTION

**WAC 296-306A-24006** What definitions apply to this section? "Lavatory" means a basin used exclusively for washing hands, arms, face, and head.

"Personal service room" means a room used for activities not directly connected with the business function of the employer. Such activities include but are not limited to, first aid, medical services, dressing, showering, toilet use, washing, and eating.

"Potable water" means water that meets state or local quality standards for drinking water, or water that meets the quality standards of the Environmental Protection Agency's "National Interim Primary Drinking Water Regulations," published in 40 CFR, Part 141, and 40 CFR 147.2400.

"Toilet facility" means a fixture maintained within a toilet room for the purpose of defecation or urination, or both.

"Toilet room" means a room maintained within or on the premises of any place of employment, containing toilet facilities for employee use.

"Toxic material" means a material that exceeds a regulatory limit (such as in chapter 296-62 WAC), or toxicity that causes or is likely to cause death or serious physical harm.

"Urinal" means a toilet facility maintained within a toilet room for the sole purpose of urination.

"Water closet" means a toilet facility maintained within a toilet room for the purpose of both defecation and urination and which is flushed with water.

"Wet process" means any process or operation in a workroom that normally results in walking or standing surfaces becoming wet.

### NEW SECTION

**WAC 296-306A-24009** What housekeeping requirements apply to fixed, indoor workplaces? (1) You must ensure that all places of employment are kept clean to the extent that the work allows.

(2) You must ensure that the floor of every workroom is kept as dry as possible. Where wet processes are used, drainage shall be maintained. False floors, platforms, mats, or other dry standing places shall be provided where practical, or appropriate waterproof footwear shall be provided.

(3) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, loose boards and unnecessary holes and openings.

(4) Cleaning and sweeping shall be done so as to minimize the contamination of the air with dust and when practical, shall be done outside of working hours.

### NEW SECTION

**WAC 296-306A-24012** How must the potable water supply be maintained? (1) You must provide potable water in all places of employment, for drinking, washing of the person, cooking, washing food, washing cooking or eating utensils, washing food preparation or processing premises, and for personal service rooms.

(2) Potable drinking water dispensers shall be maintained in sanitary condition, shall be closeable, and equipped with a tap.

(3) Open containers for drinking water from which the water must be dipped or poured, even if fitted with a cover, are prohibited.

(4) A common drinking cup and other common utensils are prohibited.

**NEW SECTION**

**WAC 296-306A-24015 How must the nonpotable water supply be maintained?** (1) You must ensure that nonpotable water is marked as unsafe and is not used for drinking, washing of the person, cooking, washing food, washing cooking or eating utensils, washing food preparation or processing premises, or personal service rooms, or for washing clothes.

(2) Nonpotable water used for cleaning any other work premises must be free of concentrations of chemicals, fecal coliform, or other substances that could create unsanitary conditions or be harmful to employees.

(3) Nonpotable water systems or systems carrying any other nonpotable substance shall be constructed to prevent backflow or backsiphonage into a potable water system.

**NEW SECTION**

**WAC 296-306A-24018 What toilet facilities must an employer provide?** (1) You must provide toilet facilities, with separate toilet rooms for each sex, according to the requirements in the table below. You must provide facilities for each sex based on the number of employees of that sex for whom facilities are furnished.

(2) Where single-occupancy rooms have more than one toilet facility, only one facility in each toilet room shall be counted to comply with these requirements.

In this table, "number of employees" means the maximum number of employees present at any one time on a regular shift.

Number of employees	Minimum number of water closets
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6
Over 150	One additional fixture for each additional 40 employees

(3) Where toilet rooms are occupied by one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided.

(4) Where toilet facilities will not be used by women, urinals may be provided instead of water closets, except that the number of water closets in such cases shall not be reduced to less than 2/3 of the minimum specified.

(5) The sewage disposal method shall not endanger the health of employees.

(6) Toilet paper with holder shall be provided for every water closet.

(7) Each water closet shall occupy a separate compartment with a door and walls or partitions between fixtures high enough to ensure privacy.

**NEW SECTION**

**WAC 296-306A-24021 What washing facilities must an employer provide?** You must provide facilities for maintaining personal cleanliness in the workplace. The facilities must be convenient for employees and shall be maintained in a sanitary condition.

**NEW SECTION**

**WAC 296-306A-24024 What requirements apply to lavatories?** (1) You must ensure that lavatories are available in all workplaces.

(2) Each lavatory shall have hot and cold running water, or tepid running water.

(3) You must provide hand soap or similar cleansing agent.

(4) You must provide individual hand towels, warm air blowers, or clean individual sections of continuous cloth toweling convenient to the lavatories.

**NEW SECTION**

**WAC 296-306A-24027 When must an employer provide change rooms?** (1) Whenever employees are required by a WISHA standard to wear protective clothing because of the possibility of contamination with toxic materials, you must provide change rooms with separate storage facilities for street clothes and for the protective clothing.

(2) If you provide work clothes for employees, they must be dry.

**NEW SECTION**

**WAC 296-306A-24030 What requirements apply to consumption of food and beverages in the workplace?**

(1) This section applies to workplaces where employees may consume food, beverages, or both on the premises.

(2) No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.

(3) If your workplace exposes employees to injurious dusts or other toxic materials, you must provide a separate lunchroom unless it is convenient for employees to lunch away from the premises. The size of the lunchroom shall be based on the maximum number of persons using the room at one time, according to the following table.

Number of persons	Square feet per person
25 and less	13
26 - 74	12
75 - 149	11
150 and over	10

(4) You must provide receptacles of smooth, corrosion resistant, easily cleanable, or disposable materials for the

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disposal of waste food. You must provide enough receptacles to encourage their use and to prevent overfilling. They shall be emptied at least once a working day and shall be maintained in a clean and sanitary condition. Receptacles shall be provided with a solid tight-fitting cover unless sanitary condition can be maintained without a cover.

(5) No food or beverages shall be stored in toilet rooms or in an area exposed to toxic material.

(6) All employee food service facilities and operations shall follow sound hygienic principles. If all or part of the food service is provided, the food dispensed shall be wholesome and free from spoilage. Food shall be processed, prepared, handled, and stored so as to prevent contamination.

#### NEW SECTION

**WAC 296-306A-24033 How must waste be stored and removed?** (1) You must ensure that any receptacle used for waste or garbage that may rot is constructed so that it does not leak and may be thoroughly cleaned and maintained in a sanitary condition. A receptacle shall be equipped with a solid tight-fitting cover, unless it can be maintained in a sanitary condition without a cover. Receptacles designed to maintain sanitary condition may be used in place of this requirement.

(2) All sweepings, solid or liquid wastes, refuse, and garbage shall be removed so as to avoid creating a health menace, and as often as necessary to maintain the workplace in a sanitary condition.

#### NEW SECTION

**WAC 296-306A-24036 When must an employer have a vermin control program?** Every building with personal service, food preparation, or eating rooms shall be constructed, equipped, and maintained to restrict infestation by rodents, insects, and other vermin. You must have a continuing and effective extermination program where vermin are present.

### **PART O WALKING WORKING SURFACES; FIXED INDUSTRIAL STAIRS; AERIAL MANLIFTS**

#### NEW SECTION

**WAC 296-306A-250 Walking working surfaces, elevated walkways, and platforms.**

#### NEW SECTION

**WAC 296-306A-25003 What definitions apply to this section?** "Floor hole" means an opening with the smallest dimension between one and 12 inches, in any floor, platform, pavement, or yard, through which materials may fall but not people. Examples are a belt hole, pipe opening, or slot opening.

"Floor opening" means an opening with the smallest dimension of 12 inches or more, in any floor, platform, pavement, or yard, through which people may fall. Examples are a hatchway, stair or ladder opening, pit, or large manhole. Floor openings occupied by elevators, dumb waiters, conveyors, machinery, or containers are excluded from this definition.

"Handrail" means a single bar or pipe supported on brackets from a wall or partition to furnish persons with a handhold in case of tripping.

"Platform" means a working space for people that is elevated above the surrounding floor or ground, such as a balcony or platform for the operation of machinery and equipment.

"Runway" means a passageway used by people that is elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

"Standard railing" means a vertical barrier along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent people from falling.

"Standard strength and construction" means any construction of railings, covers, or other guards that meets the requirements of this section.

"Stair railing" means a vertical barrier along exposed sides of a stairway to prevent people from falling.

"Toeboard" means a vertical barrier at floor level along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent materials from falling.

"Wall hole" means an opening between one and 30 inches high, of any width, in any wall or partition, such as a ventilation hole or drainage scupper.

"Wall opening" means an opening at least 30 inches high and 18 inches wide, in any wall or partition, through which people may fall, such as a yard-arm doorway or chute opening.

#### NEW SECTION

**WAC 296-306A-25006 When may railings be omitted?** Railings may be omitted from sections of open-sided floors, platforms, or walkways where guard rails impair operations, as long as railings are replaced when they no longer impair operations.

#### NEW SECTION

**WAC 296-306A-25009 What protection must an employer provide for floor openings?** (1) Every stairway floor opening shall be guarded by a standard railing constructed according to this section. The railing shall guard all exposed sides (except the entrance to the stairway). Infrequently used stairways where traffic across the opening prevents using a fixed standard railing (as when located in aisle spaces, etc.), may use an alternate guarding method. In these cases, the guard shall consist of a hinged floor opening cover of standard strength and construction and removable standard railings on all exposed sides (except at the entrance to the stairway).

(2) Every ladderway floor opening or platform shall be guarded by a standard railing with standard toeboard on all exposed sides (except at the entrance to the opening). The passage through the railing shall be provided with either a swinging gate or offset so that a person cannot walk directly into the opening.

(3) Every hatchway and chute floor opening shall be guarded by one of the following:

(a) A hinged floor opening cover of standard strength and construction equipped with standard railings, or permanently attached so that only one side is exposed. When the

opening is not in use, the cover shall be closed or the exposed side shall be guarded at both the top and intermediate positions by removable standard railings.

(b) A removable railing with toeboard on not more than two sides of the opening and fixed standard railings with toeboards on all other exposed sides. The removable railings shall be kept in place when the opening is not in use and should be hinged or mounted to be easily replaced.

(c) When employees must feed material into any hatchway or chute opening, you must provide protection to prevent people from falling through the opening.

(d) When practical, the area under floor openings shall be fenced off. Otherwise, the area shall be plainly marked with yellow lines and with telltales hanging within 5-1/2 feet of the ground or floor level.

(e) Where floor openings are used to drop materials from one level to another, audible warning systems shall be installed and used to indicate to employees on the lower level when material is dropped.

(4) Every skylight opening and hole shall be guarded by a standard skylight screen or a fixed standard railing on all exposed sides.

(5) Every infrequently used pit and trapdoor floor opening shall be guarded by a floor opening cover of standard strength and construction that should be hinged in place. When the cover is not in place, the pit or trap opening shall be constantly attended or protected on all exposed sides by removable standard railings.

(6) Every manhole floor opening shall be guarded by a standard manhole cover. The manhole cover may be left unhinged. When the cover is removed, the manhole opening shall be constantly attended or protected by removable standard railings.

(7) Every temporary floor opening shall have standard railings or shall be constantly attended.

(8) Every floor hole that people can accidentally walk into shall be guarded by either:

(a) A standard railing with standard toeboard on all exposed sides; or

(b) A floor hole cover of standard strength and construction that should be hinged in place. While the cover is not in place, the floor hole shall be constantly attended or shall be protected by a removable standard railing.

(9) Every floor hole surrounded by fixed machinery, equipment, or walls that prevent people from walking into it, shall be protected by a cover that leaves openings a maximum of one inch wide. The cover shall be securely held in place to prevent tools or materials from falling through.

(10) Where doors or gates open directly on a stairway, a platform shall be provided so that the swing of the door does not reduce the platform width to less than 20 inches.

#### NEW SECTION

**WAC 296-306A-25012 What protection must an employer provide for wall openings and holes?** (1) Every wall opening from which there is a drop of more than 4 feet shall be guarded by one of the following:

(a) A rail, roller, picket fence, half door, or equivalent barrier.

The guard may be removable but should be hinged or mounted so it can be easily replaced. When employees

working below the opening are exposed to falling materials, a removable toeboard or the equivalent shall also be provided. When the opening is unused, the guard shall be kept in position even with a door on the opening. In addition, a grab handle shall be provided on each side of the opening with its center approximately 4 feet above floor level and of standard strength and mounting.

(b) An extension platform onto which materials can be hoisted for handling, and that has side rails or equivalent guards of standard specifications.

(2) Every chute wall opening from which there is a drop of more than 4 feet shall be guarded according to subsection (1) of this section or as required by the conditions.

(3) Every window wall opening at a stairway landing, floor, platform, or balcony, from which there is a drop of more than 4 feet, and where the bottom of the opening is less than 3 feet above the platform or landing, shall be guarded by standard slats, standard grillwork according to WAC 296-306A-25042(3), or a standard railing.

Where the window opening is below the landing, or platform, a standard toeboard shall be provided.

(4) Every temporary wall opening shall have adequate guards that may be of less than standard construction.

(5) Where there is a hazard of materials falling through a wall hole, and the lower edge of the near side of the hole is less than 4 inches above the floor, and the far side of the hole is more than 5 feet above the next lower level, the hole shall be protected by a standard toeboard or an enclosing screen either of solid construction or according to WAC 296-306A-25042(3).

#### NEW SECTION

**WAC 296-306A-25015 What protection must an employer provide for open-sided floors, platforms, and runways?** (1) Every open-sided floor or platform 4 feet or more above an adjacent floor or ground level shall be guarded by a standard railing (or the equivalent according to WAC 296-306A-10003(3)) on all open sides, except where there is an entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides:

(a) A person can pass; or

(b) There is moving machinery; or

(c) Materials falling onto equipment would create a hazard.

(2) Every runway shall be guarded by a standard railing (or the equivalent according to WAC 296-306A-25027) on all open sides that are 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toeboard shall also be provided on each exposed side.

Runways used exclusively for special purposes (such as oiling, shafting, or filling tank cars) may have the railing on one side omitted when operating conditions require, as long as the hazard is minimized by using a runway at least 18 inches wide. Where people entering runways become exposed to machinery, electrical equipment, or hazards other than from falling, additional guarding may be necessary.

(3) Regardless of height, all open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units,

or similar hazardous equipment, shall be guarded with a standard railing and toeboard.

(4) Tools and loose materials shall not be left on overhead platforms and scaffolds.

#### NEW SECTION

**WAC 296-306A-25018 What requirements apply to stairway railings and guards?** (1) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as follows (stairway widths measured clear of all obstructions except handrails):

(a) Stairways less than 44 inches wide with both sides enclosed shall have at least one handrail, preferably on the right side descending.

(b) Stairways less than 44 inches wide with one side open shall have at least one stair railing on the open side.

(c) Stairways less than 44 inches wide with both sides open shall have one stair railing on each side.

(d) Stairways more than 44 inches wide but less than 88 inches wide shall have one handrail on each enclosed side and one stair railing on each open side.

(e) Stairways 88 or more inches wide shall have one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing at the approximate middle.

**Exception:** Vehicle service pit stairways are exempt from this requirement if hand or stair rails would prevent vehicle movement into position over the pit.

(2) Winding stairs shall be equipped with a handrail that prevents walking on all portions of the treads that are less than 6 inches wide.

(3) Nonindustrial and "monumental" steps are exempt from the requirements of this section. However, public and private building steps at loading or receiving docks, in maintenance areas, etc., and stairs used exclusively by employees, must meet the requirements of this section.

#### NEW SECTION

**WAC 296-306A-25021 How must a standard railing be constructed?** A standard railing shall meet the following requirements:

(1) The railing has a top rail, intermediate rail, and posts.

(2) The railing height is between thirty-six and forty-two inches nominal from the upper surface of the top rail to the floor, platform, runway, or ramp level.

(3) The top rail is smooth.

(4) The intermediate rail is approximately halfway between the top rail and the floor, platform, runway, or ramp.

(5) The ends of the rails do not overhang the terminal posts except where the overhang does not create a hazard.

(6) Guardrails taller than 42 inches are constructed so they do not create a hazard. Additional mid-rails are installed so that openings beneath the top rail prevent a spherical object with a 19-inch or larger diameter from falling through.

#### NEW SECTION

**WAC 296-306A-25024 How must a stair railing be constructed?** A stair railing shall be constructed similar to a standard railing. The stair railing shall be between 34 and 30 inches tall measured from the top of the top rail to the tread surface meeting the face of the riser at the forward edge of the tread.

#### NEW SECTION

**WAC 296-306A-25027 What are the requirements for railing dimensions?** Standard railings shall meet the following requirements:

(1) For wood railings:

(a) The posts are of at least two inch by four inch nominal stock spaced six feet apart or less; and

(b) The top and intermediate rails are of at least two inch by four inch nominal stock.

(c) If the top rail is made of two right-angle pieces of 1-inch by 4-inch stock, posts are spaced on 8-foot centers, with 2-inch by 4-inch intermediate rail.

(2) For pipe railings:

(a) The posts and top and intermediate railings are at least 1-1/2 inches nominal diameter (outside diameter); and

(b) The posts are spaced on centers of eight feet or less.

(3) For structural steel railings:

(a) The posts and top and intermediate rails are of 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength; and

(b) The posts are spaced on centers of eight feet or less.

(4) Post anchors and framing parts for all railings shall be constructed so that the completed structure can withstand a load of at least two hundred pounds applied in any direction at any point on the top rail.

(5) Other types, sizes, and arrangements of railing construction that meet the following requirements are acceptable:

(a) The top rail is smooth;

(b) The top rail is between thirty-six and forty-two inches nominal above the floor, platform, runway, or ramp level;

(c) The railing is strong enough to withstand two hundred pounds of pressure on the top rail;

(d) The railing provides protection between the top rail and the floor, platform, runway, ramp, or stair treads, equivalent to that of a standard intermediate rail;

(e) There are no overhanging rail ends unless the overhang does not create a hazard; such as baluster railings, scrollwork railings, or paneled railings.

**Note:** The 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 psi)) 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.

#### NEW SECTION

**WAC 296-306A-25030 What requirements apply to toeboards?** (1) A standard toeboard height shall be at least four inches nominal from its top edge to the level of the floor, platform, runway, or ramp. The toeboard shall be

securely fastened in place and with a maximum of 1/4 inch clearance above floor level. It may be made of any substantial material that is either solid or with openings that are a maximum of one inch in diameter.

(2) Where material is piled high enough that a standard toeboard does not provide protection, paneling from the floor to the intermediate rail, or to the top rail, shall be provided.

#### NEW SECTION

**WAC 296-306A-25033 How must handrails and railings be constructed?** (1) A handrail shall consist of a horizontal part mounted directly on a wall or partition by brackets attached to the lower side of the handrail. The brackets shall be attached to ensure that there is a smooth surface along the top and both sides of the handrail. The handrail shall be rounded or otherwise provide an adequate handhold for anyone grasping it to avoid falling. The ends of the handrail should be turned in to the supporting wall or arranged to prevent a projection hazard.

(2) Handrails shall be a maximum of thirty-four inches high and at least thirty inches from the upper surface of the handrail to the surface of the tread in line with the face of the riser or to the surface of the ramp.

(3) The size of handrails shall be:

(a) For hardwood, at least two inches in diameter.

(b) For metal pipe, at least 1-1/2 inches in diameter.

(4) Brackets shall be spaced a maximum of eight feet apart.

(5) Handrail mounting shall be strong enough to withstand a load of at least two hundred pounds applied in any direction at any point on the rail.

(6) All handrails and railings shall have a clearance of at least 1-1/2 inches between the handrail or railing and the wall or any other object.

#### NEW SECTION

**WAC 296-306A-25036 What materials may be used for floor opening covers?** Floor opening covers may be made of any material that meets the following strength requirements:

(1) 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 pounds.

(2) 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 pounds.

(3) Other floor opening covers may be made of any material that can carry a truck rear-axle load of at least 20,000 pounds. Covers may project a maximum of one inch above the floor level as long as all edges are chamfered to a maximum angle with the horizontal of thirty degrees. All hinges, handles, bolts, or other parts shall set flush with the floor or cover surface.

#### NEW SECTION

**WAC 296-306A-25039 How must skylight screens be constructed and mounted?** Skylight screens shall be constructed and mounted to withstand a load of at least two hundred pounds applied perpendicularly anywhere on the

screen. Skylight screen shall be constructed and mounted so that, under ordinary loads or impacts, they will not deflect downward enough to break the glass below them. They shall be constructed of grillwork with openings a maximum of four inches long or of slatwork with openings a maximum of two inches wide and any length.

#### NEW SECTION

**WAC 296-306A-25042 What protection must an employer provide for wall openings?** (1) Wall opening barriers (rails, rollers, picket fences, and half doors) shall be constructed and mounted, to withstand a load of at least two hundred pounds applied in any direction (except upward) at any point on the top rail.

(2) Wall opening grab handles shall be at least twelve inches long and shall be mounted to give 1-1/2 inches clearance from the side framing of the wall opening. The size, material, and anchoring of the grab handle shall form a structure that can withstand a load of at least two hundred pounds applied in any direction at any point of the handle.

(3) Wall opening screens shall be constructed and mounted to withstand a load of at least two hundred pounds applied horizontally anywhere on the near side of the screen. They may be of solid construction, of grillwork with openings a maximum of four inches long, or of slatwork with openings a maximum of two inches wide and any length.

#### NEW SECTION

**WAC 296-306A-260 Fixed industrial stairs.**

#### NEW SECTION

**WAC 296-306A-26003 What does this section cover?** WAC 296-306A-260 covers the safe design and construction of fixed general industrial stairs. Fixed general industrial stairs includes interior and exterior stairs around machinery, tanks, and other equipment, and stairs leading to or from floors, platforms, or pits.

This section does not apply to stairs used for fire exits, to construction operations, to private buildings or residences, or to articulated stairs that may be installed on floating roof tanks or on dock facilities, where the angle changes with the rise and fall of the base support.

Stairs of public and private buildings at loading or receiving docks, in maintenance areas, etc., or stairs that are used exclusively by employees, may be considered "fixed industrial steps" and must meet these requirements.

#### NEW SECTION

**WAC 296-306A-26006 What definitions apply to this section?** "Nose or nosing" means the part of a tread projecting beyond the face of the riser immediately below.

"Open riser" means the air space between the treads of stairways without risers.

"Platform" means an extended step or landing breaking a continuous run of stairs.

"Railing" means a vertical barrier erected along exposed sides of stairways and platforms to prevent people from falling. The top part of the railing usually serves as a handrail.

"Rise" means the vertical distance from the top of a tread to the top of the next higher tread.

"Riser" means the upright part of a step at the back of a lower tread and near the leading edge of the next higher tread.

"Stairs or stairway" means a series of steps. A series of steps and landings having three or more risers constitutes stairs or a stairway.

"Tread" means the horizontal part of a step.

"Tread run" means the horizontal distance from the leading edge of a tread to the leading edge of an adjacent tread.

"Tread width" means the horizontal distance from front to back of tread, including nosing.

**NEW SECTION**

**WAC 296-306A-26009 Where are fixed stairs required?** Fixed stairs shall be provided for:

- (1) Employee access from one structure level to another where operations require regular travel between levels.
- (2) Employee access to operating platforms on any equipment that requires regular attention during operations.
- (3) Employees that need daily access to elevations, or access at each shift, for purposes such as gauging, inspection, regular maintenance, etc., where:
  - (a) The work may expose employees to acids, caustics, gases, or other harmful substances; or
  - (b) Employees must normally carry tools or equipment by hand.

Note: This section does not prohibit the use of fixed ladders for access to elevated tanks, towers, and similar structures, overhead traveling cranes, etc., where the use of fixed ladders is common practice.

**NEW SECTION**

**WAC 296-306A-26012 Where are spiral stairs prohibited?** Spiral stairways are prohibited except for special limited use and secondary access when a conventional stairway is not practical. Winding stairways may be installed on tanks and similar round structures where the diameter of the structure is a minimum of five feet.

**NEW SECTION**

**WAC 296-306A-26015 How strong must fixed stairs be?** Fixed stairways shall be designed and constructed to carry a load of five times the normal live load anticipated, and shall be at least strong enough to carry safely a moving concentrated load of 1,000 pounds.

**NEW SECTION**

**WAC 296-306A-26018 How wide must fixed stairs be?** Fixed stairways shall be at least 22 inches wide.

**NEW SECTION**

**WAC 296-306A-26021 What angles may stairways be installed at?** (1) Fixed stairs shall be installed at angles to the horizontal of between thirty and fifty degrees. Any uniform combination of rise/tread dimensions may be used

that will provide a stairway at an angle within the permissible range.

The following table lists examples of rise/tread dimensions that will produce a stairway within the permissible range. Rise/tread combinations are not limited to those in the table.

Angle to horizontal	Rise (in inches)	Tread run (in inches)
30°35'	6-1/2	11
32°08'	6-3/4	10-3/4
33°41'	7	10-1/2
35°16'	7-1/4	10-1/4
36°52'	7-1/2	10
38°29'	7-3/4	9-3/4
40°08'	8	9-1/2
41°44'	8-1/4	9-1/4
43°22'	8-1/2	9
45°00'	8-3/4	8-3/4
46°38'	9	8-1/2
48°16'	9-1/4	8-1/4
49°54'	9-1/2	8

(2) A permanent stairway may be installed at an angle above the fifty degree critical angle when space limitations require. Such installations (commonly called inclined ladders or ship's ladders) 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 are recommended for inclined ladders and ship's ladders:

- (a) 35 to 60 degrees—Preferred angle from horizontal.
- (b) 60 to 70 degrees—Critical angle from horizontal.

**NEW SECTION**

**WAC 296-306A-26024 What requirements apply to stair treads?** (1) When risers are used, each tread and the top landing of a stairway should have a nose extending 1/2 to one inch beyond the face of the lower riser.

(2) Noses should have an even leading edge.

(3) All treads shall be reasonably slip-resistant and the nosings shall be of nonslip finish. Welded bar grating treads without nosings are acceptable as long as the leading edge can easily be identified by employees descending the stairway and the tread is serrated or is nonslip.

(4) 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.

**NEW SECTION**

**WAC 296-306A-26027 What requirements apply to the length of stairways?** Long flights of stairs, unbroken by landings or intermediate platforms, should be avoided. You should consider providing intermediate platforms where practical and for frequently used stairways. Stairway platforms shall be at least as wide as the stairway and at least 30 inches long, measured in the direction of travel.

PROPOSED

NEW SECTION

**WAC 296-306A-26030** What requirements apply to railings and handrails on fixed stairs? Standard railings shall be provided on the open sides of all exposed stairways and stair platforms. Handrails shall be provided on at least one side of closed stairways, preferably on the right side descending. Stair railings and handrails shall be installed according to WAC 296-360A-250.

NEW SECTION

**WAC 296-306A-26033** What requirements apply to alternating tread-type stairs? "Alternating tread-type stairs" means stairs with a series of steps between 50 and 70 degrees from horizontal, attached to a center support rail in an alternating manner so that a user of the stairs never has both feet at the same level at the same time.

(1) Alternating tread-type stairs shall be designed, installed, used, and maintained according to the manufacturer's specifications, and shall have the following:

- (a) Stair rails on all open sides;
- (b) Handrails on both sides of enclosed stairs;
- (c) Stair rails and handrails that provide an adequate handhold for a user grasping it to avoid a fall;
- (d) A minimum of 17 inches between handrails;
- (e) A minimum width of 22 inches overall;
- (f) A minimum tread depth of 8 inches;
- (g) A minimum tread width of 7 inches; and
- (h) A maximum rise of 9 1/2 inches to the tread surface of the next alternating tread.

(2) Alternating tread-type stairs shall have a maximum 20-foot continuous rise. Where more than a 20-foot rise is necessary to reach the top of a required stair, one or more intermediate platforms shall be provided according to WAC 296-306A-26027.

(3) Stairs and platforms shall be installed so the top landing of the alternating tread stair is flush with the top of the landing platform.

(4) Stair design and construction shall sustain a load of at least five times the normal live load, and be at least strong enough to carry safely a moving concentrated load of 1,000 pounds.

(5) Treads shall be equipped with slip-resistant surfaces.

(6) Where a platform or landing is used, the width shall be at least as wide as the stair and at least 30-inches deep in the direction of travel. Stairs shall be flush with the top of the landing platform.

NEW SECTION

**WAC 296-306A-26036** What other requirements apply to fixed stairs? (1) Vertical clearance above any stair tread to an overhead obstruction shall be at least 7 feet measured from the leading edge of the tread.

(2) Stairs with treads less than 9 inches wide should have open risers.

(3) Open grating type treads are desirable for outside stairs.

NEW SECTION

**WAC 296-306A-270** Aerial manlift equipment.

NEW SECTION

**WAC 296-306A-27005** What requirements apply to aerial manlift equipment? (1) We will accept safety factor test data on working or structural components from one of the following as evidence that a manlift meets minimum safety requirements:

- (a) The manufacturer;
- (b) A competent testing laboratory;
- (c) A registered engineering firm; or
- (d) A registered engineer.

If, after use, it appears doubtful whether this equipment will meet the above requirements, we may require that tests be conducted, and we may order that you make corrections.

(2) All aerial manlifts shall have working brake systems.

(3) Automatic apertures shall be installed in the hydraulic systems of aerial manlifts to maintain the boom in position in case any part of the hydraulic pressure system fails.

(4) Controls shall be guarded by partial enclosures to minimize accidental contact.

(5) The manufacturer's recommended maximum load limit shall be posted conspicuously near the controls and shall be kept in a legible condition.

(6) All critical hydraulic and pneumatic components shall comply with the provisions of the American National Standards Institute Standard, ANSI A92.2-1969, Section 4.9 Bursting Safety Factor. Critical components are those which, in case of failure, would cause a free fall or free rotation of the boom. All noncritical components shall have a bursting safety factor of at least two to one.

NEW SECTION

**WAC 296-306A-27010** What requirements apply to using aerial manlift equipment? (1) The manufacturer's instructional manual, if any, shall be used to establish the proper operational sequences and maintenance procedures. If there is no manual, you must develop instructions. The instructions shall be available for reference by operators.

(2) The assigned operator shall make a daily visual inspection and perform the tests recommended by the manufacturer.

(3) Only employees qualified by training or experience shall operate aerial manlifts.

(4) Employees shall report defective aerial manlift equipment to you as soon as identified. Using defective equipment is prohibited when the defect may cause an accident.

(5) When moving to and from the job site, the basket of the manlift shall be in the low position.

(6) Unsafe practices are prohibited, such as, sitting or standing on the basket edge, standing on material placed across the basket, or working from a ladder set inside the basket.

(7) The basket shall not be rested on a fixed object so that the weight of the boom is supported by the basket.

(8) The employee and the aerial manlift equipment shall maintain distance from high voltage lines according to WAC 296-306A-150.

**PART P  
GUARDING POWER  
TRANSMISSION MACHINERY**

**NEW SECTION**

**WAC 296-306A-280 Guarding power transmission machinery.**

**NEW SECTION**

**WAC 296-306A-28002 What power transmission belts are covered by this section?** WAC 296-306A-280 covers all types and shapes of power transmission belts.

**Exception:** The following power transmission belts are exempt from WAC 296-306A-280 when operating at 250 feet per minute or less:

- (1) Flat belts that are one inch wide or less.
- (2) Flat belts that are 2" wide or less and are free from metal lacings or fasteners.
- (3) Round belts that are 1/2" in diameter or less.
- (4) Single strand V-belts that are 13/32" wide or less.

**NEW SECTION**

**WAC 296-306A-28004 What does "guarded by location" mean?** "Guarded by location" means that the location of a component eliminates potential hazards. A component seven feet or more above a working surface is considered guarded by location.

**NEW SECTION**

**WAC 296-306A-28006 What general requirements apply to machine guarding?** (1) All power transmission components must be guarded according to the requirements of this section.

(2) You must protect employees from coming into contact with moving machinery parts by:

- (a) A guard or shield or guarding by location; or
- (b) A guardrail or fence whenever a guard or shield or guarding by location is infeasible.

(3) Strength and design of guards.

(a) Guards shall be designed and located to prevent inadvertent contact with the hazard.

(b) Unless otherwise specified, each guard and its supports shall be strong enough to withstand the force that a 250 pound person would exert leaning on or falling against the guard.

(c) Guards shall be securely fastened to the equipment or building.

(4) 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.

**Exception:** This requirement shall not apply to combines when guards could create fire hazards.

"Constant-running drives" means drives that continue to rotate when the engine is running and all clutches are disengaged.

(5) 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.

(6) Machines that will throw stock, material, or objects shall be covered or provided with a device designed and constructed to minimize this action. (Machines such as rip saws, rotary mowers and beaters, rotary tillers are included in this classification.)

(7) When the periphery of the blades of a fan is less than 7 feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than 1/2 inch.

(8) For requirements relating to the control of hazardous energy (lockout-tagout) see WAC 296-306A-320.

**NEW SECTION**

**WAC 296-306A-28008 What training must an employer provide for employees who use agricultural equipment?** At the time of initial assignment and at least annually thereafter, you must instruct every employee in the safe operation and servicing of all equipment that the employee will use, including at least the following:

(1) Keep all guards in place when the machine is in operation.

(2) Only persons required for instruction or machine operation may ride on equipment, unless a passenger seat or other protective device is provided.

(3) Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment.

**Exception:** When the machine must be running to be properly serviced or maintained, you must instruct employees in the steps and procedures necessary to safely service or maintain the equipment.

(4) Make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine.

(5) Lock out electrical power before performing maintenance or service on farmstead equipment.

**NEW SECTION**

**WAC 296-306A-28010 What requirements apply to machine controls?** (1) If machine operation requires the presence of an operator on the machine, a "stop button" shall be provided on the machine within reach of the operator.

(2) Power control devices shall be marked to indicate the function and machine they control. "On" and "off" shall be marked.

(3) "Stop" buttons shall be red or orange. Each machine shall have one or more stop buttons according to the working position of the operators.

(4) Power control devices shall be located or guarded to prevent unexpected or accidental movement of the control. "Start" buttons shall be recessed.

**NEW SECTION**

**WAC 296-306A-28012 What requirements apply to guarding steam pipes?** (1) All steam pipes or pipes hot enough to burn a person (other than coil pipes, radiators for heating rooms or buildings, or pipes on portable steam

engines and boilers) shall be guarded with a standard safeguard, unless guarded by location.

(2) All exposed hot pipes within seven feet of the floor or working platform, or within 15 inches measured horizontally from stairways, ramps or fixed ladders, shall be covered with insulating material or be guarded to prevent contact.

#### NEW SECTION

**WAC 296-306A-28014 What requirements apply to prime-mover guards?** "Flywheels" include flywheels, balance wheels, and flywheel pulleys mounted and revolving on crankshaft of engine or other shafting.

"Prime movers" include steam, gas, oil, and air engines, motors, steam and hydraulic turbines, and other equipment used as a source of power.

(1) Unless guarded by location, flywheels shall be guarded according to the following requirements:

(a) Guard enclosures are made of sheet, perforated, or expanded metal, or woven wire.

(b) Guard rails are between 15 and 20 inches from the rim. When a flywheel extends into a pit or is within 12 inches of the floor, a standard toeboard is provided.

(c) When the upper rim of a flywheel extends through a working floor, it is surrounded by a guardrail and toeboard.

(d) Exception: When a flywheel with a smooth rim 5 feet or less in diameter cannot be guarded by the above methods, you may guard by meeting the following requirements:

On the exposed side, cover the flywheel spokes with a disk that makes a smooth surface and edge, and provides for inspection. You may leave an open space, less than 4 inches wide, between the outside edge of the disk and the rim of the wheel, to turn the wheel over. If you use a disk, keys or other projections left uncovered by the projections shall be cut off or covered.

Note: This exception does not apply to flywheels with solid web centers.

(e) At the flywheel of a gas or oil engine, you may provide an adjustable guard for starting the engine or for running adjustment. A slot opening for a jack bar is permitted.

(f) For flywheels above working areas, you must install guards that are strong enough to hold the weight of the flywheel if the shaft or wheel mounting fails.

(2) Cranks and connecting rods, when exposed to contact, shall be guarded according to WAC 296-306A-28046 and 296-306A-28048, or by a guardrail according to WAC 296-306A-28060.

(3) Tail rods or extension piston rods shall be guarded according to WAC 296-306A-28046 and 296-306A-28048, or by a guardrail on the sides and end, with a clearance of between 15 and 20 inches when rod is fully extended.

(4) Governor balls 6 feet or less from the floor or working level, when exposed to contact, shall be enclosed at their highest position. The enclosure material shall meet the requirements of WAC 296-306A-28046 and 296-306A-28048.

#### NEW SECTION

**WAC 296-306A-28016 What requirements apply to guarding shafting?** Revolving shafts shall be guarded by a standard safeguard unless guarded by location.

(1) All shafting shall be secured against excessive end movement.

(2) Guarding horizontal shafting.

(a) Unless guarded by location, all exposed parts of horizontal shafting, shall be enclosed in a guard that covers the shafting completely or by a trough that covers the sides and top or sides and bottom of the shafting as location requires.

(b) Shafting under bench machines shall be enclosed by a guard that covers the shafting completely or by a trough that covers the sides and top or sides and bottom of the shafting as location requires. The sides of the trough shall extend to at least 6 inches from the underside of table. If shafting is near the floor, the trough shall extend to at least 6 inches from the floor. In every case, the sides of trough shall extend at least 2 inches beyond the shafting or projection.

Exception: Maintenance runways are exempt from this requirement. "Maintenance runway" means any permanent runway or platform used for oiling, maintenance, running adjustment, or repair work, but not for passageway.

(3) Unless guarded by location, vertical and inclined shafting shall be enclosed according to WAC 296-306A-28046 and 296-306A-28050 through WAC 296-306A-28060.

Exception: Maintenance runways are exempt from this requirement.

(4) Projecting shaft ends.

(a) Projecting shaft ends shall have a smooth edge and end and shall not project more than one-half the diameter of the shaft unless guarded by nonrotating caps or safety sleeves.

(b) Unused keyways shall be filled up or covered.

#### NEW SECTION

**WAC 296-306A-28018 What requirements apply to guarding pulleys?** (1) Unless guarded by location, pulleys shall be guarded according to WAC 296-306A-28046 and 296-306A-28050 through WAC 296-306A-28060. Pulleys serving as balance wheels (e.g., punch presses) on which the point of contact between belt and pulley is more than 6 feet 6 inches from the floor or platform may be guarded with a disk covering the spokes.

(2) If the distance to the nearest fixed pulley, clutch, or hanger is equal to or less than the width of the belt, then you must provide a guide to prevent the belt from leaving the pulley on the side where insufficient clearance exists.

(3) Where there are overhanging pulleys on line, jack, or countershafts with no bearing between the pulley and the outer end of the shaft, you should provide a guide to prevent the belt from running off the pulley.

(4) Pulleys with cracks, or pieces broken out of rims, shall not be used.

(5) Pulleys operating at rim speed greater than the manufacturer's recommendations shall be specifically designed and balanced for the operating speed.

(6) Composition or laminated wood pulleys shall not be installed where they are likely to deteriorate.

NEW SECTION

**WAC 296-306A-28020 What requirements apply to guarding horizontal belt, rope, and chain drives?** "Belts" include all power transmission belts, such as flat belts, round belts, V-belts, etc., unless otherwise specified.

(1) Where both runs of horizontal belts are 7 feet or less from the floor level, the guard shall extend to at least 15 inches above the belt or to a standard height. (See Table P-1)

Exception: Where both runs of a horizontal belt are 42 inches or less from the floor, the belt shall be fully enclosed according to WAC 296-306A-28046 and 296-306A-28050 through WAC 296-306A-28060.

(2) In power development rooms, a guardrail may be used instead of the guard.

NEW SECTION

**WAC 296-306A-28022 What requirements apply to guarding overhead horizontal belt, rope, and chain drives?** (1) Unless guarded by location, overhead horizontal belts shall be guarded on the sides and bottom according to WAC 296-306A-28054.

(2) Unless guarded by location, horizontal overhead belts shall be guarded for their entire length when:

(a) Located over passageways or work places and traveling 1,800 feet or more per minute.

(b) The center to center distance between pulleys is 10 feet or more.

(c) The belt is 8 inches wide or more.

(3) Where the upper and lower runs of horizontal belts are located so that employees can pass between them, the passage shall be either:

(a) Completely barred according to WAC 296-306A-28046 and 296-306A-28050 through WAC 296-306A-28060; or

(b) In a passage that employees must use, there shall be a platform over the lower run guarded on either side by a railing that is completely filled in with wire mesh or other filler, or by a solid barrier. The upper run shall be guarded to prevent contact by the employee or by objects carried by the employee.

(4) Overhead chain and link belt drives shall be guarded according to the same requirements as overhead horizontal belts.

(5) American or continuous system rope drives located where the condition of the rope (particularly the splice) cannot be constantly and conveniently observed, shall be equipped with an alarm (preferably electric-bell type) that will warn when the rope begins to fray.

NEW SECTION

**WAC 296-306A-28024 What requirements apply to guarding vertical and inclined belts?** (1) Vertical and inclined belts shall be guarded according to WAC 296-306A-28044 and 296-306A-28050 through WAC 296-306A-28060.

(2) All guards for inclined belts shall provide a minimum clearance of 7 feet between belt and floor at any point outside of the guard.

(3) A vertical or inclined belt may be guarded with a nip-point belt and pulley guard, if it is:

(a) 2-1/2 inches wide or less;

(b) Running at a speed of less than one thousand feet per minute; and

(c) Free from metal lacings or fastenings.

"Nip-point belt and pulley guard" means a device that encloses the pulley and has rounded or rolled edge slots through which the belt passes.

(4) Vertical belts running over a lower pulley more than seven feet above floor or platform shall be guarded according to the same requirements as horizontal overhead belts, if the belt is:

(a) Located over passageways or work places and traveling 1,800 feet or more per minute;

(b) Eight inches wider or more.

NEW SECTION

**WAC 296-306A-28026 What requirements apply to guarding cone-pulley belts?** (1) The cone belt and pulley shall be equipped with a belt shifter that adequately guards the nip point of the belt and pulley. If the frame of the belt shifter does not adequately guard the nip point of the belt and pulley, the nip point shall be protected by a vertical guard in front of the pulley that extends at least to the top of the largest step of the cone.

"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.

(2) If the belt is endless or laced with rawhide laces, and no belt shifter is used, the belt may be guarded according to the following:

(a) The nip point of the belt and pulley is protected by a nip point guard in front of the cone;

(b) The guard extends at least to the top of the largest step of the cone; and

(c) The guard is formed to show the contour of the cone.

(3) If the cone is less than 3 feet from the floor or working platform, the cone pulley and belt shall be guarded to a height of 3 feet regardless of whether the belt is endless or laced with rawhide.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

**WAC 296-306A-28028 What requirements apply to guarding belt tighteners?** (1) Suspended counterbalanced belt tighteners and all components shall be substantially constructed and securely fastened. The bearings shall be securely capped. You must provide a mechanism to prevent the tightener from falling in case the belt breaks.

(2) Unless guarded by location, suspended counterweights shall be encased to prevent accident.

(3) Belt tighteners used for starting and stopping machinery, unless held by gravity in the "off" or "out of service" position, shall have a mechanism that will hold the belt tightener away from the belt when not in use. The mechanism shall automatically grip, latch or otherwise fasten itself to and hold the belt tightener in "off" or "out of service" position until released by hand.

NEW SECTION

**WAC 296-306A-28030 What requirements apply to guarding gears, sprockets, and chains?** (1) Gears shall be guarded by one of the following methods:

- (a) A complete enclosure; or
- (b) A standard guard according to WAC 296-306A-28050 through 296-306A-28060, at least 7 feet high extending 6 inches above the mesh point of the gears; or
- (c) A band guard covering the face of gear. The guard shall have flanges extended inward beyond the root of the teeth on the exposed side or sides. If a part of the train of gears guarded by a band guard is less than 6 feet from the floor, the gear shall be guarded by a disk guard or by a complete enclosure at least 6 feet tall.

(2) Hand-operated gears used only to adjust hand-powered machine parts may be unguarded. However, we recommend guarding these gears.

(3) Unless guarded by location, all sprocket wheels and chains shall be enclosed. Where the drive extends over other machine or working areas, you must provide protection against falling parts.

**Exception:** This section does not apply to manually operated sprockets.

(4) When gears require frequent oiling, you must provide openings with hinged or sliding self-closing covers. All points not readily accessible shall have oil feed tubes if lubricant is added while machinery is in motion.

NEW SECTION

**WAC 296-306A-28032 What requirements apply to guarding friction drives?** When exposed to contact, the driving point of all friction drives shall be guarded. All arm or spoke friction drives and all web friction drives with holes in the web shall be entirely enclosed. When exposed to contact, all projecting belts on friction drives shall be guarded.

NEW SECTION

**WAC 296-306A-28034 What requirements apply to guarding keys, set screws, and other projections?** (1) All projecting keys, set screws, and other projections in revolving parts shall be removed, or made flush, or guarded by metal covers.

(2) Projections, such as exposed bolts, keys, or set screws that are part of sprockets, grooved pulleys or pulleys on stationary equipment shall be shielded unless guarded by location.

**Exception:** This section does not apply to keys or set screws within gear or sprocket casings or other enclosures, nor to keys, set screws, or oilcups in hubs of pulleys less than 20 inches in diameter where they are within the plane of the rim of the pulley.

**Note:** We recommend that you not use projecting set screws or oilcups in any revolving pulley or part of machinery.

NEW SECTION

**WAC 296-306A-28036 What requirements apply to guarding collars and couplings?** (1) All revolving collars, including split collars, shall be cylindrical. Screws or bolts used in collars shall not project beyond the largest periphery of the collar.

(2) Shaft couplings shall be constructed to prevent hazard from bolts, nuts, set screws, or revolving surfaces. Bolts, nuts, and set screws are permitted where they are covered with safety sleeves or where they are used parallel with the shafting and are countersunk or where they do not extend beyond the flange of the coupling.

NEW SECTION

**WAC 296-306A-28038 Must self-lubricating bearings be used?** We recommend that you use self-lubricating bearings. All drip cups and pans shall be securely fastened.

NEW SECTION

**WAC 296-306A-28040 What requirements apply to guarding clutches, cutoff couplings, and clutch pulleys?**

(1) Unless guarded by location, clutches, cutoff couplings, or clutch pulleys with projecting parts shall be enclosed by a stationary guard constructed according to WAC 296-306A-28046. You may use a "U" type guard.

(2) In enginerooms, a guardrail, preferably with toeboard, may be used instead of the guard as long as the room is only occupied by engineroom attendants.

(3) A bearing support next to a friction clutch or cutoff coupling shall have self-lubricating bearings that require infrequent maintenance.

NEW SECTION

**WAC 296-306A-28042 What requirements apply to guarding belt shifters, clutches, shippers, poles, perches, and fasteners?** "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.

(1) Tight and loose pulleys shall have a permanent belt shifter with a mechanical means to prevent the belt from creeping from loose to tight pulley.

(2) Belt shifter and clutch handles shall be rounded. They shall be as far as possible from danger of accidental contact, but within easy reach of the operator. Where belt shifters are not directly over a machine or bench, the handles shall be cut off 6 feet 6 inches above floor level.

(3) All belt and clutch shifters of the same type in each shop should move in the same direction to stop machines, i.e., either all right or all left.

**Exception:** This requirement does not apply to a friction clutch on a countershaft carrying two clutch pulleys with open and crossed belts. In this case the shifter handle has three positions and the machine is at a standstill when the clutch handle is in the neutral or center position.

(4) When belt poles must be used as a substitute for mechanical shifters, they must be big enough for employees to grasp them securely. Poles shall be smooth and preferably of straight grain hardwood, such as ash or hickory. The edges of rectangular poles should be rounded. Poles should

extend from the top of the pulley to within approximately 40 inches of the floor or working platform.

(5) Where loose pulleys or idlers are not practical, belt perches such as brackets, rollers, etc., shall be used to keep idle belts away from the shafts. Perches should be substantial and designed for safe belt shifting.

(6) Belts that must be shifted by hand and belts within seven feet of the floor or working platform that are not guarded according to WAC 296-306A-28046 shall not be fastened with metal, nor with any other fastening that creates a hazard.

#### NEW SECTION

**WAC 296-306A-28044 What materials must be used for standard guards?** (1) Standard guards must be made of the following materials:

- (a) Expanded metal;
- (b) Perforated or solid sheet metal;
- (c) Wire mesh on a frame of angle iron; or
- (d) Iron pipe securely fastened to the floor or the frame of the machine.

(2) Wire mesh should have wires that are securely fastened at every cross point either by welding, soldering, or galvanizing.

Exception: Diamond or square wire mesh made of No. 14 gauge wire, 3/4-inch mesh or heavier is exempt from this requirement.

#### NEW SECTION

**WAC 296-306A-28046 How must standard guards be manufactured?** (1) Guards shall be free from burrs, sharp edges, and sharp corners.

(2) Expanded metal, sheet or perforated metal, and wire mesh shall be securely fastened to the frame by one of the following methods:

(a) Rivets or bolts spaced not more than five inches center to center. In case of expanded metal or wire mesh, metal strips or clips shall be used to form a washer for rivets or bolts.

(b) Welding to frame every four inches.

(c) Weaving through channel or angle frame, or, if No. 14 gauge 3/4-inch mesh or heavier is used, by bending entirely around rod frames.

(d) To fill openings in pipe railing with expanded metal, wire mesh, or sheet metal, make the filler material into panels with rolled edges or edges bound with "V" or "U" edging. The edging shall be of at least No. 24 gauge sheet metal fastened to the panels with bolts or rivets spaced a maximum of 5 inches center to center. The bound panels shall be fastened to the railing by sheet-metal clips spaced a maximum of 5 inches center to center.

(e) Diamond or square mesh made of crimped wire fastened into channels, angle iron, or round-iron frames may also be used as a filler in guards. Size of mesh shall correspond to Table P-1.

(3) Where guard design requires filler material greater than 12 square feet, additional frame members shall be provided to ensure that the panel area is a maximum of 12 square feet.

(4) All joints of framework shall be as strong as the material of the frame.

#### NEW SECTION

**WAC 296-306A-28048 What requirements apply to disk, shield, and U-guards?** (1) A disk guard shall consist of a sheet-metal disk of at least No. 22 gauge fastened by U-bolts or rivets to the spokes of pulleys, flywheels, or gears. To prevent contact with sharp edges of the disk, the edge shall be rolled or wired. In all cases, the nuts shall have locknuts on the unexposed side of the wheel.

(2) A shield guard shall consist of a frame filled in with wire mesh or expanded, perforated, or solid sheet metal.

(3) If the shield area is less than six square feet, the wire mesh or expanded metal may be fastened in a framework of 3/8-inch solid rod, 3/4-inch by 3/4-inch by 1/8-inch angle iron, or a metal construction of equivalent strength. Metal shields may have edges entirely rolled around a 3/8-inch solid iron rod.

(4) A U-guard consisting of a flat surface with edge members shall cover the under surface and lower edge of a belt, multiple chain, or rope drive. It shall be constructed of materials specified in Table P-1, and shall meet the requirements of WAC 296-306A-28054 through 296-306A-28058. Edges shall be smooth and if the size of the guard requires, the edges shall be reinforced by rolling, wiring, or by binding with angle or flat iron.

#### NEW SECTION

**WAC 296-306A-28050 What materials must be used for guards?** The materials and dimensions specified in this section shall apply to all guards. The materials and dimensions specified are minimum requirements. You may choose to provide stronger guards.

Exception: Horizontal overhead belts, rope, cable, or chain guards more than 7 feet above floor, or platform must meet the requirements outlined in Table P-2.

(1) The framework of all guards shall have minimum dimensions of 1-inch by 1-inch by 1/8-inch for angle iron, 3/4-inch inside diameter for metal pipe, or metal construction of equivalent strength.

Exception: Guards thirty inches tall or less with a total surface area of ten square feet or less may have a framework of 3/8-inch solid rod, 3/4-inch by 3/4-inch by 1/8-inch angle iron, or metal construction of equivalent strength. The filling material shall correspond to the requirements of Table 1.

(a) All guards shall be rigidly braced every 3 feet of their height to some fixed part of machinery or building structure. Where a guard is exposed to contact with moving equipment additional strength may be necessary.

(b) The framework for all guards fastened to the floor or working platform and without other support or bracing shall consist of 1-1/2-inch by 1-1/2-inch by 1/8-inch angle iron, metal pipe of 1-1/2-inch inside diameter, or metal construction of equivalent strength. All rectangular guards shall have at least four upright frame members that extend to the floor and are securely fastened. Cylindrical guards shall have at least three supporting members that extend to the floor.

(2) Where guards are exposed to unusual wear, deterioration, or impact, heavier material and construction should be used to protect against the specific hazards involved.

**NEW SECTION**

**WAC 296-306A-28052 When may wood guards be used?** Wood guards may be used where fumes would cause rapid deterioration of metal guards and outdoors where extreme cold or extreme heat make metal guards and railings undesirable.

(1) Wood shall be sound, tough, and without loose knots.

(2) Guards shall be made of planed lumber not less than 1-inch rough board measure, with rounded edges and corners.

(3) Wood guards shall be securely fastened together with wood screws, hardwood dowel pins, bolts, or rivets.

(4) Wood guards shall be equal in strength and rigidity to metal guards specified in WAC 296-306A-28050 and Table P-1.

(5) Requirements for construction of standard wood railings are in WAC 296-306A-28060.

**NEW SECTION**

**WAC 296-306A-28054 What materials may be used for guarding horizontal overhead belts?** (1) Guards for horizontal overhead belts shall run the entire length of the belt and follow the line of the pulley to the ceiling or extend to the nearest wall.

Exception: Where belts are located so that it is impractical to extend the guard to wall or ceiling, the guard shall completely enclose the top and bottom runs of the belt and the face of pulleys.

(2) The guard and its supporting parts shall be securely fastened to the wall or ceiling by gimlet-point lag screws or through bolts. In masonry, expansion bolts shall be used. We recommend using bolts placed horizontally through floor beams or ceiling rafters.

(3) When necessary, suitable reinforcement shall be provided for the ceiling rafters or overhead floor beams to sustain safely the weight and stress imposed by the guard.

(4) The interior surface of all guards shall be smooth and free from projections.

Exception: Where construction demands it, protruding shallow roundhead rivets may be used.

**NEW SECTION**

**WAC 296-306A-28056 What clearance must be maintained between guards and power transmission machinery?** (1) Overhead belt guards shall be at least one-quarter wider than the belt they protect, with a maximum clearance of 6 inches on each side. Overhead rope-drive and block and roller-chain-drive guards shall be at least six inches wider than the drive on each side.

(2) Overhead silent chain-drive guards with the chain held on sprockets shall have side clearance of:

(a) On drives of 20-inch centers or less, at least 1/4-inch from the nearest moving chain part, and

(b) On drives of over 20-inch centers, a minimum of 1/2-inch from the nearest moving chain part.

(3) Table 2 gives the sizes of materials and construction specifications for guards for belts that are 10 inches wide or more. All materials for overhead belt guards must be at least the size specified in Table 2 for belts 10 to 14 inches

wide, even if the overhead belt is less than 10 inches wide. However, No. 20 gauge sheet metal may be used as a filler on guards for belts less than 10 inches wide. Expanded metal, because of the sharp edges, should not be used as a filler in horizontal belt guards.

(4) For clearance between guards and belts, ropes, or chains see Table P-2.

**NEW SECTION**

**WAC 296-306A-28058 How must overhead rope and chain-drive guards be constructed?** (1) Overhead-rope and chain-drive guard construction shall meet the requirements for overhead-belt guard construction of similar width.

Exception: The filler material shall be solid, according to Table P-2, unless fire hazard demands the use of open construction.

(2) A side guard member of the same solid filling material should extend 2 inches above the level of the lower run of the rope or chain drive and 2 inches within the periphery of the pulleys that the guard encloses, forming a trough.

(3) The side filler members should be reinforced on the edges with 1-1/2-inch by 1/4-inch flat steel, riveted to the filling material at 8 inch centers or less. The reinforcing strip should be fastened or bolted to all guard supporting members with at least one 3/8-inch rivet or bolt at each intersection, and the ends should be secured to the ceiling with lag screws or bolts.

(4) The filling material shall be fastened to the framework of the guard and the filler supports by 3/16-inch rivets spaced on 4-inch centers. Measure the width of a multiple drive from the outside of the first to the outside of the last rope or chain in the group accommodated by the pulley.

**NEW SECTION**

**WAC 296-306A-28060 What materials must be used for guardrails and toeboards?** (1) A guardrail shall be 42 inches tall, with a midrail between the top rail and the floor.

(2) Posts shall be 8 feet apart or less. They must be permanent and substantial, smooth, and free from protruding nails, bolts, and splinters. If made of pipe, the post shall be at least 1-1/4 inches inside diameter. If posts are made of metal shapes or bars, the section shall be as strong as posts made of 1-1/2 by 1-1/2 by 3/16-inch angle iron. If posts are made of wood, the posts shall be at least 2 by 4 inches. The upper rail shall be 2 by 4 inches, or two 1 by 4 inch strips, one at the top and one at the side of the posts. The midrail may be at least 1 by 4 inches.

(3) The rails (metal shapes, metal bars, or wood), should be on the side of the posts that gives the best protection and support. Where panels are fitted with expanded metal or wire mesh (as noted in Table 1) the middle rails may be omitted. Where guard is exposed to contact with moving equipment, additional strength may be necessary.

(4) Toeboards shall be at least 4 inches tall, of wood, metal, or metal grill of a maximum 1-inch mesh. Toeboards at flywheel pits should be placed as close to edge of the pit as possible.

**Table P-1  
TABLE OF STANDARD MATERIALS AND DIMENSIONS**

Material	Clearance from moving part at all points (inches)	Largest mesh or opening allowable (inches)	Minimum gauge (U.S. Standard) or thickness (inches)	Minimum height of guard from floor or platform level (feet)
<i>Woven wire</i>	Under 2	3/8	No. 16	7
	2-4	1/2	No. 16	7
	Under 4	1/2	No. 16	7
	4-15	2	No. 12	7
<i>Expanded metal</i>	Under 4	1/2	No. 18	7
	4-15	2	No. 13	7
<i>Perforated metal</i>	Under 4	1/2	No. 20	7
	4-15	2	No. 14	7
<i>Sheet metal</i>	Under 4		No. 22	7
	4-15		No. 22	7
<i>Wood or metal strip crossed</i>	Under 4	3/8	Wood 3/4 Metal No. 16	7
	4-15	2	Wood 3/4 Metal No. 16	7
<i>Wood or metal strip not crossed</i>	Under 4	1/2 width	Wood 3/4 Metal No. 16	7
	4-15	1 width	Wood 3/4 Metal No. 16	7
<i>Standard rail</i>	Min. 15 Max. 20			

**Table P-2  
HORIZONTAL OVERHEAD BELTS, ROPES, AND CHAINS  
7 FEET OR MORE ABOVE FLOOR OR PLATFORM**

	Width 0"-14" inclusive	Material
<b>MEMBERS</b>		
Framework	1 1/2"x1 1/2"x1/4"	Angle iron
Filler (belt guards)	1 1/2"x3/16"	Flat iron
Filler and vertical side member	No. 20 A.W.G.	Solid sheet metal
Filler supports	2"x5/16" flat iron	Flat and angle
Guard supports	2"x5/16"	Flat iron
<b>FASTENINGS</b>		
Filler supports to framework	(2) 3/16"	Rivets
Filler flats to supports (belt guards)	(1) 5/16"	Flush rivets
Filler to frame and supports (chain guards)	3/16"	Rivets spaced
Guard supports to framework	(2) 3/6"	Rivets or bolts
Guard and supports to overhead ceiling	1/4"x3 1/2" lag screws or 1/2" bolts	Lag screws or bolts
<b>DETAILS—SPACING, ETC.</b>		
Width of guards	One-quarter wider than belt, rope, or chain drive	
Spacing between filler supports	20" center to center	
Spacing between filler flats (belt guards)	2" apart	
Spacing between guard supports	36" center to center	
<b>OTHER BELT GUARD FILLING PERMITTED</b>		
Sheet metal fastened as in chain guards	No. 20 A.W.G.	Solid or perforated
Woven wire, 2" mesh	No. 12 A.W.G.	
<b>CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD</b>		
Distance center to center of shafts	Up to 15' inclusive	Over 40'
Clearance from belt, or chain to guard	16"	120"

PROPOSED

	Width over 14" to 24" inclusive	Material
<b>MEMBERS</b>		
Framework	2"x2"x5/16"	Angle iron
Filler (belt guards)	2"x3/16"	Flat iron
Filler and vertical side member	No. 18 A.W.G.	Solid sheet metal
Filler supports	2"x3/8" flat iron	Flat and angle
Guard supports	2"x3/8"	Flat iron
<b>FASTENINGS</b>		
Filler supports to framework	(2) 3/6"	Rivets
Filler flats to supports (belt guards)	(1) 5/16"	Flush rivets
Filler to frame and supports (chain guards)	8" centers on sides and 4" centers on bottom	
Guard supports to framework	(2) 7/16"	Rivets or bolts
Guard and supports to overhead ceiling	5/8"x4" lag screws or 5/8" bolts	Lag screws or bolts
<b>DETAILS—SPACING, ETC.</b>		
Width of guards		16" C. to C
Spacing between filler supports		2 1/2" apart
Spacing between filler flats (belt guards)		36" C. to C
Spacing between guard supports		
<b>OTHER BELT GUARD FILLING PERMITTED</b>		
Sheet metal fastened as in chain guards	No. 18 A.W.G.	Solid or perforated
Woven wire, 2" mesh	No. 10 A.W.G.	
<b>CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD</b>		
Distance center to center of shafts	Over 15' to 25'	Over 40' inclusive
Clearance from belt, or chain to guard	10"	20"

	Width over 24"	Material
<b>MEMBERS</b>		
Framework	3"x3"x3/8"	Angle iron
Filler (belt guards)	2"x5/16"	Flat iron
Filler and vertical side member	No. A.W.G.	Solid sheet metal
Filler supports	2 1/2"x2 1/2"x1/4" angle	Flat and angle
Guard supports	2 1/2"x3/8"	Flat iron
<b>FASTENINGS</b>		
Filler supports to framework	(3) 1/2"	Rivets
Filler flats to supports (belt guards)	(2) 3/8"	Flush rivets
Filler to frame and supports (chain guards)		
Guard supports to frame work	(2) 5/8"	Rivets or bolts
Guard and supports to overhead ceiling	3/4" x 6" lag screws or 3/4" bolts	Lag screws or bolts
<b>DETAILS—SPACING, ETC.</b>		
Width of guards		16" C. to C.
Spacing between filler supports		4" apart
Spacing between filler flats (belt guards)		36" C. to C.
Spacing between guard supports		
<b>OTHER BELT GUARD FILLING PERMITTED</b>		
Sheet metal fastened as in chain guards	No. 18 A.W.G.	Solid or perforated
Woven wire, 2" mesh	No. 8 A.W.G.	
<b>CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD</b>		
Distance center to center of shafts	Over 25' to 40' inclusive	Over 40'
Clearance from belt, or chain to guard	15"	20"

PROPOSED

NEW SECTION

**WAC 296-306A-28062 How must shafting be maintained?** (1) Shafting shall be kept in alignment, and free from rust and excess oil or grease.

(2) Where explosives, explosive dusts, flammable vapors or flammable liquids exist, guards must take into account the hazard of static sparks from shafting.

NEW SECTION

**WAC 296-306A-28064 How must pulleys be maintained?** (1) Pulleys shall be kept in proper alignment to prevent belts from running off.

(2) Any pulley carrying a nonshifting belt should have a crowned face.

(3) Cast-iron pulleys should be tested frequently with a hammer to detect cracks in rim or spokes. The sound is different depending on whether the belt is or is not on the pulley.

(4) Split pulleys should be inspected to be sure that all bolts holding together the sections of the pulley are tight.

NEW SECTION

**WAC 296-306A-28066 How must belts be maintained?** (1) Quarter-twist belts without an idler can be used on drives running in one direction only. They will run off a pulley when direction is reversed.

(2) You must inspect belts, lacings, and fasteners to be sure they are kept in good repair.

(3) Dressing should not be applied when the belt or rope is in motion; but, when necessary, it should be applied where belts or rope leave the pulley, not where they approach. The same precautions apply to lubricating chains. In the case of V-belts, belt dressing is neither necessary nor advisable.

NEW SECTION

**WAC 296-306A-28068 How must other equipment be maintained?** (1) You must inspect all power-transmission equipment at least every 60 days and ensure that it is kept in good working condition at all times.

(2) Bearings shall be kept in alignment and properly adjusted.

(3) Hangers shall be inspected to ensure that all supporting bolts and screws are tight and that supports of hanger boxes are adjusted properly.

(4) The regular oilers shall wear tightfitting clothing and should use cans with long spouts to keep their hands out of danger. Machinery shall be oiled when not in motion, wherever possible.

NEW SECTION

**WAC 296-306A-290 Auger conveying equipment.**

NEW SECTION

**WAC 296-306A-29005 What requirements apply to auger conveying equipment?** "Augers" means screw conveyors and related accessories designed primarily for conveying agricultural materials on farms.

(1) Power take-off shafts shall be guarded according to WAC 296-306A-28046.

(2) All augers shall be covered or guarded when exposed to contact.

(3) You must ensure that each sweep auger has its top half shielded by a guard. All guard openings shall be no larger than 4 3/4 inches across.

(4) You must ensure that the exposed auger at the hopper and the intake is guarded or designed to prevent accidental contact with the rotating inlet area. The guard shall extend at least 2 1/2 inches above and below the exposed auger. Openings in the guard, for the free flow of material, shall be no larger than 4 3/4 inches across and shall be strong enough to support 250 pounds at mid span.

(5) The hand raising winch must have a control that will hold the auger at any angle, and that will only respond to the control. You must ensure that the operator is able to lower the auger without disengaging the control. The maximum force required on the handle to raise or lower the auger manually shall be 50 pounds.

(6) The wire rope lifting pulleys shall be grooved to fit the wire rope used.

(7) In order to avoid separation, you must provide a positive restraint between the auger tube and the under-carriage lifting arm. You must provide stops that restrict the maximum raised angle and minimum lowered angle.

(8) Wire ropes (cables) shall be rust resistant and selected for the design load and service intended.

(9) You must provide the auger operator with service and operation instructions that include safe operation and servicing practices.

NEW SECTION

**WAC 296-306A-29010 What other requirements apply to auger conveying equipment manufactured after October 25, 1976?** You must ensure that auger conveying equipment manufactured after October 25, 1976, is guarded as follows:

(1) Sweep-arm material-gathering mechanisms used on the top surface of materials within silo structures are guarded. The lower or leading edge of the guard is no more than 12 inches above the material surface and no less than 6 inches in front of the leading edge of the rotating member of the gathering mechanism. The guard is parallel to and extends the fullest practical length of the material gathering mechanism.

(2) Exposed auger flighting on portable grain augers is guarded with either grating type guards or solid baffle style covers as follows:

(a) The largest dimensions or openings in grating type guards through which materials flow is 4-3/4 inches. The opening area is a maximum of 10 square inches. The opening is least 2-1/2 inches from the rotating flighting.

(b) Slotted openings in solid baffle style covers are a maximum of 1-1/2 inches wide, or less than 3-1/2 inches from the exposed flighting.

NEW SECTION**WAC 296-306A-300** Guarding farmstead equipment.

- Mixing augers;
- Feed rolls;
- Rotary tillers; and
- Similar units that must be exposed for proper function.

NEW SECTION

**WAC 296-306A-30003** What does this section cover? WAC 296-306A-300 applies to the guarding and care of farmstead equipment.

"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.

NEW SECTION

**WAC 296-306A-30006** How must power takeoff shafts of farmstead equipment be guarded? (1) You must ensure that all power takeoff shafts, including rear-mounted, mid-mounted or side-mounted shafts, are guarded either by a master shield or by other protective guarding. The master shield shall be strong enough to prevent damaging the shield when a 250-pound operator mounts or dismounts the tractor using the shield as a step.

(2) Power takeoff driven equipment shall be guarded to prevent employee contact with rotating parts of the power drive system. Where power takeoff driven equipment requires removal of the tractor master shield, the equipment shall also include protection from any portion of the tractor power takeoff shaft that protrudes from the tractor.

(3) Signs shall be placed at prominent locations on power takeoff driven equipment specifying that power drive system safety shields must be kept in place.

NEW SECTION

**WAC 296-306A-30009** How must other power transmission components of farmstead equipment be guarded? (1) The mesh or nip-points of all power driven gears, belts, chains, sheaves, pulleys, sprockets, and idlers shall be guarded.

(2) All revolving shafts, including projections such as bolts, keys, or set screws, shall be guarded.

Exception: The following may be unguarded:

- (a) Smooth shafts and shaft ends (without any projecting bolts, keys, or set screws), revolving at less than 10 RPM, on feed handling equipment used on the top surface of materials in bulk storage facilities.
- (b) Smooth shaft ends protruding less than one-half the outside diameter of the shaft and its locking means.

NEW SECTION

**WAC 296-306A-30012** How must functional components of farmstead equipment be guarded? The following functional components shall be shielded to a degree consistent with the intended function and operator's vision of the component:

- Snapping or husking rolls;
- Straw spreaders and choppers;
- Cutterbars;
- Flail rotors;
- Rotary beaters;

NEW SECTION

**WAC 296-306A-30015** When may guards be removed on farmstead equipment? (1) Guards, shields and access doors shall be in place when the equipment is in operation.

(2) Where removal of a guard or access door will expose an employee to any component that continues to rotate after the power is disengaged, you must provide in the immediate area, a safety sign warning the employee:

- (a) To look and listen for evidence of rotation; and
- (b) To refrain from removing the guard or access door until all components have stopped.

(3) On equipment manufactured after October 25, 1976, a readily visible or audible warning of rotation is required.

NEW SECTION

**WAC 296-306A-30018** What requirements apply to electrical control for maintaining and servicing farmstead equipment? (1) You must ensure that only the employee maintaining or servicing equipment has control of the electrical power source by:

(a) Providing an exclusive, positive locking means on the main switch that can be operated only by the employee performing the maintenance or service; or

(b) For material handling equipment in a bulk storage structure, by providing on the equipment an electrical or mechanical means to disconnect the power. Minimum lockout means shall meet the requirements of WAC 296-306A-320.

(2) All circuit protection devices, including those that are an integral part of a motor, shall have a manual reset, except where:

(a) A manual reset is infeasible because of the nature of the operation, distances involved, and the amount of time normally spent by employees in the area of the affected equipment;

(b) An electrical disconnect switch is available to the employee within fifteen feet of the equipment being maintained or serviced; and

(c) A sign, prominently posted near each hazardous component, warns the employee that unless the electrical disconnect switch is utilized, the motor could automatically reset while the employee is working on the hazardous component.

NEW SECTION

**WAC 296-306A-30021** What additional guarding requirements apply to farmstead equipment? (1) You must ensure that carton or bag stitching machines are properly safeguarded to prevent anyone from coming in contact with the stitching head and other pinch or nip points.

(2) The point of operation of all machines shall be guarded. The guard shall be designed and constructed to prevent the operator from having any part of the body in the danger zone during the operating cycle.

Note: The distance from the point-of-operation guards to the danger line depends on the size of the opening. The required distances are outlined in the table below:

Guarding line or distance of opening from point of operation hazard (inches)	Maximum width of opening (inches)
1/2 to 1 1/2	1/4
1 1/2 to 2 1/2	3/8
2 1/2 to 3 1/2	1/2
3 1/2 to 5 1/2	5/8
5 1/2 to 6 1/2	3/4
6 1/2 to 7 1/2	7/8
7 1/2 to 12 1/2	1 1/4
12 1/2 to 15 1/2	1 1/2
15 1/2 to 17 1/2	1 7/8
17 1/2 to 31 1/2	2 1/8

**PART Q  
CONTROL OF HAZARDOUS  
ENERGY (LOCKOUT-TAGOUT)**

**NEW SECTION**

**WAC 296-306A-320 Control of hazardous energy (lockout-tagout).**

**NEW SECTION**

**WAC 296-306A-32001 What does this section cover?**

(1) WAC 296-306A-320 covers the servicing and maintenance of machines and equipment in which the start up of the machine or equipment or release of stored energy could cause injury to employees. This standard establishes minimum performance requirements for the control of such hazardous energy.

(2) Normal production operations are not covered by this standard. Servicing and/or maintenance that takes place during normal production operations is covered by this standard only if:

- (a) An employee is required to remove or bypass a guard or other safety device; or
- (b) An employee is required to place a body part into a point of operation or where an associated danger zone exists during a machine operating cycle.

Exception: Minor servicing activities, that take place during normal production operations, are not covered by this standard if they are routine, repetitive, and integral to the use of the equipment for production, provided that the work is performed using alternative measures that provide effective protection.

**NEW SECTION**

**WAC 296-306A-32003 When does this section not apply?** (1) WAC 296-306A-320 does not apply to work on cord and plug connected electric equipment when:

- (a) Unexpected energization or start up of the equipment is controlled by unplugging the equipment from the energy source; and
  - (b) The plug is under the exclusive control of the employee performing the servicing or maintenance.
- (2) WAC 296-306A-320 does not apply to hot tap operations involving transmission and distribution systems

for substances such as gas, steam, water, or petroleum products when they are performed on pressurized pipelines, when:

- (a) Continuity of service is essential;
- (b) Shutdown of the system is impractical; and
- (c) Documented procedures are followed, and special equipment is used that will provide proven effective protection for employees.

(3) WAC 296-306A-320 does not cover exposure to electrical hazards from work on, near, or with conductors or equipment in electric utilization installations. These hazards are covered in chapter 296-306A WAC Part T.

**NEW SECTION**

**WAC 296-306A-32005 What definitions apply to this section?** "Affected employee" means an employee who uses a machine or equipment while it is serviced or maintained under lockout or tagout, or who works where such servicing or maintenance is being performed.

"Authorized employee" means a person who locks out or tags out machines or equipment in order to perform servicing or maintenance on that machine or equipment. An affected employee becomes an authorized employee when that employee's duties include performing servicing or maintenance covered under this part.

"Capable of being locked out" means an energy isolating device that has a hasp or other means for a lock to be affixed, or has a locking mechanism built into it. It also means that the device can be locked out without dismantling, rebuilding, or replacing the energy isolating device or permanently altering its energy control capability.

"Energized" means connected to an energy source or containing residual or stored energy.

"Energy isolating device" means a mechanical device that physically prevents the transmission or release of energy, including but not limited to the following:

- A manually operated electrical circuit breaker;
- A disconnect switch;
- A manually operated switch with conductors of circuit that can be disconnected from all ungrounded supply conductors and allows no pole to operate independently;
- A line valve;
- A block; and
- Any similar device used to block or isolate energy.

Push buttons, selector switches, and other control circuit devices are not energy isolating devices.

"Energy source" means any source of electrical, mechanical, hydraulic, pneumatic, chemical, thermal, or other energy, including gravity.

"Hot tap" means a procedure used in repair, maintenance, and service activities that involves welding on a piece of equipment (pipelines, vessels, or tanks) under pressure, in order to install connections or accessories. It is commonly used to replace or add sections of pipeline without the interruption of service for air, gas, water, steam, and petrochemical distribution systems.

"Lockout" means placing a lockout device on an energy isolating device, in accordance with an established procedure, to ensure that the energy isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

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"Lockout device" means a device with a positive means such as a lock (key or combination type) to hold an energy isolating device in the safe position and prevents the energizing of a machine or equipment. Blank flanges and bolted slip blinds are included.

"Normal production operations" means using a machine or equipment for its intended production function.

"Servicing and/or maintenance" means workplace activities such as constructing, installing, setting up, adjusting, inspecting, modifying, and maintaining and/or servicing machines or equipment. These activities include lubrication, cleaning, or unjamming of machines or equipment and making adjustments or tool changes, where the employee may be exposed to the unexpected energization or start up of the equipment or release of hazardous energy.

"Setting up" means any work performed to prepare a machine or equipment to perform its normal production operation.

"Tagout" means placing a tagout device on an energy isolating device, according to an established procedure, to indicate that the energy isolating device and the equipment being controlled shall not be operated until the tagout device is removed.

"Tagout device" means a prominent warning device, such as a tag and attachment, that can be securely fastened to an energy isolating device in accordance with an established procedure, to indicate that the energy isolating device and the equipment being controlled shall not be operated until the tagout device is removed.

#### NEW SECTION

**WAC 296-306A-32007 What are the required elements of an energy control program?** You must establish a written energy control program consisting of:

- An energy control procedure;
- Employee training; and
- Periodic inspections.

The purpose of the program is to ensure that before any employee services or maintains a machine or equipment where the unexpected energizing, start up, or release of stored energy could occur and cause injury, the machine or equipment is isolated from the energy source, and rendered inoperative.

#### NEW SECTION

**WAC 296-306A-32009 How does an employer determine when to use lockout vs. tagout?** (1) If an energy isolating device is not capable of being locked out, your energy control program shall use a tagout system.

(2) If an energy isolating device is capable of being locked out, your energy control program shall use lockout unless a tagout system will provide full employee protection according to WAC 296-306A-32011.

(3) Whenever major replacement or major repair, renovation, or modification of a machine or equipment is performed, and whenever new machines or equipment are installed, energy isolating devices for such machines or equipment shall be designed to accept a lockout device.

#### NEW SECTION

**WAC 296-306A-32011 What requirements must be met to substitute tagout for lockout?** (1) You must ensure that when a tagout device is used on an energy isolating device that is capable of being locked out, the tagout device is attached at the same location that the lockout device would have been attached. You must also ensure that the tagout program will provide safety that is equivalent to a lockout program.

(2) To demonstrate that a tagout program provides safety that is equivalent to a lockout program, you must demonstrate full compliance with all tagout requirements and any other measures necessary to provide equivalent safety. Other measures shall include:

- (a) Implementing additional safety measures such as the removal of an isolating circuit element;
- (b) Blocking a controlling switch;
- (c) Opening an extra disconnecting device; or
- (d) Removing a valve handle to reduce the likelihood of inadvertent energization.

#### NEW SECTION

**WAC 296-306A-32013 What are the required elements of energy control procedures?** (1) You must develop, document, and use procedures to control potentially hazardous energy when employees are engaged in activities covered by this section.

**Exception:** You are exempt from documenting procedures for a particular machine or equipment only when all of the following elements exist:

- (a) The machine or equipment has no potential for stored or residual energy or reaccumulation of stored energy after shut down that could endanger employees;
- (b) The machine or equipment has a single energy source that can be readily identified and isolated;
- (c) The isolation and locking out of that energy source will completely deenergize and deactivate the machine or equipment;
- (d) The machine or equipment is isolated from that energy source and locked out during servicing or maintenance;
- (e) A single lockout device will achieve lockout;
- (f) The lockout device is under the exclusive control of the authorized employee performing the servicing or maintenance;
- (g) The servicing or maintenance does not create hazards for other employees; and
- (h) The worksite has experienced no accidents involving the unexpected activation or reenergization of the machine or equipment during servicing or maintenance.

(2) The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques for the control of hazardous energy, and the means to enforce compliance including, but not limited to, the following:

- (a) A specific statement of the intended use of the procedure;
- (b) Specific procedural steps for shutting down, isolating, blocking, and securing machines or equipment to control hazardous energy;
- (c) Specific procedural steps for the placement, removal, and transfer of lockout devices or tagout devices and the responsibility for them; and
- (d) Specific requirements for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

**NEW SECTION**

**WAC 296-306A-32015 What requirements apply to lockout and tagout devices and materials?** (1) You must provide locks, tags, chains, wedges, key blocks, adapter pins, self-locking fasteners, or other hardware for isolating, securing, or blocking machines or equipment from energy sources.

(2) Lockout and tagout devices shall be singularly identified; shall be the only device(s) used for controlling energy; shall not be used for other purposes.

(3) Lockout and tagout devices shall be durable and meet the following requirements:

(a) Lockout and tagout devices shall be able to withstand the environment to which they are exposed for the maximum period of time that exposure is expected.

(b) Tagout devices shall be constructed and printed so that exposure to weather conditions or wet and damp locations will not deteriorate the tag or make the tag's message illegible.

(c) Tags shall not deteriorate when used in corrosive environments such as areas where acid and alkali chemicals are handled and stored.

(4) Lockout and tagout devices shall be the same within the facility in at least color, shape, or size. Also, tagout devices shall have the same print and format.

(5) Lockout and tagout devices shall be substantial and meet the following requirements:

(a) Lockout devices shall be substantial enough to prevent removal without the use of excessive force or unusual techniques, such as with the use of bolt cutters or other metal cutting tools.

(b) Tagout devices and their means of attachment shall be substantial enough to prevent accidental removal. Tagout device attachment means shall be single-use, attachable by hand, self-locking, releasable with an unlocking strength of at least 50 pounds, and having the general design and basic characteristics of being at least equivalent to a one-piece, all-environment-tolerant nylon cable tie.

(c) Lockout and tagout devices shall indicate the name of employee applying the device(s).

(6) Tagout devices shall warn against hazardous conditions if the machine or equipment is energized and shall include a message such as: "Do not start," "do not open," "do not close," "do not energize," "do not operate."

**NEW SECTION**

**WAC 296-306A-32017 How often must the energy control procedure be inspected?** (1) You must conduct an inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are followed.

(a) An authorized employee, other than the one(s) using the energy control procedure, shall perform the inspection.

(b) The inspection shall be conducted to correct any deviations or inadequacies identified.

(c) Where lockout is used for energy control, the inspection shall include a review, between the inspector and each authorized employee, of that employee's responsibilities under the energy control procedure.

(d) Where tagout is used for energy control, the inspection shall include a review, between the inspector and each

authorized and affected employee, of that employee's responsibilities under the energy control procedure, and the elements of WAC 296-306A-32021.

(2) You must certify that the inspections have been performed. The certification shall identify the machine or equipment on which the energy control procedure was being used, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

**NEW SECTION**

**WAC 296-306A-32019 What general requirements apply to energy control program training and communication?** You must provide training to ensure that employees understand the purpose and function of the energy control program, and that employees have the knowledge and skills required for the safe application, use, and removal of the energy controls. The training shall include the following:

(1) Each authorized employee shall receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control.

(2) Each affected employee shall be instructed in the purpose and use of the energy control procedure.

(3) All other employees whose work operations are or may be in an area where energy control procedures may be used, shall be instructed about the procedure and the prohibition against attempting to restart or reenergize machines or equipment that are locked out or tagged out.

**NEW SECTION**

**WAC 296-306A-32021 What additional requirements apply to tagout training and communication?** When tagout systems are used, employees shall also be trained in the following limitations of tags:

(1) Tags are warning devices affixed to energy isolating devices, and do not provide the physical restraint on those devices that is provided by a lock.

(2) When a tag is attached to an energy isolating means, it is not to be removed without approval of the authorized person responsible for it, and it is never to be bypassed, ignored, or otherwise defeated.

(3) Tags must be legible and understandable by all authorized, affected, and other employees working in the area.

(4) Tags and their means of attachment must be made of materials that will withstand the environmental conditions encountered in the workplace.

(5) Tags may create a false sense of security, and their meaning needs to be understood as part of the overall energy control program.

(6) Tags must be securely attached to energy isolating devices so that they cannot be accidentally detached during use.

**NEW SECTION**

**WAC 296-306A-32023 What requirements apply to employee retraining?** (1) Retraining shall be provided for all authorized and affected employees whenever there is a change in job assignments, machines, equipment, or process-

es that present a new hazard, or when there is a change in the energy control procedures.

(2) Additional retraining shall also be provided whenever an inspection reveals, or whenever you have reason to believe, that the employee's knowledge or use of the energy control procedures is inadequate.

(3) Retraining shall reestablish employee proficiency and introduce new or revised control methods and procedures, as necessary.

#### NEW SECTION

**WAC 296-306A-32025 What training records must an employer keep?** You must keep records that certify that employee training has been completed and is up to date. The records shall contain each employee's name and dates of training.

#### NEW SECTION

**WAC 296-306A-32027 Who may perform lockout or tagout?** Lockout or tagout shall be performed only by authorized employees performing the service or maintenance.

#### NEW SECTION

**WAC 296-306A-32029 Who must be notified of lockout and tagout?** Affected employees shall be notified of the application and removal of lockout or tagout devices. Notification shall be given before controls are applied and after they are removed.

#### NEW SECTION

**WAC 296-306A-32031 What order of events must lockout or tagout procedures follow?** The established lockout or tagout procedures shall cover the following elements and shall be done in the following sequence: Machinery or equipment shutdown before lockout or tagout:

(1) Before an authorized or affected employee turns off a machine or equipment, the authorized employee shall have knowledge of the type and magnitude of the energy, the hazards of the energy to be controlled, and the method or means to control the energy.

(2) The machine or equipment shall be turned off or shut down using the procedures established for the machine or equipment. The shutdown must be done in the prescribed order to avoid increased hazards to employees.

(3) All necessary energy isolating devices shall be physically located and operated in such a manner as to isolate the machine or equipment from the energy source. Application of the lockout or tagout device:

(4) Lockout or tagout devices shall be affixed to each energy isolating device by authorized employees.

(5) Lockout devices, where used, shall be affixed in a manner that will hold the energy isolating devices in a "safe" or "off" position.

(6) Tagout devices, where used, shall be affixed in such a manner as will clearly indicate that the operation or movement of energy isolating devices from the "safe" or "off" position is prohibited.

(a) Where tagout devices are used with energy isolating devices designed with the capability of being locked, the tag

attachment shall be fastened at the same point at which the lock would have been attached.

(b) Where a tag cannot be affixed directly to the energy isolating device, the tag shall be located as close as safely possible to the device, in a position that will be immediately obvious to anyone attempting to operate the device.

Eliminating the hazards of stored energy:

(7) After applying lockout or tagout devices to energy isolating devices, all potentially hazardous stored or residual energy shall be relieved, disconnected, restrained, and otherwise rendered safe.

(8) If there is a possibility of reaccumulation of stored energy to a hazardous level, verification of isolation shall be continued until the servicing or maintenance is completed, or until the possibility of such accumulation no longer exists. Before beginning service or maintenance:

(9) Prior to starting work on machines or equipment that have been locked out or tagged out, the authorized employee shall verify that the machine or equipment has been isolated and deenergized.

#### NEW SECTION

**WAC 296-306A-32033 What order of events must be followed to remove lockout or tagout devices?** (1) Before removing lockout or tagout devices, the authorized employee must complete the following procedures:

(a) Inspect the work area to ensure that nonessential items have been removed and to ensure that machine or equipment components are operationally intact.

(b) Check the work area to ensure that all employees have been safely positioned or removed.

(2) After lockout or tagout devices have been removed and before a machine or equipment is started, affected employees shall be notified that the lockout or tagout device(s) have been removed.

(3) Each lockout or tagout device shall be removed from each energy isolating device by the authorized employee who applied the device.

**Exception:** When the authorized employee who applied the lockout or tagout device is not available to remove it, that device may be removed under your direction, provided that specific procedures and training for such removal have been developed, documented, and incorporated into the energy control program.

You must ensure that the specific procedure provides equivalent safety to the removal of the device by the authorized employee who applied it. The specific procedure shall include at least the following elements:

(a) Verification by the employer that the authorized employee who applied the device is not at the facility;

(b) Making all reasonable efforts to inform the authorized employee that the lockout or tagout device has been removed; and

(c) Ensuring that the authorized employee has this knowledge before resuming work at that facility.

#### NEW SECTION

**WAC 296-306A-32035 What requirements apply to testing and positioning machines and equipment?** When lockout or tagout devices must be temporarily removed from the energy isolating device and the machine or equipment

energized to test or position the machine or equipment, the following sequence of actions shall be followed:

- (1) Clear the machine or equipment of tools and materials according to WAC 296-306A-32033 (1)(a).
- (2) Remove employees from the machine or equipment area according to WAC 296-306A-32033 (1)(b).
- (3) Remove the lockout or tagout devices as specified in WAC 296-306A-32033(3).
- (4) Energize and proceed with testing or positioning.
- (5) Deenergize all systems and reapply energy control measures in accordance with WAC 296-306A-32031 to continue the servicing and/or maintenance.

#### NEW SECTION

**WAC 296-306A-32037 What requirements apply to outside servicing contractors?** (1) Whenever outside servicing contractors are to be engaged in activities covered by this standard, you and the outside employer shall inform each other of your respective lockout or tagout procedures.

(2) The outside employer shall ensure that employees understand and comply with the restrictions and prohibitions of your energy control program.

#### NEW SECTION

**WAC 296-306A-32039 What requirements apply to group lockout or tagout?** (1) When servicing and/or maintenance is performed by a crew or other group, they shall use a procedure that provides a level of protection equivalent to that provided by the implementation of a personal lockout or tagout device.

(2) Group lockout or tagout devices shall be used according to the procedures required by WAC 296-306A-32013 including, but not limited to, the following:

- (a) An authorized employee has primary responsibility for a set number of employees working under the protection of a group lockout or tagout device (such as an operations lock); and
- (b) A method for the authorized employee to determine if individual group members are exposed to release of stored energy hazards; and
- (c) When more than one crew or group is involved, assignment of overall lockout or tagout control responsibility to an authorized employee designated to coordinate individual group members and ensure continuity of protection; and
- (d) Each authorized employee shall affix a personal lockout or tagout device to the group lockout device when beginning work, and shall remove those devices when the work is complete.

#### NEW SECTION

**WAC 296-306A-32041 What requirements apply to lockout/tagout during shift changes?** During shift or personnel changes, you must ensure that employees follow specific procedures to ensure the continuity of lockout or tagout protection. The procedures must include orderly transfer of lockout or tagout protection between off-going and oncoming employees, to minimize exposure to hazards from the unexpected energization or start-up of the machine or equipment, or release of stored energy.

## PART R

### SAFETY COLOR CODING; ACCIDENT PREVENTION SIGNS AND TAGS

#### NEW SECTION

**WAC 296-306A-330 Safety color coding; accident prevention signs and tags.**

#### NEW SECTION

**WAC 296-306A-33001 What definitions apply to this section?** "Accident prevention sign" ("sign") means a surface with text or pictographs, meant to warn or instruct employees who may be exposed to hazards. Safety posters and education bulletins are not included in this definition.

"Accident prevention tag" ("tag") means a card that identifies a hazardous condition, generally related to unsafe equipment.

"Major message" means the sign's or tag's text that is more specific than the signal word and that identifies the specific hazardous condition or safety instruction. Examples include: "High Voltage," "Close Clearance," "Do Not Start," or "Do Not Use" or a corresponding pictograph.

"Pictograph" means a pictorial representation that identifies a specific hazardous condition or safety instruction.

"Signal word" means the sign's or tag's text that contains the word, usually "danger" or "caution" that is intended to capture the employee's immediate attention.

#### NEW SECTION

**WAC 296-306A-33003 What does red identify in safety color coding?** Use red to identify:

- (1) Fire protection equipment;
  - (2) Safety cans or other portable containers of flammable liquids;
  - (3) Danger signs and tags;
  - (4) Emergency stop bars on hazardous machines; and
  - (5) Stop buttons or electrical switches used to stop machinery in an emergency;
- Red lights shall be provided at barricades and at temporary obstructions, as specified in ANSI Safety Code for Building Construction, A10.2-1944.

#### NEW SECTION

**WAC 296-306A-33005 What does yellow identify in safety color coding?** Use yellow to identify:

- (1) Caution signs and tags; and
- (2) Physical hazards.

#### NEW SECTION

**WAC 296-306A-33007 When should signs and tags use "danger" versus "caution"?** (1) Danger signs and tags.

(a) Use danger signs and tags when an immediate hazard presents a threat of death or serious injury to employees.

(b) Instruct all employees that danger signs and tags indicate immediate danger and that special precautions are necessary.

- (2) Caution signs and tags.

(a) Use caution signs and tags to warn against potential hazards or to caution against unsafe practices.

(b) Instruct all employees that caution signs and tags indicate a possible hazard against which proper precaution should be taken.

#### NEW SECTION

**WAC 296-306A-33009 What are the design and color specifications for accident prevention signs?** (1) All signs shall have rounded or blunt corners and shall be free from sharp edges. The ends or heads of bolts or other fastening devices shall be located so that they do not constitute a hazard.

(2) Danger, caution, directional, informational, exit, and safety instruction signs must comply with the specification of safety colors of the ANSI Z53.1-1971.

#### NEW SECTION

**WAC 296-306A-33011 What are the proper uses of accident prevention tags?** (1) Use tags as a temporary means of warning employees of a hazardous condition, especially defective equipment. Tags are not a complete warning method, but should be used until the hazard can be eliminated.

For example: You may use a "do not start" tag on power equipment for a short time until the switch in the system can be locked out; you may use a "defective equipment" tag on a damaged ladder while arrangements are made for the ladder to be taken out of service and repaired.

(2) Use of accident prevention tags.

(a) Use tags as a warning to prevent accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations that are out of the ordinary, unexpected or not readily apparent.

(b) Use tags until the identified hazard is eliminated or the hazardous operation is completed. Tags are not necessary if signs, guarding, or other protection is used.

(c) Place "do not start" tags in a conspicuous location and, if possible, so that they block the starting mechanism that would cause hazardous conditions if the equipment was energized.

(3) General accident prevention tag specifications.

(a) Tags shall contain a signal word and a major message. The signal word shall be either "danger" or "caution."

(b) The signal word shall be readable at least five feet from the hazard.

(c) The signal word and the major message shall be understandable to all employees who may be exposed to the identified hazard.

(d) Inform all employees of the meaning of the tags used throughout the workplace and what special precautions are necessary.

(e) Attach tags as closely as is safely possible to the hazard. Attach the tags so as to prevent loss or unintentional removal.

(f) The tag and attachment method shall be constructed of material that is not likely to deteriorate.

(4) You may use warning tags to represent a hazard level between "caution" and "danger," instead of the required

"caution" tag, as long as they have a signal word of "warning" and an appropriate major message.

(5) Use "out of order" tags only to indicate that a piece of equipment, machinery, etc., is out of order and that it might present a hazard if used.

### PART 5 FIRE PROTECTION AND IGNITION SOURCES; EXIT ROUTES

#### NEW SECTION

**WAC 296-306A-340 Portable fire extinguishers.**

#### NEW SECTION

**WAC 296-306A-34003 What does this section cover?**

(1) WAC 296-306A-340 applies to the placement, use, maintenance, and testing of portable fire extinguishers provided for employee use. WAC 296-306A-34012 does not apply to extinguishers provided for employee use on the outside of workplace buildings or structures. If you do not intend for employees to use extinguishers, and your emergency action plan and fire prevention plan meet the requirements of WAC 296-306A-35018, then only the requirements of WAC 296-306A-34015 and 296-306A-34018 apply.

(2) All standpipe and hose systems, automatic sprinkler systems, fixed extinguishing systems, dry-chemical fixed extinguishing systems, water-spray and foam, and fire detection systems, shall be installed in accordance with state and local ordinances, codes, and regulations governing such installations.

#### NEW SECTION

**WAC 296-306A-34006 Who is exempt from the requirements of this section?** (1) You are exempt from all requirements of this section, if:

(a) You have implemented a written fire safety policy that requires all employees to evacuate immediately when the fire alarm sounds; and

(b) You have an emergency action plan and a fire prevention plan meeting the requirements of WAC 296-306A-35015 and 296-306A-35018; and

(c) Extinguishers are not available for employee use in the workplace.

Note: If a specific section of this chapter requires you to provide a portable fire extinguisher, this exemption does not apply.

(2) You are exempt from the distribution requirements in WAC 296-306A-34012, if:

(a) You have an emergency action plan meeting the requirements of WAC 296-306A-35015 that authorizes only certain employees to use the available portable fire extinguishers; and

(b) The plan requires all other employees to evacuate immediately when the fire alarm sounds.

#### NEW SECTION

**WAC 296-306A-34009 What general requirements apply to portable fire extinguishers?** (1) You must provide portable fire extinguishers that are readily accessible

to employees without subjecting the employees to possible injury.

(2) You must only use approved portable fire extinguishers.

(3) Portable fire extinguishers using carbon tetrachloride or chlorobromomethane extinguishing agents are prohibited.

(4) Water type fire extinguishers with a soldered or riveted shell that use self-generating soda acid or self-generating foam or gas cartridges are prohibited.

(5) You must ensure that all portable fire extinguishers are fully charged, operable, and kept in their designated places at all times except during use.

(6) You must ensure that all portable fire extinguishers are tested, constructed, and used according to the National Fire Protection Association's pamphlet No. 10A-1970.

Note: The supplier of the extinguisher or local fire official can furnish this information.

(7) You must post "no smoking" signs in areas where fire or explosion hazards exist. You must prohibit smoking within fifty feet of all refueling operations. Take precautions to prevent open flames, sparks, or electric arcs in refueling areas.

(8) You must keep a portable fire extinguisher with a rating of at least 12-B units outside the door of any room used to store flammables or combustibles. This extinguisher must not be more than ten feet from the door.

**NEW SECTION**

**WAC 296-306A-34012 How should portable fire extinguishers be selected and distributed?** (1) You must select and distribute portable fire extinguishers based on the classes of anticipated workplace fires and on the size and degree of hazard that would affect their use.

(2) Distribution of portable fire extinguishers.

(a) For Class A fires: You must distribute portable fire extinguishers so that no employee must travel more than 75 feet (22.9 m) to a fire extinguisher.

Exception: You may use uniformly spaced standpipe systems or hose stations connected to a sprinkler system for emergency use by employees instead of Class A portable fire extinguishers, if:

- The system meets all regulatory requirements governing total coverage of the area to be protected; and
- Employees are trained at least annually in their use.

(b) For Class B fires: You must distribute portable fire extinguishers so that no employee must travel more than 50 feet (15.2 m) to a fire extinguisher.

(c) For Class C fires: You must distribute portable fire extinguishers on the basis of the appropriate pattern for the existing Class A or Class B hazards.

(d) For Class D fires: You must distribute portable fire extinguishers or other containers of Class D extinguishing agent so no employee must travel more than 75 feet (22.9 m) from the combustible metal working area to any extinguishing agent. Portable fire extinguishers for Class D hazards are required in those combustible metal working areas where combustible metal powders, flakes, shavings, or similarly sized products are generated at least once every two weeks.

**NEW SECTION**

**WAC 296-306A-34015 What are the requirements for inspection, maintenance and testing of portable fire extinguishers?** (1) You are responsible for the inspection, maintenance, and testing of all portable fire extinguishers in the workplace.

(2) You must visually inspect portable extinguishers or hose at least once a month.

(3) You must ensure that portable fire extinguishers receive an annual maintenance check. You must keep records of the maintenance dates for one year after the previous entry or the life of the shell, whichever comes first. You must provide us with a copy of the record if we ask for it.

(4) You must ensure that stored-pressure dry chemical extinguishers that require a twelve-year hydrostatic test are emptied and undergo applicable maintenance procedures every six years.

Exception: Dry chemical extinguishers with nonrefillable disposable containers are exempt from this requirement.

The six years begins when recharging or hydrostatic testing is performed.

(5) You must ensure that alternate equivalent protection is provided when portable fire extinguishers are removed from service for maintenance and recharging.

**NEW SECTION**

**WAC 296-306A-34018 What requirements apply to hydrostatic testing?** (1) You must ensure that a trained person performs hydrostatic testing with suitable testing equipment and facilities.

(2) You must ensure that portable extinguishers are hydrostatically tested at the intervals listed in the table below.

Type of Extinguishers	Test interval (years)
Soda acid (stainless steel shell)	5
Cartridge operated water and/or antifreeze	5
Stored pressure water and/or antifreeze	5
Wetting agent	5
Foam (stainless steel shell)	5
Aqueous film forming form (AFFF)	5
Loaded stream	5
Dry chemical with stainless steel	5
Carbon dioxide	5
Dry chemical, stored pressure, with mild steel, brazed brass or aluminum shells	12
Dry chemical, cartridge or cylinder operated, with mild steel shells	12
Halon 1211	12
Halon 1301	12
Dry powder, cartridge or cylinder operated, with mild steel shell	12

Exception: Extinguishers must not be hydrostatically tested if the following conditions exist:

- (a) When the unit has been repaired by soldering, welding, brazing, or use of patching compounds;
- (b) When the cylinder or shell threads are damaged;
- (c) When there is corrosion that has caused pitting, including corrosion under removable name plate assemblies;
- (d) When the extinguisher has been burned in a fire; or

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(e) When a calcium chloride extinguishing agent has been used in a stainless steel shell.

(3) In addition to an external visual examination, you must ensure that the cylinders and shells are examined internally before the hydrostatic testing.

(4) You must ensure that portable fire extinguishers are hydrostatically tested whenever they show new evidence of corrosion or mechanical injury.

(5) You must ensure that hydrostatic tests are performed on extinguisher hose assemblies that are equipped with a shut-off nozzle at the discharge end of the hose. The test interval shall be the same as specified for the extinguisher on which the hose is installed.

(6) Carbon dioxide hose assemblies with a shut-off nozzle must be hydrostatically tested at 1,250 psi (8,620 kPa).

(7) Dry chemical and dry powder hose assemblies with a shut-off nozzle must be hydrostatically tested at 300 psi (2,070 kPa).

(8) Hose assemblies passing a hydrostatic test do not require any type of recording or stamping.

(9) You must ensure that hose assemblies for carbon dioxide extinguishers that require a hydrostatic test are tested within a protective cage device.

(10) You must ensure that carbon dioxide extinguishers and nitrogen or carbon dioxide cylinders used with wheeled extinguishers are tested every five years at 5/3 of the service pressure as stamped into the cylinder. Nitrogen cylinders that comply with 29 CFR 173.34 (e)(15) may be hydrostatically tested every ten years.

(11) You must ensure that all stored pressure and Halon 1211 types of extinguishers are hydrostatically tested at the factory test pressure not to exceed two times the service pressure.

(12) You must ensure that self-generating type soda acid and foam extinguishers are tested at 350 psi (2,410 kPa).

(13) Air or gas pressure used for hydrostatic testing is prohibited.

(14) You must remove from the workplace all extinguisher shells, cylinders, or cartridges that fail a hydrostatic pressure test, or that are not fit for testing.

(15)(a) Water-jacket equipment shall be used for testing compressed gas type cylinders. The equipment shall have an expansion indicator that operates with an accuracy within one percent of the total expansion or 0.1 cc (.1 mL) of liquid.

(b) The following equipment shall be used to test noncompressed gas type cylinders:

(i) A hydrostatic test pump, hand or power operated, capable of producing not less than one hundred fifty percent of the test pressure, which shall include appropriate check valves and fittings;

(ii) A flexible connection for attachment to fittings to test through the extinguisher nozzle, test bonnet, or hose outlet, as is applicable; and

(iii) A protective cage or barrier for personal protection of the tester, designed to provide visual observation of the extinguisher under test.

(16) You must maintain records of the hydrostatic testing. Your records must include:

- The date of test;
- The test pressure used;

- The serial number, or other identifier of the fire extinguisher that was tested; and

- The person or agency performing the test.

You must keep the records until the next testing, or until the extinguisher is taken out of service, whichever comes first. You must provide us with copies of the records if we ask for them.

#### NEW SECTION

**WAC 296-306A-34021 What are the training requirements for portable fire extinguishers?** (1) If you provide portable fire extinguishers for employee use, then you must also provide training to familiarize employees with the general principles of fire extinguisher use and the hazards involved in fighting fires when they first appear.

You must provide the training when the employee is first hired and at least annually thereafter.

(2) For employees who have been designated to use fire fighting equipment as part of an emergency action plan, you must provide training in the use of the appropriate equipment.

You must provide the training upon initial assignment to the designated group of employees and at least annually thereafter.

#### NEW SECTION

**WAC 296-306A-345 Employee alarm systems.**

#### NEW SECTION

**WAC 296-306A-34503 What does this section cover?**

(1) WAC 296-306A-345 applies to all emergency employee alarms required by a specific WAC chapter. This section does not apply to discharge or supervisory alarms required on various fixed extinguishing systems or to supervisory alarms on fire suppression, alarm or detection systems unless they are intended to be employee alarm systems.

(2) The maintenance, testing, and inspection requirements of this section shall apply to all local fire alarm signaling systems used for alerting employees regardless of the other functions of the system.

(3) All predischarge employee alarms required by this chapter shall meet the requirements of WAC 296-306A-34506 and 296-306A-34512.

#### NEW SECTION

**WAC 296-306A-34506 What general requirements apply to employee alarm systems?** (1) Your employee alarm system must provide warning for necessary emergency action called for in the emergency action plan, or safe escape of employees from the workplace.

(2) You must ensure that all employees can see or hear your employee alarm above normal noise or light levels in the workplace. You may use tactile devices to alert employees who can not see or hear the alarm.

(3) You must ensure that your employee alarm is recognizable as an evacuation signal or signal to perform actions designated under the emergency action plan.

(4) You must explain to each employee how to report emergencies. For example: They may use manual pull box alarms, public address systems, radio or telephones. You

must post emergency telephone numbers near telephones, or employee notice boards when telephones serve as a means of reporting emergencies. When your communication system also serves as the employee alarm system, you must ensure that all emergency messages have priority over all nonemergency messages.

(5) You must establish procedures for sounding emergency alarms in the workplace. If you have ten or fewer employees in a workplace, direct voice communication is an acceptable procedure for sounding the alarm if all employees can hear it. In this case, you do not need a back-up system.

#### NEW SECTION

**WAC 296-306A-34509 What are the installation and restoration requirements for employee alarm systems?**

(1) You must ensure that all systems installed to comply with this standard are approved. Steam whistles, air horns, strobe lights or similar lighting devices, or tactile devices meeting the requirements of this section must also be approved.

(2) After each test or alarm, you must ensure that all employee alarm systems are restored to normal operating condition as soon as possible. You must ensure that you have spare alarm components available in sufficient quantities and locations for prompt restoration of the system.

#### NEW SECTION

**WAC 296-306A-34512 How must employee alarm systems be maintained and tested?** (1) You must ensure that all employee alarm systems are maintained in operating condition except when undergoing repairs or maintenance.

(2) You must ensure that a test of the reliability and adequacy of nonsupervised employee alarm systems is made every two months. You must use a different actuation device in each test of a multiactuation device system so that no individual device is used for two consecutive tests.

(3) You must maintain or replace power supplies as often as necessary to ensure fully operational condition. You must provide back-up alarms, such as employee runners or telephones, when systems are out of service.

(4) You must ensure that supervised employee alarm circuitry is supervised and that it will provide positive notification to assigned personnel whenever a deficiency exists in the system. You must ensure that all supervised employee alarm systems are tested at least annually for reliability and adequacy.

(5) You must ensure that employee alarms are serviced, maintained, and tested by someone trained in the operation and functions necessary for reliable and safe operation of the system.

#### NEW SECTION

**WAC 296-306A-34515 Where must manually operated devices be located?** You must ensure that manually operated actuation devices used with employee alarms are easy to find and accessible.

#### NEW SECTION

**WAC 296-306A-350 Exit routes.**

#### NEW SECTION

**WAC 296-306A-35003 What does this section cover?** WAC 296-306A-350 requires you to provide exit routes for employees to leave the workplace safely during emergencies. This section does not apply to mobile workplaces, such as vehicles or vessels.

#### NEW SECTION

**WAC 296-306A-35006 What definitions apply to this section?** "Exit" means the portion of an exit route that is generally separated from other areas to provide a protected way of travel out of the workplace.

"Exit route" means a continuous and unobstructed path of exit travel from any point within a workplace to safety outside. An exit route generally consists of three parts: Access to an exit; the area which provides a way of travel out of the workplace; and the way from the exit to the outside. An exit route includes all vertical and horizontal areas.

#### NEW SECTION

**WAC 296-306A-35009 What are the design requirements for exit routes?** You must ensure that each workplace meets each of the following requirements:

(1) Each exit is a permanent part of the workplace.

(2) Two exit routes, remote from one another, are available to provide alternate means for employees to safely leave the workplace during an emergency.

(a) A single exit route is permitted where the number of employees, the size of the building, its occupancy, or the arrangement of the workplace indicate that a single exit will allow all employees to exit safely during an emergency. Other means of escape, such as fire exits or accessible windows, should be available where fewer than two exit routes are provided.

(b) More than two exit routes are available to allow employees to safely leave the workplace during an emergency where the number of employees, the size of the building, its occupancy, or the arrangement of the workplace reasonably suggest that reliance on two exit routes could endanger employees.

(3) An exit has only those openings necessary to permit access to, or exit from, occupied areas of the workplace. An opening into an exit is protected by a self-closing fire door that remains closed. Each fire door, its frame, and hardware are listed or approved by a nationally recognized testing laboratory.

(4) Construction materials used to separate an exit have a 1-hour fire resistance rating if the exit connects three or fewer stories. Construction materials used to separate an exit have a 2-hour fire resistance rating if the exit connects 4 or more stories.

(5) Free and unobstructed access to each exit route is provided to ensure safe exit during an emergency.

(a) The exit route is free of material or equipment.

(b) Employees are not required to travel through a room that can be locked, such as a bathroom, or toward a dead end to reach an exit.

(c) Stairs or a ramp are used if the exit route is not substantially level.

(6) An exit leads directly outside or to a street, walkway, refuge area, or to an open space with access to the outside.

(a) The street, walkway, refuge area, or open space to which an exit leads is large enough to accommodate all building occupants likely to use that exit.

(b) A refuge area is:

(i) A space along an exit route protected from the effects of fire either by separation from other spaces within the building or by its location; or

(ii) A floor with at least two spaces separated by smoke-resistant partitions, in a building where each floor is protected by an automatic sprinkler system. An automatic sprinkler system complies with NFPA No. 13, Automatic Sprinkler Systems.

(c) Exit stairs that continue beyond the floor of exit discharge are interrupted by doors, partitions, or other effective means.

(7) Where a doorway or corner of a building is located near a railroad or trolley track so that an employee is liable to walk upon the track in front of an approaching engine or cars, a standard safeguard shall be installed with a warning sign.

(8) An exit door can be readily opened from the inside without keys, tools, or special knowledge. A device, such as a panic bar, that locks only from the outside is permitted. An exit door is free of any device or alarm that, if it fails, can restrict emergency use of an exit.

**Note:** An exit door may be locked or blocked from the inside in a mental, penal, or correctional institution, if supervisory personnel are continually on duty and a plan exists to remove occupants during an emergency.

(9) The opening device on all doors of walk-in refrigerated or freezer rooms must be the type, when locked from the outside with a lock, can be opened from inside.

(10) A side-hinged exit door is used to connect any room to an exit route. A door that connects any room to an exit route swings out if the room may be occupied by more than 50 persons or highly flammable or explosive materials may be used inside.

(11) Each exit route supports the maximum-permitted occupant load for each floor served by the exit route. The capacity of an exit does not decrease with the direction of exit travel.

(12) Minimum height and width requirements:

(a) The ceiling for an exit route is at least 7 feet 6 inches high and the exit route is at least 6 feet 8 inches high at all points.

(b) The width of an exit route is at least 28 inches wide at all points between handrails. An exit route is wider than 28 inches if necessary to accommodate the expected occupant load.

(c) Objects that project into the exit route do not reduce the minimum height and width of an exit route.

(13) An outdoor exit route is permitted if it meets the requirements for an indoor exit route and the following additional requirements.

(a) The exit has guardrails to protect exposed sides.

(b) The exit route is covered if accumulation of snow or ice is likely and is not removed regularly.

(c) The exit route is reasonably straight with smooth, solid, substantially level floors.

(d) The exit route has no dead ends longer than 20 feet.

## NEW SECTION

**WAC 296-306A-35012 What are the operation and maintenance requirements for exit routes?** You must ensure that each workplace meets the following requirements:

(1) The workplace exit route is maintained to minimize danger to employees during an emergency.

(a) The workplace exit route is free of explosive or highly flammable furnishings or decorations.

(b) Accumulations of flammable or combustible waste materials are controlled.

(c) An exit route does not require employees to travel toward materials that burn very quickly, emit poisonous fumes, or are explosive, unless those materials are effectively shielded from the exit route.

(2) Each exit route is adequately lit.

(3) Each exit is clearly visible and is marked by a distinctive sign reading "exit."

(a) An exit door is free of signs or decorations that obscure its visibility.

(b) Signs are posted along the exit route indicating the direction of travel to the nearest exit.

(c) The line-of-sight to an exit sign is uninterrupted.

(d) Any doorway or passage that might be mistaken for an exit is marked "not an exit" or with an indication of its actual use.

(e) An exit sign is illuminated to a surface value of at least 5 foot candles by a reliable light source and shows a designated color. Self-luminous or electroluminescent signs have a minimum luminance surface value of .06 footlamberts.

(4) Fire retardant paints or other coatings used in the workplace are maintained.

(5) Each safeguard to protect employees during an emergency is maintained in proper working order.

(6) Employees do not occupy a workplace under construction until an exit route that meets these requirements is available for the portion of the workplace to be occupied.

(a) Employees do not occupy a workplace during repair or alteration unless either all exits and existing fire protection are maintained or alternate fire protection is provided that ensures an equivalent level of safety.

(b) Flammable or explosive materials used during construction or repair do not expose employees to hazards not otherwise present in the workplace or impede emergency escape from the workplace.

(7) An operable employee alarm system with a distinctive signal to warn employees of fire or other emergencies is installed and maintained. No employee alarm system is required if employees can see or smell a fire or other hazard so that it would provide adequate warning to them. The

employee alarm system complies with the requirements of WAC 296-306A-345.

#### NEW SECTION

**WAC 296-306A-35015 What are the requirements for an emergency action plan?** (1) You must develop an emergency action plan for each part of the workplace whenever a WISHA standard requires one.

(a) The plan must be in writing, kept in the workplace, and made available to employees on request.

(b) An employer of 10 or fewer employees may communicate the plan orally to employees rather than develop a written plan.

(2) An emergency action plan must include:

(a) Procedures for emergency evacuation, including exit route assignments;

(b) Procedures to account for all employees after evacuation;

(c) Procedures for reporting a fire or other emergency;

(d) Procedures to follow for emergency operation or shut down of critical equipment before evacuation;

(e) Procedures to follow for rescue and medical duties;

(f) Procedures for operating and maintaining an emergency alarm system; and

(g) Names or job titles of employees to be contacted to get more information about what to do in an emergency.

(3) You must designate employees to assist in the safe emergency evacuation of other employees. You must ensure that the designated employees receive training in emergency evacuation procedures.

(4) You must review the emergency action plan with each employee covered by the plan:

(a) When the plan is developed or the employee is assigned initially to the job;

(b) When the employee's responsibilities under the plan change; and

(c) When the plan is changed.

#### NEW SECTION

**WAC 296-306A-35018 What are the requirements for a fire prevention plan?** (1) You must develop a fire prevention plan for each part of the workplace whenever another WISHA standard requires one.

(a) The plan must be in writing, kept in the workplace, and made available to employees on request.

(b) An employer of 10 or fewer employees may communicate the plan orally to employees rather than develop a written plan.

(2) A fire prevention plan must include:

(a) A list of all major fire hazards, including proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard;

(b) Procedures to control accumulations of flammable and combustible waste materials;

(c) Procedures for regular maintenance of safeguards installed on heat producing equipment to prevent accidental ignition of combustible materials;

(d) Names or job titles of employees responsible for maintaining equipment to prevent or control sources of ignition or fires;

(e) Names or job titles of employees responsible for control of fuel source hazards.

(3) You must:

(a) Inform employees of the fire hazards to which they are exposed; and

(b) Review with each employee those parts of the fire prevention plan necessary for self-protection upon initial assignment to a job.

### **PART T ELECTRICAL**

#### NEW SECTION

**WAC 296-306A-360 Electrical.**

#### NEW SECTION

**WAC 296-306A-36005 What does this part cover?**

(1) Chapter 296-306A WAC Part T covers methods to protect against electrical hazards in agricultural workplaces.

(2) Chapter 296-306A WAC Part T does not cover:

- Installations in watercraft, or automotive vehicles; or
- Electric welding. (See chapter 296-306A WAC Part V.)

(3) Unless otherwise provided in this chapter all electrical work, installation, and wire capacities shall be according to the National Electrical Code, NFPA 70-1973; ANSI C1-1971, and all other applicable standards administered by the department of labor and industries.

#### NEW SECTION

**WAC 296-306A-36010 What definitions apply to this part?** The following definitions apply to this part:

"Acceptable" means an installation or equipment that is acceptable to the department and meets the requirements of this section. An installation or equipment is acceptable if:

(1) It is accepted, certified, listed, labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

(2) For installations or equipment that no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, it is inspected or tested by another federal agency, or by state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and complies with the provisions of the National Electrical Code, and complies with the provisions of the National Electrical Code as applied in this section; or

(3) For custom-made equipment or related installations that are designed, fabricated for, and intended for use by a particular customer, it is determined to be safe for its intended use by its manufacturer on the basis of test data that you keep and make available for our inspection.

"Accepted" means an installation that has been inspected and certified by a nationally recognized testing laboratory to meet specified plans or procedures of applicable codes.

"Bonding jumper" means a reliable conductor that provides the correct electrical conductivity between metal parts that are required to be electrically connected.

"Branch circuits" means the part of a wiring system extending beyond the final overcurrent device protecting the circuit. A device not approved for branch circuit protection, such as thermal cutout or motor overload protective device, is not considered as the overcurrent device protecting the circuit.

"Certified" means equipment that:

- Has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards, or to be safe for use in a specified manner; or
- Is a kind whose production is periodically inspected by a nationally recognized testing laboratory; and
- Bears a label, tag, or other record of certification.

"Exposed" means a live part that can be accidentally touched or approached nearer than a safe distance. This term applies to parts that are not suitably guarded, isolated, or insulated.

"Fixed equipment" means equipment fastened or connected by permanent wiring methods.

"Ground" means a conducting connection, whether intentional or accidental, between an electrical circuit or equipment and earth, or to some conducting body that serves in place of the earth.

"Grounded" means connected to earth or to some conducting body that serves in place of the earth.

"Isolated" means equipment that is not readily accessible except through special means of access.

"Labeled" means equipment that has an attached label, symbol, or other identifying mark of a nationally recognized testing laboratory that:

- Makes periodic inspections of the production of such equipment; and
- Whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner.

"Qualified person" means a person who is familiar with the construction and operation of the equipment and the hazards involved.

Note 1: Whether an employee is considered a "qualified person" depends on various circumstances in the workplace. It is possible and likely for an individual to be considered "qualified" with regard to certain equipment in the workplace, but "unqualified" as to other equipment.

Note 2: An employee undergoing on-the-job training and who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a qualified person is considered a qualified person for the performance of those duties.

"Shock hazard" exists at an accessible part in a circuit between the part and ground, or other accessible parts if the potential is more than 42.4 volts peak and the current through a 1,500 ohm load is more than 5 milliamperes.

"Weatherproof" means constructed or protected so that exposure to the weather does not interfere with successful operation. Rainproof, raintight, or watertight equipment may be considered weatherproof where weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

## NEW SECTION

### WAC 296-306A-362 General electrical requirements.

## NEW SECTION

**WAC 296-306A-36203 What electrical equipment must be approved?** The conductors and equipment required or permitted by this section must be approved.

## NEW SECTION

**WAC 296-306A-36206 How must electrical equipment safety be determined?** (1) Electrical equipment shall be free from hazards to employees. Safety of equipment shall be determined using the following considerations:

(a) Suitability for installation and use according to the requirements of this part. Suitability of equipment for an specific purpose may be shown by listing or labeling for that purpose.

(b) Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection provided.

(c) Electrical insulation.

(d) Heating effects under conditions of use.

(e) Arcing effects.

(f) Classification by type, size, voltage, current capacity, specific use.

(g) Other factors that contribute to the practical safeguarding of employees using or likely to come in contact with the equipment.

(2) Listed or labeled equipment shall be used or installed according to any instructions included in the listing or labeling.

## NEW SECTION

**WAC 296-306A-36209 What requirements apply to guarding live parts?** (1) Unless otherwise indicated, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by an approved cabinet or other form of approved enclosure, or by any of the following:

(a) Location in a room, vault, or similar enclosure that is accessible only to qualified persons.

(b) Suitable permanent substantial partitions or screens arranged so that only qualified persons have access to the area within reach of the live parts. Any openings in such partitions or screens shall be small enough and located so that employees are not likely to come into accidental contact with live parts or to bring conducting objects into contact with them.

(c) Location on a suitable balcony, gallery, or platform elevated and accessible only to qualified persons.

(d) Elevation of eight feet or more above the floor or other working surface.

(2) In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be arranged and be strong enough to prevent damage.

(3) Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

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(4) Electrical repairs shall be made only by qualified persons that you authorize.

(5) Fuse handling equipment, insulated for the circuit voltage, shall be used to remove or install fuses when the fuse terminals are energized.

(6) Employees shall be prohibited from working closely enough to an electric power circuit to contact it unless the employee is protected against electric shock.

Note: The circuit may be protected by deenergizing the circuit and grounding it, by guarding it, by effective insulation, or other means.

(7) In work areas where the exact location of underground electric power lines is unknown, employees using jack-hammers, bars or other hand tools that may contact a line shall be provided with insulated protective gloves.

**NEW SECTION**

**WAC 296-306A-36212 What workspace must be provided?** (1) When parts are exposed, the minimum clearance for the workspace shall not be less than six feet six inches high, nor less than a radius of three feet wide.

(2) There shall be clearance sufficient to permit at least a 90° opening of all doors or hinged panels.

**NEW SECTION**

**WAC 296-306A-36215 What general requirements apply to splices?** Conductors shall be spliced or joined with splicing devices suitable for the use or by brazing, welding, or soldering with a fusible metal or alloy. Soldered splices shall first be spliced or joined so they are mechanically and electrically secure without solder and then soldered. (Rosin-core solder should be used instead of acid core solder when joining electrical conductors.) All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors or with an insulating device suitable for the purpose.

**NEW SECTION**

**WAC 296-306A-36218 What protection must be provided against combustible materials?** Parts of electric equipment that in ordinary operation produce arcs, sparks, flames, or molten metal shall be enclosed or separated and isolated from all combustible material.

**NEW SECTION**

**WAC 296-306A-36221 How must electrical equipment be marked?** All electrical equipment in use must have the manufacturer's name, trademark, or other descriptive marking of the organization responsible for the product on the equipment. Other markings shall be provided giving voltage, current, wattage, or other ratings as necessary. The marking shall be durable enough to withstand the environment.

**NEW SECTION**

**WAC 296-306A-36224 How must disconnecting means be marked?** Each disconnecting means required by this part for motors and appliances shall be legibly marked to indicate its purpose, unless located and arranged so the

purpose is evident. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. These markings shall be of sufficient durability to withstand the environment involved.

**NEW SECTION**

**WAC 296-306A-36227 What access and working space must be provided for electrical equipment of 600 volts, nominal, or less?** Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

(1) Unless otherwise indicated, the dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive must be at least that indicated in the table below. Also, workspace must be at least 30 inches wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. Concrete, brick, or tile walls are considered grounded. Working space is not required behind assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from other directions.

Working Clearances

Nominal voltage to ground	Minimum clear distance for condition (ft)		
	(a)	(b)	(c)
0-150	13	13	3
151-600	13	3-1/2	4

Conditions:

(a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides guarded by suitable wood or other insulating material. Insulated wire or insulated busbars operating at 300 volts or less are not considered live parts.

(b) Exposed live parts on one side and grounded parts on the other side.

(c) Exposed live parts on both sides of the workspace (not guarded as in (a)) with the operator between.

(2) Working space required by this part may not be used for storage. When normally enclosed live parts are exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be suitably guarded.

(3) At least one entrance of sufficient area shall be provided to give access to the working space about electric equipment.

(4) Where there are live parts normally exposed on the front of switchboards or motor control centers, the working space in front of such equipment must be at least 3 feet.

(5) All working spaces around service equipment, switchboards, panelboards, and motor control centers installed indoors shall be adequately lit.

(6) The minimum headroom of working spaces about service equipment, switchboards, panelboards, or motor control centers shall be 6 feet 3 inches.

"Motor control center" means an assembly of one or more enclosed sections having a common power bus and principally containing motor control units.

**NEW SECTION**

**WAC 296-306A-36230 What access and working space must be provided for electrical equipment over 600 volts, nominal?** (1) Conductors and equipment used on circuits exceeding 600 volts, nominal, must meet all requirements of WAC 296-306A-36221 and the additional requirements of this section. This section does not apply to equipment on the supply side of the service conductors.

(2) Electrical installations in a vault, room, closet or area surrounded by a wall, screen, or fence, with access controlled by lock and key or other approved means, are considered accessible to qualified persons only. A wall, screen, or fence less than 8 feet high is not considered to prevent access unless it has other features that provide a degree of isolation equivalent to an 8 foot fence. The entrances to all buildings, rooms, or enclosures containing exposed live parts or exposed conductors operating at over 600 volts, nominal, shall be kept locked or shall be under the observation of a qualified person at all times.

(a) Electrical installations with exposed live parts shall be accessible to qualified persons only.

(b) Electrical installations that are open to unqualified persons shall be made with metal-enclosed equipment or shall be enclosed in a vault or in an area, with access controlled by a lock. If metal-enclosed equipment is installed so that the bottom of the enclosure is less than 8 feet above the floor, the door or cover shall be kept locked. Metal-enclosed switchgear, unit substations, transformers, pull boxes, connection boxes, and other similar associated equipment shall be marked with appropriate caution signs. If equipment is exposed to physical damage from vehicular traffic, guards shall be provided to prevent damage. Ventilating or similar openings in metal-enclosed equipment shall be designed so that foreign objects inserted through these openings will be deflected from energized parts.

(3) Enough space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of equipment. Where energized parts are exposed, the minimum clear workspace must be at least 6 feet 6 inches high (measured vertically from the floor or platform), or less than 3 feet wide (measured parallel to the equipment). The depth shall meet the requirements of Table T. The workspace shall be adequate to permit at least a 90-degree opening of doors or hinged panels.

(a) The minimum clear working space in front of electric equipment such as switchboards, control panels, switches, circuit breakers, motor controllers, relays, and similar equipment must be at least that specified in Table T unless otherwise indicated. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. However, working space is not required in back of equipment such as deadfront switchboards or control assemblies where there are no renewable or adjustable parts (such as fuses or switches)

on the back and where all connections are accessible from another direction. Where rear access is required to work on deenergized parts on the back of enclosed equipment, a minimum working space of 30 inches horizontally shall be provided.

**Table T**  
Minimum Depth of Clear Working Space  
in Front of Electric Equipment

Nominal voltage to ground	Conditions (ft)		
	(a)	(b)	(c)
601 to 2,500	3	4	5
2,501 to 9,000	4	5	6
9,001 to 25,000	5	6	9
25,001 to 75kV1	6	8	10
Above 75kV1	8	10	12

Note: Minimum depth of clear working space in front of electric equipment with a nominal voltage to ground above 25,000 volts may be the same as for 25,000 volts under conditions (a), (b) and (c) for installations built prior to April 16, 1981.

Conditions:

- (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides guarded by suitable wood or other insulating materials. Insulated wire or insulated busbars operating at 300 volts or less are not considered live parts.
- (b) Exposed live parts on one side and grounded parts on the other side. Concrete, brick, or tile walls will be considered grounded surfaces.
- (c) Exposed live parts on both sides of the workspace (not guarded as in (a)) with the operator between.

(b) All working spaces around electric equipment shall be adequately lit. The lighting outlets shall be arranged so that anyone changing lamps or making repairs on the lighting system will not be endangered by live parts or other equipment. The points of control shall be located so that no one is likely to come in contact with any live part or moving part of the equipment while turning on the lights.

(c) Unguarded live parts above working space shall be elevated to at least the height specified below:

Elevation of Unguarded  
Energized Parts Above Working Space

Nominal voltage between phases	Minimum elevation
601 to 7,500	8 feet 6 inches
7,501 to 35,000	9 feet
Over 35kV	9 feet + 0.37 inches per kV above 35kV

Note: Minimum elevation may be 8 feet 0 inches for installations built prior to April 16, 1981, if the nominal voltage between phases is in the range of 601-6600 volts.

(4) Entrance and access to workspace shall meet the following requirements:

(a) At least one entrance that is at least 24 inches wide and 6 feet 6 inches high shall be provided to give access to the working space around electric equipment. On switch-

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board and control panels over 48 inches wide, there shall be one entrance at each end of the board where practical. Where bare energized parts at any voltage or insulated energized parts above 600 volts are located adjacent to the entrance, they shall be suitably guarded.

(b) Permanent ladders or stairways shall be provided to give safe access to the working space around electric equipment installed on platforms, balconies, mezzanine floors, or in attic or roof rooms or spaces.

#### NEW SECTION

**WAC 296-306A-364 Electrical installation and maintenance.**

#### NEW SECTION

**WAC 296-306A-36403 How must flexible cords and cables be installed and maintained?** (1) Extension cords used with portable electric tools and appliances shall be of three-wire type, and fitted with an approved grounding attachment plug and receptacle providing ground continuity.

**Exception:** This does not apply to cords used with portable tools and equipment provided by an approved system of double insulation or its equivalent.

(2) Worn or frayed electric cables shall not be used.

#### NEW SECTION

**WAC 296-306A-36406 How must attachment plugs and receptacles be installed and maintained?** (1) Attachment plugs used in work areas shall be constructed so that they will endure rough use and be equipped with a suitable cord grip to prevent strain on the terminal screws.

(2) Attachment plugs shall be approved grounding plugs.

(3) Receptacles for attachment plugs shall have approved concealed contacts with a contact for extending ground continuity. Receptacles shall be designed and constructed to ensure that the plug may be pulled out without leaving any live parts exposed to accidental contact.

(4) Polarized attachment plugs, receptacles, and cord connectors shall be wired to maintain continuity.

(5) Polarized attachment plugs, receptacles, and cord connectors for plugs and polarized plugs shall have the terminal intended for connection to the grounded (white) conductor identified by a metal coating that is mostly white. If the terminal is not visible, its entrance hole shall be marked with the word "white," or the color white.

(6) The terminal for the connection of the equipment grounding conductor shall be:

(a) A green colored, not easily removed terminal screw with hexagonal head; or

(b) A green colored, hexagonal, not easily removed terminal nut; or

(c) A green colored pressure wire connector.

If the terminal for the grounding conductor is not visible, the conductor entrance hole shall be marked with the word "green" or the color green.

**Note:** Two-wire attachment plugs, unless of the polarity type, need not have their terminals marked for identification.

(7) Where different voltages, or types of current (A.C. or D.C.) are to be supplied by portable cords, receptacles

shall be designed so that attachment plugs used on the circuits are not interchangeable.

(8) Attachment plugs or other connectors supplying equipment at more than 300 volts shall be skirted or otherwise designed so that arcs are confined.

#### NEW SECTION

**WAC 296-306A-36409 What must employees do when equipment causes electrical shock?** Employees shall report all shocks received from electrical equipment, no matter how slight, immediately to you. The equipment causing the shock shall be checked and any necessary corrective action taken immediately.

#### NEW SECTION

**WAC 296-306A-36412 What grounding and bonding requirements apply to equipment installation and maintenance?** (1) The path to ground shall have enough carrying capacity to conduct safely the currents likely to be imposed on it; and have low enough impedance to limit the potential above ground and to result in the operation of the over-current devices in the circuit.

(2) Driven rod electrodes shall, where practical, have a resistance to ground of a maximum of 25 ohms. Where the resistance is over 25 ohms, two electrodes connected in parallel shall be used.

(3) Grounding circuits shall be checked to ensure that the circuit between the ground and the grounded power conductor has a resistance that is low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(4) Conductors used for bonding and grounding equipment shall be large enough to carry the anticipated current.

#### NEW SECTION

**WAC 296-306A-36415 What requirements apply to disconnecting means?** (1) Disconnecting means shall be located or shielded so that employees will not be injured. Using open knife switches is prohibited.

(2) Boxes for disconnecting means shall be securely and rigidly fastened to the surface upon which they are mounted, and fitted with covers.

#### NEW SECTION

**WAC 296-306A-36418 What requirements apply to identification and load rating of electrical equipment?**

(1) Name plates, rating data, and marks of identification on electrical equipment and electrically operated machines shall not be removed, defaced or obliterated.

(2) In existing installations, no changes in circuit protection shall be made to increase the load beyond the load rating of the circuit wiring, as specified in the National Electrical Code, NFPA 70-1973; ANSI C1-1972, Article 310.

(3) Tampering with, bridging, or using oversize fuses is prohibited. If fuses blow repeatedly, employees shall immediately report the trouble to you or to an authorized electrician.

(4) Attempting to start electric motors that kick out repeatedly is prohibited.

NEW SECTION

**WAC 296-306A-36421 How must equipment be installed in wet locations?** (1) Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations shall be installed to prevent moisture or water from entering and accumulating within the enclosures. In wet locations the enclosures shall be weatherproof.

(2) Switches, circuit breakers, and switchboards installed in wet locations shall be enclosed in weatherproof enclosures.

NEW SECTION

**WAC 296-306A-366 Wiring design and protection.**

NEW SECTION

**WAC 296-306A-36603 How must grounded and grounding conductors be used and identified?** (1) A conductor used as a grounded conductor shall be identified separately from all other conductors. A conductor used as an equipment grounding conductor shall be identified separately from all other conductors.

(2) No grounded conductor may be attached to any terminal or lead to reverse the designated polarity.

(3) Using a grounding terminal or grounding-type device on a receptacle, cord connector, or attachment plug for anything other than grounding is prohibited.

NEW SECTION

**WAC 296-306A-36606 What ampere rating must outlet devices have?** Outlet devices shall have an ampere rating at least equal to the load served.

NEW SECTION

**WAC 296-306A-36609 What requirements apply to conductors?** This section applies to branch circuit, feeder, and service conductors rated 600 volts, nominal, or less and run outdoors as open conductors.

(1) Conductors supported on poles shall provide a horizontal climbing space of at least the following:

(a) For power conductors below communication conductors, 30 inches.

(b) For power conductors alone or above communication conductors:

- 300 volts or less, 24 inches;
- More than 300 volts, 30 inches.

(c) For communication conductors below power conductors with power conductors of:

- 300 volts or less, 24 inches;
- More than 300 volts, 30 inches.

(2) Open conductors shall provide at least the following minimum clearances:

(a) 10 feet, above finished grade, sidewalks, or from any platform or projection from which they might be reached;

(b) 12 feet, over areas subject to vehicular traffic other than truck traffic;

(c) 15 feet, over areas that are subject to truck traffic; except

(d) 18 feet, over public streets, alleys, roads, and driveways.

(3) Conductors shall have a clearance of at least 3 feet from windows, doors, porches, fire escapes, or similar locations. Conductors run above the top level of a window are considered to be out of reach from that window and, therefore, do not have to be 3 feet away.

(4) Conductors shall have a clearance of at least 8 feet from the highest point of roofs they pass over.

Exceptions:

(a) Where the voltage between conductors is 300 volts or less and the roof has a slope of at least 4 inches in 12, the clearance from the roofs shall be at least 3 feet; or

(b) Where the voltage between conductors is 300 volts or less, the conductors do not pass over more than 4 feet of the overhang portion of the roof, and they are terminated at a through-the-roof raceway or approved support, the clearance from the roofs shall be at least 18 inches.

(5) Lamps for outdoor lighting shall be located below all live conductors, transformers, or other electric equipment, unless such equipment is controlled by a disconnecting means that can be locked in the open position or unless adequate clearances or other safeguards are provided for relamping operations.

NEW SECTION

**WAC 296-306A-36612 What design and protection requirements apply to service-entrances?** (1) Disconnecting means for service-entrances shall meet the following requirements:

(a) Means shall be provided to disconnect all conductors in a building or other structure from the service-entrance conductors. The disconnecting means shall plainly indicate whether it is in the open or closed position and shall be installed at a readily accessible location nearest the point of entrance of the service-entrance conductors.

(b) Each service disconnecting means shall disconnect all ungrounded conductors at the same time.

(2) The following additional requirements apply to services over 600 volts, nominal.

(a) Service-entrance conductors installed as open wires shall be guarded to make them accessible only to qualified persons.

(b) Signs warning of high voltage shall be posted where other than qualified employees might come in contact with live parts.

NEW SECTION

**WAC 296-306A-36615 What overcurrent protection must be provided?** (1) The following requirements apply to overcurrent protection of circuits rated 600 volts, nominal, or less.

(a) Conductors and equipment shall be protected from overcurrent according to their ability to safely conduct current.

(b) Except for motor running overload protection, overcurrent devices may not interrupt the continuity of the grounded conductor unless all conductors of the circuit are opened at the same time.

(c) Except for service fuses, all cartridge fuses that are accessible to other than qualified persons and all fuses and

thermal cutouts on circuits over 150 volts to ground shall have disconnecting means. This disconnecting means shall be installed so that the fuse or thermal cutout can be disconnected from its supply without disrupting service to equipment and circuits unrelated to those protected by the overcurrent device.

(d) Overcurrent devices shall be readily accessible to each employee or authorized building management personnel. These overcurrent devices must be located where they will be protected against physical damage and away from easily ignitable material.

(e) Fuses and circuit breakers shall be located or shielded so that employees will not be burned or otherwise injured by their operation.

(f) Circuit breakers shall meet the following requirements:

(i) Circuit breakers shall clearly indicate whether they are in the open (off) or closed (on) position.

(ii) Where circuit breaker handles on switchboards are operated vertically rather than horizontally or rotationally, the up position of the handle shall be the closed (on) position.

(iii) If used as switches in 120-volt, fluorescent lighting circuits, circuit breakers shall be approved for the purpose and marked "SWD."

(2) Feeders and branch circuits over 600 volts, nominal, shall have short-circuit protection.

#### NEW SECTION

**WAC 296-306A-36618 What premises wiring systems must be grounded?** The following systems that supply premises wiring shall be grounded:

(1) All 3-wire DC systems shall have their neutral conductor grounded.

(2) Two-wire DC systems operating at 50-300 volts between conductors shall be grounded.

Exceptions: This requirement does not apply if:

(a) They supply only industrial equipment in limited areas and are equipped with a ground detector; or

(b) They are rectifier-derived from an AC system that meets the requirements of subsections (3), (4), and (5) of this section; or

(c) They are fire-protective signaling circuits with a maximum current of 0.030 amperes.

(3) AC circuits of less than 50 volts shall be grounded if they are installed as overhead conductors outside of buildings or if they are supplied by transformers and the transformer primary supply system is ungrounded or exceeds 150 volts to ground.

(4) AC systems of 50-1000 volts shall be grounded under any of the following conditions:

(a) If the system can be grounded so that the maximum voltage to ground on the ungrounded conductors is a maximum of 150 volts;

(b) If the system is nominally rated 480Y/277 volt, 3-phase, 4-wire in which the neutral is used as a circuit conductor;

(c) If the system is nominally rated 240/120 volt, 3-phase, 4-wire in which the midpoint of one phase is used as a circuit conductor; or

(d) If a service conductor is uninsulated.

(5) Exceptions: AC systems of 50-1000 volts are not required to be grounded under any of the following conditions:

(a) If the system is used exclusively to supply industrial electric furnaces for melting, refining, tempering, and the like.

(b) If the system is separately derived and is used exclusively for rectifiers supplying only adjustable speed industrial drives.

(c) If the system is separately derived and is supplied by a transformer that has a primary voltage rating less than 1000 volts, as long as all of the following conditions are met:

(i) The system is used exclusively for control circuits;

(ii) The conditions of maintenance and supervision ensure that only qualified persons will service the installation;

(iii) Continuity of control power is required; and

(iv) Ground detectors are installed on the control system.

#### NEW SECTION

**WAC 296-306A-36621 Must the conductor be grounded for AC premises wiring?** For AC premises wiring systems the identified conductor shall be grounded.

#### NEW SECTION

**WAC 296-306A-36624 What general requirements apply to grounding conductors?** (1) For a grounded system, a grounding electrode conductor shall be used to connect both the equipment grounding conductor and the grounded circuit conductor to the grounding electrode. Both the equipment grounding conductor and the grounding electrode conductor shall be connected to the grounded circuit conductor on the supply side of the service disconnecting means, or on the supply side of the system disconnecting means or overcurrent devices if the system is separately derived.

(2) For an ungrounded service-supplied system, the equipment grounding conductor shall be connected to the grounding electrode conductor at the service equipment. For an ungrounded separately derived system, the equipment grounding conductor shall be connected to the grounding electrode conductor at, or ahead of, the system disconnecting means or overcurrent devices.

(3) On extensions of existing branch circuits that do not have an equipment grounding conductor, grounding-type receptacles may be grounded to a grounded cold water pipe near the equipment.

#### NEW SECTION

**WAC 296-306A-36627 Must the path to ground be continuous?** The path to ground from circuits, equipment, and enclosures shall be permanent and continuous.

#### NEW SECTION

**WAC 296-306A-36630 What supports, enclosures, and equipment must be grounded?** (1) Metal cable trays, metal raceways, and metal enclosures for conductors shall be grounded.

## Exceptions:

- (a) Metal enclosures such as sleeves that are used to protect cable assemblies from physical damage need not be grounded; or
- (b) Metal enclosures for conductors added to existing installations of open wire, knob-and-tube wiring, and nonmetallic-sheathed cable need not be grounded if all of the following conditions are met:
  - (i) Runs are less than 25 feet;
  - (ii) Enclosures are free from probable contact with ground, grounded metal, metal laths, or other conductive materials; and
  - (iii) Enclosures are guarded against employee contact.

(2) Metal enclosures for service equipment shall be grounded.

(3) Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and metal outlet or junction boxes that are part of the circuit for these appliances shall be grounded.

(4) Exposed noncurrent-carrying metal parts of fixed equipment that may become energized shall be grounded under any of the following conditions:

(a) If within 8 feet vertically or 5 feet horizontally of ground or grounded metal objects and subject to employee contact;

(b) If located in a wet or damp location and not isolated;

(c) If in electrical contact with metal;

(d) If in a hazardous (classified) location;

(e) If supplied by a metal-clad, metal-sheathed, or grounded metal raceway wiring method;

(f) If equipment operates with any terminal at over 150 volts to the ground; however, the following need not be grounded:

(i) Enclosures for switches or circuit breakers used for other than service equipment and accessible to qualified persons only;

(ii) Metal frames of electrically heated appliances that are permanently and effectively insulated from ground; and

(iii) The cases of distribution apparatus such as transformers and capacitors mounted on wooden poles that are over 8 feet above ground or grade level.

(5) Under any of the conditions below, exposed noncurrent-carrying metal parts of cord-connected and plug-connected equipment that may become energized shall be grounded.

(a) When equipment is in hazardous (classified) locations.

(b) When equipment is operated at over 150 volts to ground.

Exception: Guarded motors and metal frames of electrically heated appliances need not be grounded if the appliance frames are permanently and effectively insulated from ground.

(c) When equipment is one of the following:

- Refrigerators, freezers, and air conditioners;
- Clothes-washing, clothes-drying and dishwashing machines, sump pumps, and electrical aquarium equipment;
- Hand-held motor-operated tools;
- The following motor-operated appliances: Hedge clippers, lawn mowers, snow blowers, and wet scrubbers;
- Cord-connected and plug-connected appliances used in damp or wet locations or by employees standing on the ground or on metal floors or working inside of metal tanks or boilers;
- Tools likely to be used in wet and conductive locations; and

- Portable hand lamps.

Tools likely to be used in wet and conductive locations need not be grounded if supplied through an isolating transformer with an ungrounded secondary of a maximum of 50 volts. Listed or labeled portable tools and appliances protected by an approved system of double insulation, or its equivalent, need not be grounded. The equipment shall be distinctively marked to indicate that the tool or appliance uses an approved system of double insulation.

(6) The metal parts of the following nonelectrical equipment shall be grounded: Frames and tracks of electrically operated cranes; frames of nonelectrically driven elevator cars to which electric conductors are attached; hand operated metal shifting ropes or cables of electric elevators, and metal partitions, grill work, and other metal enclosures around equipment of over 750 volts between conductors.

### NEW SECTION

**WAC 296-306A-36633 How must fixed equipment be grounded?** (1) Noncurrent-carrying metal parts of fixed equipment, if required to be grounded by this section, shall be grounded by an equipment grounding conductor that is contained within the same raceway, cable, or cord, or runs with or encloses the circuit conductors. For DC circuits only, the equipment grounding conductor may be run separately from the circuit conductors.

(2) Electric equipment is considered grounded if it is secured to, and in electrical contact with, a metal rack or structure that is provided for its support and the metal rack or structure is grounded as described above.

For installations made before May 30, 1982, electric equipment is also considered grounded if it is secured to, and in metallic contact with, the grounded structural metal frame of a building. Metal car frames supported by metal hoisting cables attached to or running over metal sheaves or drums of grounded elevator machines are also considered grounded.

### NEW SECTION

**WAC 296-306A-36636 How must high voltage systems be grounded?** Grounded high voltage (1000 volts or more) systems and circuits must meet all requirements of WAC 296-306A-366 and the additional requirements of this section.

(1) Systems supplying portable or mobile high voltage equipment, other than substations installed on a temporary basis, shall meet the following requirements:

(a) Portable and mobile high voltage equipment shall be supplied from a system having its neutral grounded through an impedance. If a delta-connected high voltage system is used to supply the equipment, a system neutral shall be derived.

(b) Exposed noncurrent-carrying metal parts of portable and mobile equipment shall be connected by an equipment grounding conductor to the point at which the system neutral impedance is grounded.

(c) Ground-fault detection and relaying shall be provided to automatically deenergize any high voltage system component that has developed a ground fault. The continuity of the equipment grounding conductor shall be continuously monitored to deenergize automatically the high voltage

feeder to the portable equipment on loss of continuity of the equipment grounding conductor.

(d) The grounding electrode to which the portable or mobile equipment system neutral impedance is connected shall be isolated from and separated in the ground by at least 20 feet from any other system or equipment grounding electrode. There shall be no direct connection between the grounding electrodes, such as buried pipe, fence, etc.

(2) All noncurrent-carrying metal parts of portable equipment and fixed equipment including their associated fences, housings, enclosures, and supporting structures shall be grounded. However, equipment that is guarded by location and isolated from ground need not be grounded. Additionally, pole-mounted distribution apparatus over 8 feet above ground or grade level need not be grounded.

#### NEW SECTION

**WAC 296-306A-368 Wiring methods, components, and equipment for general use.**

#### NEW SECTION

**WAC 296-306A-36803 Does this section apply to factory-assembled equipment?** WAC 296-306A-368 does not apply to conductors that are an integral part of factory-assembled equipment.

#### NEW SECTION

**WAC 296-306A-36806 What wiring methods must be used for temporary wiring?** Temporary electrical power and lighting wiring methods may be of a class less than would be required for a permanent installation. All requirements for permanent wiring shall apply to temporary wiring installations, except as indicated in this section.

(1) Temporary electrical power and lighting installations 600 volts, nominal, or less may be used only:

(a) During and for remodeling, maintenance, repair, or demolition of buildings, structures, or equipment, and similar activities;

(b) For experimental or development work; and

(c) For a maximum of 90 days for Christmas lighting and similar purposes.

(2) Temporary wiring over 600 volts, nominal, may be used only during periods of tests, experiments, or emergencies.

(3) General requirements for temporary wiring.

(a) Working spaces, walkways, and similar locations shall be kept clear of power cords.

(b) All temporary wiring shall be grounded. (See NFPA 70 Art. 250.)

(c) All wiring equipment shall be maintained as vapor-tight, dust-tight, or fiber-tight as their approval requires. There shall be no loose or missing screws, gaskets, threaded connections, or other conditions that impair the required tightness.

(d) Take precautions to make necessary open wiring accessible only to authorized personnel.

(e) Feeders shall originate in an approved distribution center. The conductors shall be run as multiconductor cord or cable assemblies, or, where not subject to physical

damage, they may be run as open conductors on insulators not more than 10 feet apart.

(f) Branch circuits shall originate in an approved power outlet or panelboard. Conductors shall be multiconductor cord or cable assemblies or open conductors. If run as open conductors they shall be fastened at ceiling height every 10 feet. No branch-circuit conductor may be laid on the floor. Each branch circuit that supplies receptacles or fixed equipment shall contain a separate equipment grounding conductor if run as open conductors.

(g) Receptacles shall be of the grounding type. Unless installed in a complete metallic raceway, each branch circuit shall contain a separate equipment grounding conductor and all receptacles shall be electrically connected to the grounding conductor.

(h) No bare conductors nor earth returns may be used for the wiring of any temporary circuit.

(i) Suitable disconnecting switches or plug connectors shall be installed to permit the disconnection of all ungrounded conductors of each temporary circuit.

(j) Lamps for general illumination shall be protected from accidental contact or breakage. Lamps shall be elevated at least 7 feet from normal working surface or by a suitable fixture or lampholder with a guard.

(k) Flexible cords and cables shall be protected from accidental damage. Sharp corners and projections shall be avoided. Where passing through doorways or other pinch points, flexible cords and cables shall be provided with protection to avoid damage.

(4) General requirements for temporary lighting.

(a) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb.

Note: Guards are not required when the entire bulb is below the rim and completely surrounded and protected by the reflector.

(b) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition.

(c) Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for suspension.

(d) Brass shell, paper-lined lamp holders are prohibited.

(e) Portable extension lamps used where flammable vapors or gases, combustible dusts, or easily ignitable fibers or flyings are present, shall be specifically approved as complete assemblies for the type of hazard.

#### NEW SECTION

**WAC 296-306A-36809 When may cable trays be used?** (1) Only the following may be installed in cable tray systems:

(a) Mineral-insulated metal-sheathed cable (Type MI);

(b) Armored cable (Type AC);

(c) Metal-clad cable (Type MC);

(d) Power-limited tray cable (Type PLTC);

(e) Nonmetallic-sheathed cable (Type NM or NMC);

(f) Shielded nonmetallic-sheathed cable (Type SNM);

(g) Multiconductor service-entrance cable (Type SE or USE);

(h) Multiconductor underground feeder and branch-circuit cable (Type UF);

(i) Power and control tray cable (Type TC);

(j) Other factory-assembled, multiconductor control, signal, or power cables that are specifically approved for installation in cable trays; or

(k) Any approved conduit or raceway with its contained conductors.

(2) In industrial establishments only, where conditions of maintenance and supervision ensure that only qualified persons will service the installed cable tray system, the following cables may also be installed in ladder, ventilated trough, or 4 inch ventilated channel-type cable trays:

Single conductor cables that are 250 MCM or larger and are Types RHH, RHW, MV, USE, or THW, and other 250 MCM or larger single conductor cables if specifically approved for installation in cable trays. Where exposed to direct rays of the sun, cables shall be sunlight-resistant.

(3) Cable trays in hazardous (classified) locations shall contain only the cable types permitted in such locations.

Exception: Cable tray systems may not be used in hoistways or where subjected to severe physical damage.

#### NEW SECTION

**WAC 296-306A-36812 What requirements apply to open wiring on insulators?** (1) Open wiring on insulators is only permitted on systems of 600 volts, nominal, or less for industrial or agricultural establishments and for services.

(2) Conductors shall be rigidly supported on noncombustible, nonabsorbent insulating materials and may not contact any other objects.

(3) In dry locations with no exposure to severe physical damage, conductors may be separately enclosed in flexible nonmetallic tubing. The tubing shall be in continuous lengths a maximum of 15 feet and secured to the surface by straps at maximum intervals of 4 feet 6 inches.

(4) Open conductors shall be separated from contact with walls, floors, and wood cross members, or partitions through which they pass by tubes or bushings of noncombustible, nonabsorbent insulating material. If the bushing is shorter than the hole, a waterproof sleeve of nonconductive material shall be inserted in the hole and an insulating bushing slipped into the sleeve at each end to keep the conductors completely out of contact with the sleeve. Each conductor shall be carried through a separate tube or sleeve.

(5) Conductors within 7 feet of the floor are considered exposed to physical damage. Where open conductors cross ceiling joints and wall studs and are exposed to physical damage, they shall be protected.

#### NEW SECTION

**WAC 296-306A-36815 What wiring requirements apply to cabinets, boxes, and fittings?** (1) Conductors entering boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be closed. Unused openings in cabinets, boxes, and fittings shall also be closed.

(2) All pull boxes, junction boxes, and fittings shall be provided with covers approved for the purpose. All metal covers shall be grounded. In completed installations each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed

for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

(3) All pull and junction boxes for systems over 600 volts, nominal, shall meet the following requirements:

(a) Boxes shall provide a complete enclosure for the contained conductors or cables.

(b) Boxes shall be closed by suitable covers securely fastened in place. Underground box covers that weigh over 100 pounds meet this requirement. Covers for boxes shall be permanently marked "HIGH VOLTAGE." The marking shall be on the outside of the box cover and shall be readily visible and legible.

#### NEW SECTION

**WAC 296-306A-36818 What requirements apply to switches?** (1) Single-throw knife switches shall be connected so that the blades are dead when the switch is in the open position. Single-throw knife switches shall be placed so that gravity will not tend to close them. Single-throw knife switches approved for use in the inverted position shall be provided with a locking device that keeps the blades open when set. Double-throw knife switches may be mounted so that the throw will be either vertical or horizontal. However, if the throw is vertical a locking device shall be provided to ensure that the blades remain open when so set.

(2) Flush snap switches that are mounted in ungrounded metal boxes and located within reach of conducting floors or other conducting surfaces shall be provided with faceplates of nonconducting, noncombustible material.

#### NEW SECTION

**WAC 296-306A-36821 Where must switchboards and panelboards be located?** Switchboards that have any exposed live parts shall be located in permanently dry locations and accessible only to qualified persons. Panelboards shall be mounted in cabinets, cutout boxes, or enclosures approved for the purpose and shall be dead front. However, panelboards other than the dead front externally operable type are permitted where accessible only to qualified persons. Exposed blades of knife switches shall be dead when open.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 296-306A-36824 When must conductors be insulated?** All conductors used for general wiring shall be insulated unless otherwise permitted in this section. The conductor insulation shall be approved for the voltage, operating temperature, and location of use. Insulated conductors shall be distinguishable by appropriate color or other means as grounded conductors, ungrounded conductors, or equipment grounding conductors.

NEW SECTION

**WAC 296-306A-36827 When may flexible cords and cables be used?** (1) Flexible cords and cables shall be approved and suitable for conditions of use and location. Flexible cords and cables shall be used only for:

- (a) Pendants;
- (b) Wiring of fixtures;
- (c) Connection of portable lamps or appliances;
- (d) Elevator cables;
- (e) Wiring of cranes and hoists;
- (f) Connection of stationary equipment to facilitate frequent interchange;
- (g) Prevention of the transmission of noise or vibration;
- (h) Appliances where the fastening means and mechanical connections are designed to permit removal for maintenance and repair; or
- (i) Data processing cables approved as a part of the data processing system.

(2) If used as permitted above, the flexible cord shall be equipped with an attachment plug and shall be energized from an approved receptacle outlet.

(3) Unless permitted in subsection (1) of this section, flexible cords and cables may not be used:

- (a) As a substitute for the fixed wiring of a structure;
- (b) Where run through holes in walls, ceilings, or floors;
- (c) Where run through doorways, windows, or similar openings;
- (d) Where attached to building surfaces; or
- (e) Where concealed behind building walls, ceilings, or floors.

(4) Flexible cords used in show windows and showcases shall be Type S, SO, SJ, SJO, ST, STO, SJT, SJTO, or AFS except for the wiring of chain-supported lighting fixtures and supply cords for portable lamps and other merchandise being displayed or exhibited.

NEW SECTION

**WAC 296-306A-36830 How must flexible cords and cables be identified, spliced, and terminated?** (1) A conductor of a flexible cord or cable that is used as a grounded conductor or an equipment grounding conductor shall be distinguishable from other conductors. Types SJ, SJO, SJT, SJTO, S, SO, ST, and STO shall be durably marked on the surface with the type designation, size, and number of conductors.

(2) Flexible cords shall be used only in continuous lengths without splice or tap. Vulcanized splices or equivalent means such as systems using shrinkable materials may be used to repair flexible cords. Hard service flexible cords No. 12 or larger may be repaired by splice if the splice retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

(3) Flexible cords shall be connected to devices and fittings so that strain relief is provided to prevent pull from being directly transmitted to joints or terminal screws.

NEW SECTION

**WAC 296-306A-36833 What requirements apply to multiconductor portable cable?** Multiconductor portable cable for use in supplying power to portable or mobile equipment at over 600 volts, nominal, shall consist of No. 8 or larger conductors employing flexible stranding. Cables operated at over 2,000 volts shall be shielded to confine the voltage stresses to the insulation. Grounding conductors shall be provided. Connectors for these cables shall be locking with provisions to prevent their opening or closing while energized. Strain relief shall be provided at connections and terminations. Portable cables may not be operated with splices unless the splices are permanent molded, vulcanized, or other approved type. Termination enclosures shall be suitably marked with a high voltage hazard warning, and terminations shall be accessible only to authorized and qualified personnel.

NEW SECTION

**WAC 296-306A-36836 When may fixture wires be used?** (1) Fixture wires shall be approved for the voltage, temperature, and location of use. A fixture wire which is used as a grounded conductor shall be identified.

(2) Fixture wires may be used:

- (a) For installation in lighting fixtures and in similar equipment where enclosed or protected and not subject to bending or twisting in use; or
- (b) For connecting lighting fixtures to the branch-circuit conductors supplying the fixtures.

(3) Fixture wires may not be used as branch-circuit conductors except as permitted for Class 1 power limited circuits.

NEW SECTION

**WAC 296-306A-36839 What requirements apply to wiring for lighting fixtures, lampholders, lamps, and receptacles?** (1) Fixtures, lampholders, lamps, rosettes, and receptacles may have no live parts normally exposed to employee contact. However, rosettes and cleat-type lampholders and receptacles located at least 8 feet above the floor may have exposed parts.

(2) Handlamps of the portable type supplied through flexible cords shall be equipped with a handle of molded composition or other material approved for the purpose, and a substantial guard shall be attached to the lampholder or the handle.

(3) Lampholders of the screw-shell type shall be installed for use as lampholders only. Lampholders installed in wet or damp locations shall be of the weatherproof type.

(4) Fixtures installed in wet or damp locations shall be approved for the purpose and shall be constructed or installed so that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.

NEW SECTION

**WAC 296-306A-36842 What requirements apply to wiring for receptacles, cord connectors, and attachment plugs (caps)?** (1) Receptacles, cord connectors, and attachment plugs shall be constructed so that no receptacle or cord connector will accept an attachment plug with a

different voltage or current rating than that for which the device is intended. However, a 20-ampere T-slot receptacle or cord connector may accept a 15-ampere attachment plug of the same voltage rating.

(2) A receptacle installed in a wet or damp location shall be suitable for the location.

#### NEW SECTION

**WAC 296-306A-36845 What requirements apply to wiring for appliances?** (1) Appliances, other than those in which the current-carrying parts at high temperatures are necessarily exposed, may have no live parts normally exposed to employee contact.

(2) Each appliance shall have a disconnecting means.

(3) Each appliance shall be marked with its rating in volts and amperes or volts and watts.

#### NEW SECTION

**WAC 296-306A-36848 What requirements apply to wiring for motors, motor circuits, and controllers?** (1) If specified that one piece of equipment shall be "in sight from" another piece of equipment, one shall be visible and not more than 50 feet from the other.

(2) Disconnecting means must meet the following requirements:

(a) A disconnecting means shall be located in sight from the controller location. However, a single disconnecting means may be located adjacent to a group of coordinated controllers mounted adjacent to each other or a multimotor continuous process machine. The controller disconnecting means for motor branch circuits over 600 volts, nominal, may be out of sight of the controller, if the controller is marked with a warning label giving the location and identification of the disconnecting means which is to be locked in the open position.

(b) The disconnecting means shall disconnect the motor and the controller from all ungrounded supply conductors and shall be designed so that no pole can be operated independently.

(c) If a motor and the driven machinery are not in sight from the controller location, the installation shall meet one of the following conditions:

(i) The controller disconnecting means shall be able to be locked in the open position.

(ii) A manually operable switch that will disconnect the motor from its source of supply shall be placed in sight from the motor location.

(d) The disconnecting means shall plainly indicate whether it is in the open (off) or closed (on) position.

(e) The disconnecting means shall be readily accessible. If more than one disconnect is provided for the same equipment, only one need be readily accessible.

(f) An individual disconnecting means shall be provided for each motor, but a single disconnecting means may be used for a group of motors under any of the following conditions:

(i) If a number of motors drive special parts of a single machine or piece of apparatus, such as a metal or wood-working machine, crane, or hoist; or

(ii) If a group of motors is under the protection of one set of branch-circuit protective devices; or

(iii) If a group of motors is in a single room in sight from the location of the disconnecting means.

(3) Motors, motor-control apparatus, and motor branch-circuit conductors shall be protected against overheating from motor overloads or failure to start, and against short-circuits or ground faults. Overload protection is not required if it will stop a motor where a shutdown is likely to introduce additional or increased hazards, as in the case of fire pumps, or where continued operation of a motor is necessary for a safe shutdown of equipment or process and motor overload sensing devices are connected to a supervised alarm.

(4) Live parts of all voltages must be protected according to the following:

(a) Stationary motors with commutators, collectors, and brush rigging located inside of motor end brackets and not conductively connected to supply circuits operating at more than 150 volts to ground may have those parts unguarded. Exposed live parts of motors and controllers operating at 50 volts or more between terminals shall be guarded against accidental contact by any of the following:

(i) By installation in a room or enclosure that is accessible only to qualified persons;

(ii) By installation on a suitable balcony, gallery, or platform, elevated and arranged to exclude unqualified persons; or

(iii) By elevation 8 feet or more above the floor.

(b) Where live parts of motors or controllers operating at over 150 volts to ground are guarded against accidental contact only by location, and where adjustment or other attendance may be necessary during the operation of the apparatus, suitable insulating mats or platforms shall be provided so that the attendant cannot readily touch live parts unless standing on the mats or platforms.

#### NEW SECTION

**WAC 296-306A-36851 What requirements apply to wiring for transformers?** (1) The requirements of this section apply to the installation of all transformers.

Exceptions:

(a) Current transformers;

(b) Dry-type transformers installed as a component part of other apparatus;

(c) Transformers that are an integral part of a high frequency or electrostatic-coating apparatus;

(d) Transformers used with Class 2 and Class 3 circuits, sign and outline lighting, electric discharge lighting, and power-limited fire-protective signaling circuits; and

(e) Liquid-filled or dry-type transformers used for research, development, or testing, where effective safeguard arrangements are provided.

(2) The operating voltage of exposed live parts of transformer installations shall be indicated by warning signs or visible markings on the equipment or structure.

(3) Dry-type, high fire point liquid-insulated, and askarel-insulated transformers installed indoors and rated over 35kV shall be in a vault.

(4) If they present a fire hazard to employees, oil-insulated transformers installed indoors shall be in a vault.

(5) Combustible material, combustible buildings and parts of buildings, fire escapes, and door and window openings shall be safeguarded from fires that may originate

in oil-insulated transformers attached or adjacent to a building or combustible material.

(6) Transformer vaults shall be constructed to contain fire and combustible liquids within the vault and to prevent unauthorized access. Locks and latches shall be arranged so that a vault door can be readily opened from the inside.

(7) Any pipe or duct system foreign to the vault installation may not enter or pass through a transformer vault.

(8) Materials may not be stored in transformer vaults.

#### NEW SECTION

**WAC 296-306A-36854 What requirements apply to wiring for capacitors?** (1) All capacitors, except surge capacitors or capacitors included as a component part of other apparatus, shall be provided with an automatic means of draining the stored charge after the capacitor is disconnected from its source of supply.

(2) Capacitors rated over 600 volts, nominal, shall meet the following additional requirements:

(a) Isolating or disconnecting switches (with no interrupting rating) shall be interlocked with the load interrupting device or shall be provided with prominently displayed caution signs to prevent switching load current.

(b) For series capacitors, the proper switching shall be ensured by any of the following:

(i) Mechanically sequenced isolating and bypass switches;

(ii) Interlocks; or

(iii) Switching procedure prominently displayed at the switching location.

#### NEW SECTION

**WAC 296-306A-36857 How must storage batteries be ventilated?** You must ensure that there is sufficient diffusion and ventilation of gases from storage batteries to prevent the accumulation of explosive mixtures.

#### NEW SECTION

**WAC 296-306A-36860 What other miscellaneous requirements apply to wiring methods?** (1) Metal raceways, cable armor, and other metal enclosures for conductors shall be metallically joined into a continuous electric conductor and shall be connected to all boxes, fittings, and cabinets to provide effective electrical continuity.

(2) All wiring systems are prohibited from being installed in ducts used to transport dust, loose stock or flammable vapors. All wiring system are prohibited from being installed in any duct used for vapor removal or for ventilation of commercial-type cooking equipment, or in any shaft containing only such ducts.

#### NEW SECTION

**WAC 296-306A-370 Special purpose equipment and installations.**

#### NEW SECTION

**WAC 296-306A-37003 What requirements apply to cranes, hoists, and runways?** The installation of electric equipment and wiring used with cranes, monorail hoists, hoists, and all runways shall meet the following requirements:

(1) Disconnecting means shall meet the following requirements:

(a) A readily accessible disconnecting means is provided between the runway contact conductors and the power supply.

(b) Another disconnecting means, capable of being locked in the open position, is provided in the leads from the runway contact conductors or other power supply on any crane or monorail hoist.

(i) If this additional disconnection means is not readily accessible from the crane or monorail hoist operating station, means is provided at the operating station, to open the power circuit to all motors of the crane or monorail hoist.

(ii) The additional disconnect may be omitted if a monorail hoist or hand-propelled crane bridge installation meets all of the following:

(A) The unit is floor controlled;

(B) The unit is within view of the power supply disconnecting means; and

(C) No fixed work platform has been provided for servicing the unit.

(2) A limit switch or other device shall be provided to prevent the load block from passing the safe upper limit of travel of any hoisting mechanism.

(3) The dimension of the working space in the direction of access to live parts that may require examination, adjustment, servicing, or maintenance while alive shall be a minimum of 2 feet 6 inches. Where controls are enclosed in cabinets, the door shall either open at least 90 degrees or be removable.

#### NEW SECTION

**WAC 296-306A-37006 What requirements apply to elevators, dumbwaiters, escalators, and moving walks?**

(1) Elevators, dumbwaiters, escalators, and moving walks shall have a single means for disconnecting all ungrounded main power supply conductors for each unit.

(2) If interconnections between control panels are necessary for operation of the system on a multistar installation that remains energized from a source other than the disconnecting means, a warning sign shall be mounted on or adjacent to the disconnecting means. The sign shall be clearly legible and shall read "Warning—Parts of the control panel are not deenergized by this switch."

(3) If control panels are not located in the same space as the drive machine, they shall be located in cabinets with doors or panels capable of being locked closed.

#### NEW SECTION

**WAC 296-306A-37009 What requirements apply to the disconnecting means for electric welders?** (1) A disconnecting means shall be provided in the supply circuit for each motor-generator arc welder, and for each AC

transformer and DC rectifier arc welder that is not equipped with a disconnect mounted as an integral part of the welder.

(2) A switch or circuit breaker shall be provided by which each resistance welder and its control equipment can be isolated from the supply circuit. The ampere rating of this disconnecting means may not be less than the supply conductor ampacity.

#### NEW SECTION

**WAC 296-306A-37012 What requirements apply to electrically driven or controlled irrigation machines?** (1) If an electrically driven or controlled irrigation machine has a stationary point, a driven ground rod shall be connected to the machine at the stationary point for lightning protection.

(2) The main disconnecting means for a center pivot irrigation machine shall be located at the point of connection of electrical power to the machine and shall be readily accessible and capable of being locked in the open position. A disconnecting means shall be provided for each motor and controller.

#### NEW SECTION

**WAC 296-306A-372 Hazardous (classified) locations.**

#### NEW SECTION

**WAC 296-306A-37203 What does this section cover?** WAC 296-306A-372 covers the requirements for electric equipment and wiring in locations that are classified based on the properties of the flammable vapors, liquids or gases, or combustible dusts or fibers that may be present and the likelihood that a flammable combustible concentration or quantity is present. Each room, section, or area shall be considered individually to determine its classification.

All requirements in this part shall apply to hazardous locations, unless otherwise indicated.

#### NEW SECTION

**WAC 296-306A-37206 What classifications apply to this section?** These hazardous locations are classified as follows:

(1) "Class I locations" are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures. They include the following:

(a) Class I, Division 1 locations are those where:

(i) Hazardous concentrations of flammable gases or vapors may exist under normal operating conditions; or

(ii) Hazardous concentrations of such gases or vapors may exist frequently because of repair or maintenance operations or because of leakage; or

(iii) Breakdown or faulty operation of equipment or processes might release hazardous concentrations of flammable gases or vapors, and might also cause simultaneous failure of electric equipment.

This classification usually includes locations where:

- Volatile flammable liquids or liquefied flammable gases are transferred from one container to another;

- Interiors of spray booths and areas in the vicinity of spraying and painting operations where volatile flammable solvents are used;

- Locations containing open tanks or vats of volatile flammable liquids;

- Drying rooms or compartments for the evaporation of flammable solvents;

- Locations containing fat and oil extraction equipment using volatile flammable solvents;

- Gas generator rooms and other portions of gas manufacturing plants where flammable gas may escape;

- Inadequately ventilated pump rooms for flammable gas or for volatile flammable liquids;

- The interiors of refrigerators and freezers in which volatile flammable materials are stored in open, lightly stoppered, or easily ruptured containers; and

- All other locations where ignitable concentrations of flammable vapors or gases are likely to occur in the course of normal operations.

(b) Class I, Division 2 locations are those where:

(i) Volatile flammable liquids or flammable gases are handled, processed, or used, but in which the hazardous liquids, vapors, or gases are normally confined within closed containers or systems from which they can escape only in an accidental rupture or breakdown of containers or systems, or in case of abnormal operation of equipment; or

(ii) Hazardous concentrations of gases or vapors are normally prevented by positive mechanical ventilation, and which might become hazardous through failure or abnormal operation of the ventilating equipment; or

(iii) They are adjacent to a Class I, Division 1 location, and to which hazardous concentrations of gases or vapors might occasionally be communicated unless prevented by adequate positive-pressure ventilation from a source of clean air, and effective safeguards against ventilation failure are provided.

This classification usually includes locations where:

- Volatile flammable liquids or flammable gases or vapors are used, but which would become hazardous only in case of an accident or unusual operating condition. The quantity of flammable material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors to consider in determining the classification.

- Piping without valves, checks, meters, and similar devices would not ordinarily introduce a hazardous condition even though used for flammable liquids or gases. Locations used for the storage of flammable liquids or a liquefied or compressed gases in sealed containers are not normally considered hazardous unless also subject to other hazardous conditions.

- Electrical conduits and their enclosures separated from process fluids by a single seal or barrier are Division 2 locations if the outside of the conduit and enclosures is a nonhazardous location.

(2) "Class II locations" are those that are hazardous because of the presence of combustible dust. They include the following:

(a) Class II, Division 1 locations are those where:

(i) Combustible dust is or may be suspended in the air under normal operating conditions, in quantities sufficient to produce explosives or ignitable mixtures; or

(ii) Mechanical failure or abnormal operation of machinery or equipment might produce explosive or ignitable, and might also provide a source of ignition through simultaneous failure of electric equipment, operation of protection devices, or from other causes; or

(iii) Combustible dusts of an electrically conductive nature may be present.

This classification may include areas of grain handling and processing plants, starch plants, sugar-pulverizing plants, malting plants, hay-grinding plants, coal pulverizing plants, areas where metal dusts and powders are produced or processed, and other similar locations that contain dust producing machinery and equipment (except where the equipment is dust-tight or vented to the outside). These areas would have combustible dust in the air, under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures.

Combustible dusts that are electrically nonconductive include dusts produced in the handling and processing of grain and grain products, pulverized sugar and cocoa, dried egg and milk powders, pulverized spices, starch and pastes, potato and wood flour, oil meal from beans and seed, dried hay, and other organic materials that may produce combustible dusts when processed or handled. Dusts containing magnesium or aluminum are particularly hazardous and the use of extreme caution is necessary to avoid ignition and explosion.

(b) Class II, Division 2 location are those where:

(i) Combustible dust is not normally suspended in the air in quantities sufficient to produce explosive or ignitable mixtures; and dust accumulations are normally insufficient to interfere with the normal operation of electrical equipment or other apparatus; or

(ii) Dust may be in suspension in the air as a result of infrequent malfunctioning of handling or processing equipment, and dust accumulations resulting therefrom may be ignitable by abnormal operation or failure of electrical equipment or other apparatus.

This classification includes locations where dangerous concentrations of suspended dust would not be likely but where dust accumulations might form on or in the vicinity of electric equipment. These areas may contain equipment from which appreciable quantities of dust would escape under abnormal operating conditions or be adjacent to a Class II Division 1 location into which an explosive or ignitable concentration of dust may be suspended under abnormal operating conditions.

(3) "Class III locations" are those that are hazardous because of the presence of easily ignitable fibers or flyings but in which such fibers or flyings are not likely to be suspended in the air in quantities sufficient to produce ignitable mixtures. They include the following:

(a) Class III, Division 1 locations are those where easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.

Such locations usually include combustible fiber manufacturing and processing plants; cotton gins and cottonseed mills; flax-processing plants; and industries involving similar hazardous processes or conditions.

Easily ignitable fibers and flyings include rayon, cotton (including cotton linters and cotton waste), sisal or henequen, istle, jute, hemp, tow, cocoa fiber, oakum, baled waste kapok, Spanish moss, excelsior, and other materials of similar nature.

(b) Class III, Division 2 locations are those where easily ignitable fibers are stored or handled, except in process of manufacture.

#### NEW SECTION

**WAC 296-306A-37209 What equipment, wiring methods, and installations may be used in hazardous locations?** Equipment, wiring methods, and installations of equipment in hazardous locations shall be intrinsically safe, or approved for the hazardous location, or safe for the hazardous location. Requirements for each of these options are as follows:

(1) Equipment and associated wiring approved as intrinsically safe shall be permitted in any hazardous location for which it is approved.

(2) Requirements to be approved for the hazardous location:

(a) Equipment shall be approved for the class of location and for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that will be present.

(b) Equipment shall be marked to show the class, group, and operating temperature or temperature range, based on operation in a 40 degrees C ambient, for which it is approved. The temperature marking may be a maximum of the ignition temperature of the specific gas or vapor to be encountered. The following provisions apply to specific equipment:

(i) Nonheat-producing equipment, such as junction boxes, conduit, and fittings, and heat-producing equipment with a maximum temperature of 100 degrees C (212 degrees F) need not have a marked operating temperature or temperature range.

(ii) Fixed lighting fixtures marked for use in Class I, Division 2 locations only, need not be marked to indicate the group.

(iii) Fixed general-purpose equipment in Class I locations (other than lighting fixtures) that is acceptable for use in Class I, Division 2 locations need not be marked with the class, group, division, or operating temperature.

(iv) Fixed dust-tight equipment (other than lighting fixtures) that is acceptable for use in Class II, Division 2 and Class III locations need not be marked with the class, group, division, or operating temperature.

(3) Equipment that is safe for the location shall be of a type and design that provides protection from the hazards arising from combustible and flammable vapors, liquids, gases, dusts, or fibers.

Note: Equipment that meets the requirements of The National Electrical Code, NFPA 70, shall be considered in compliance with the requirements of WAC 296-306A-372.

#### NEW SECTION

**WAC 296-306A-37212 How must conduit be installed in hazardous locations?** All conduits shall be threaded and shall be made wrench-tight. Where it is

impractical to make a threaded joint tight, a bonding jumper shall be utilized.

#### NEW SECTION

**WAC 296-306A-37215 Which equipment may be used in Division 1 and 2 locations?** Equipment that has been approved for a Division 1 location may be installed in a Division 2 location of the same class and group. General-purpose equipment or equipment in general-purpose enclosures may be installed in Division 2 locations if the equipment does not constitute a source of ignition under normal operating conditions.

#### NEW SECTION

**WAC 296-306A-37218 What requirements apply to motors and generators used in hazardous locations?** In Class I, Division 1 locations, motors, generators and other rotating electric machinery shall be:

(1) Approved for Class I, Division 1 locations (explosion-proof); or

(2) Of the totally enclosed type supplied with positive-pressure ventilation from a source of clean air with discharge to a safe area, arranged to prevent energizing of the machine until ventilation has been established and the enclosure has been purged with at least 10 volumes of air, and also arranged to automatically deenergize the equipment when the air supply fails; or

(3) Of the totally enclosed inert-gas-filled type supplied with a suitable reliable source of inert gas for pressuring the enclosure, with devices provided to ensure a positive pressure in the enclosure and arranged to automatically deenergize the equipment when the gas supply fails; or

(4) Of a type designed to be submerged in a liquid that is flammable only when vaporized and mixed with air, or in a gas or vapor at a pressure greater than atmospheric and which is flammable only when mixed with air; and the machine is arranged to prevent energizing it until it has been purged with the liquid or gas to exclude air, and also arranged to automatically deenergize the equipment when the supply of liquid, or gas or vapor fails or the pressure is reduced to atmospheric.

Totally enclosed type (2) and (3) motors shall have no external surface with a Celsius operating temperature greater than 80% of the ignition temperature of the gas or vapor involved, as determined by ASTM test procedure (Designation: D-2155-69). Appropriate devices shall be provided to detect an increase in temperature of the motor beyond design limits and automatically deenergize the equipment or provide an adequate alarm. Auxiliary equipment shall be approved for the location in which it is installed.

#### NEW SECTION

**WAC 296-306A-374 Special systems.**

#### NEW SECTION

**WAC 296-306A-37403 What requirements apply to systems over 600 volts, nominal?** (1) Wiring methods for fixed installations over 600 volts, nominal, must meet the following requirements:

(a) Above-ground conductors shall be installed in rigid metal conduit, in intermediate metal conduit, in cable trays, in cablebus, in other suitable raceways, or as open runs of metal-clad cable suitable for the use and purpose. Open runs of nonmetallic-sheathed cable or of bare conductors or busbars may be installed in locations accessible only to qualified persons. Metallic shielding components, such as tapes, wires, or braids for conductors, shall be grounded. Open runs of insulated wires and cables with a bare lead sheath or a braided outer covering shall be supported to prevent physical damage to the braid or sheath.

(b) Conductors emerging from the ground shall be enclosed in approved raceways.

(2) Interrupting and isolating devices shall meet the following requirements:

(a) Circuit breaker installations located indoors shall consist of metal-enclosed units or fire-resistant cell-mounted units. Circuit breakers may be open mounted in locations that are accessible only to qualified persons. A means of indicating the open and closed position of circuit breakers shall be provided.

(b) Fused cutouts installed in buildings or transformer vaults shall be approved for the purpose. They shall be readily accessible for fuse replacement.

(c) A means shall be provided to completely isolate equipment for inspection and repairs. Isolating means that are not designed to interrupt the load current of the circuit shall be either interlocked with an approved circuit interrupter or provided with a sign warning against opening them under load.

(3) Mobile and portable equipment shall meet the following requirements:

(a) A metallic enclosure shall be provided on the mobile machine for enclosing the terminals of the power cable. The enclosure shall include provisions for a solid connection for the ground wire terminal to effectively ground the machine frame. The method of cable termination used shall prevent any strain or pull on the cable from stressing the electrical connections. The enclosure shall be lockable so only authorized qualified persons may open it and shall be marked with a sign warning of the presence of energized parts.

(b) All energized switching and control parts shall be enclosed in grounded metal cabinets or enclosures. Circuit breakers and protective equipment shall have the operating means projecting through the metal cabinet or enclosure so these units can be reset without opening locked doors. Enclosures and metal cabinets shall be locked so that only authorized qualified persons have access and shall be marked with a sign warning of the presence of energized parts. Collector ring assemblies on revolving machines (shovels, draglines, etc.) shall be guarded.

(4) Tunnel installations of high-voltage power distribution and utilization equipment that is portable or mobile, such as substations, trailers, cars, mobile shovels, draglines, hoists, drills, dredges, compressors, pumps, conveyors, and underground excavators must meet the following requirements:

(a) Conductors in tunnels shall be installed in one or more of the following:

- (i) Metal conduit or other metal raceway;
- (ii) Type MC cable; or

(iii) Other approved multiconductor cable.

Conductors shall also be located or guarded to protect them from physical damage. Multiconductor portable cable may supply mobile equipment. An equipment grounding conductor shall be run with circuit conductors inside the metal raceway or inside the multiconductor cable jacket. The equipment grounding conductor may be insulated or bare.

(b) Bare terminals of transformers, switches, motor controllers, and other equipment shall be enclosed to prevent accidental contact with energized parts. Enclosures used in tunnels shall be drip-proof, weatherproof, or submersible as required by environmental conditions.

(c) A disconnecting means that simultaneously opens all ungrounded conductors shall be installed at each transformer or motor location.

(d) All nonenergized metal parts of electric equipment and metal raceways and cable sheaths shall be effectively grounded and bonded to all metal pipes and rails at the portal and at maximum intervals of 1000 feet throughout the tunnel.

#### NEW SECTION

**WAC 296-306A-37406 What requirements apply to emergency power systems?** This section applies to circuits, systems, and equipment intended to supply power for illumination and special loads, in the event of failure of the normal supply.

(1) Emergency circuit wiring shall be kept entirely independent of all other wiring and equipment and may not enter the same raceway, cable, box, or cabinet as other wiring.

**Exception:** This does not apply where common circuit elements suitable for the purpose are required, or for transferring power from the normal to the emergency source.

(2) Where emergency lighting is necessary, the system shall be arranged so that the failure of any individual lighting element, such as a burned out light bulb, cannot leave any space in total darkness.

#### NEW SECTION

**WAC 296-306A-37409 How are Class 1, Class 2, and Class 3 remote control, signaling, and power-limited circuits classified?** (1) Class 1, Class 2, or Class 3 remote control, signaling, or power-limited circuits are characterized by their usage and electrical power limitation which differentiates them from light and power circuits. These circuits are classified according to their voltage and power limitations as follows.

(a) Class 1 circuits.

(i) A Class 1 power-limited circuit is supplied from a source with a maximum rated output of 30 volts and 1000 volt-amperes.

(ii) A Class 1 remote control circuit or a Class 1 signaling circuit has a maximum voltage of 600 volts; however, the power output of the source need not be limited.

(b) Class 2 and Class 3 circuits.

(i) Power for Class 2 and Class 3 circuits is limited either inherently (in which no overcurrent protection is

required) or by a combination of a power source and overcurrent protection.

(ii) The maximum circuit voltage is 150 volts AC or DC for a Class 2 inherently limited power source, and 100 volts AC or DC for a Class 3 inherently limited power source.

(iii) The maximum circuit voltage is 30 volts AC and 60 volts DC for a Class 2 power source limited by overcurrent protection, and 150 volts AC or DC for a Class 3 power source limited by overcurrent protection.

(c) The maximum circuit voltages in (a) and (b) of this subsection apply to sinusoidal AC or continuous DC power sources, and where wet contact is unlikely.

(2) A Class 2 or Class 3 power supply unit shall be durably and visibly marked to indicate the class of supply and its electrical rating.

#### NEW SECTION

**WAC 296-306A-37412 What requirements apply to fire protective signaling systems?** (1) Fire protective signaling circuits shall be classified either as nonpower limited or power limited.

(2) The power sources for use with fire protective signaling circuits shall be either power limited or nonlimited as follows:

(a) The power supply of nonpower-limited fire protective signaling circuits shall have a maximum output voltage of 600 volts.

(b) The power for power-limited fire protective signaling circuits shall be either inherently limited, in which no overcurrent protection is required, or limited by a combination of power source and overcurrent protection.

(3) Nonpower-limited fire protective signaling circuits and Class 1 circuits may occupy the same enclosure, cable, or raceway as long as all conductors are insulated for maximum voltage of any conductor within the enclosure, cable or raceway. Power supply and fire protective signaling circuit conductors are permitted in the same enclosure, cable, or raceway only if connected to the same equipment.

(4) Where open conductors are installed, power-limited fire protective signaling circuits shall be separated at least 2 inches from conductors of any light, power, Class 1, and nonpower-limited fire protective signaling circuits unless using a special and equally protective method of conductor separation. Cables and conductors of two or more power-limited fire protective signaling circuits or Class 3 circuits are permitted in the same cable, enclosure, or raceway. Conductors of one or more Class 2 circuits are permitted within the same cable, enclosure, or raceway with conductors of power-limited fire protective signaling circuits as long as the insulation of Class 2 circuit conductors in the cable, enclosure, or raceway is at least that needed for the power-limited fire protective signaling circuits.

(5) Fire protective signaling circuits shall be identified at terminal and junction locations in a manner that will prevent unintentional interference with the signaling circuit during testing and servicing. Power-limited fire protective signaling circuits shall be visibly and durably marked at terminations.

PROPOSED

NEW SECTION

**WAC 296-306A-376 Working on or near exposed energized parts.**

NEW SECTION

**WAC 296-306A-37603 What does this section cover?** WAC 296-306A-376 applies to work performed on exposed live parts (involving either direct contact or contact by means of tools or materials) or near enough to them for employees to be exposed to any hazard they present.

NEW SECTION

**WAC 296-306A-37606 Who may work on energized parts?** Only qualified persons shall work on electric circuit parts of equipment that have not been deenergized under the procedures of WAC 296-306A-37807. Such persons shall be capable of working safely on energized circuits and shall be familiar with the proper use of special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools.

NEW SECTION

**WAC 296-306A-37609 What requirements apply to working near low voltage lines?** When employees are working near energized electrical service conductors operating at 750 volts or less, employees shall work in a manner to prevent contact with the energized conductors.

NEW SECTION

**WAC 296-306A-37612 What requirements apply to qualified persons working near overhead lines?** When a qualified person is working near overhead lines, whether in an elevated position or on the ground, the person shall not approach, or take any conductive object without an approved insulating handle, closer to exposed energized parts than shown in WAC 296-306A-150 unless:

(1) The person is insulated from the energized part (gloves, with sleeves if necessary, rated for the voltage involved are considered to be insulation of the person from the energized part on which work is performed); or

(2) The energized part is insulated both from all other conductive objects at a different potential and from the person; or

(3) The person is insulated from all conductive objects at a potential different from that of the energized part.

NEW SECTION

**WAC 296-306A-37615 What requirements apply to vehicles and mechanical equipment near overhead lines?** (1) Any vehicle or mechanical equipment that may have parts of its structure elevated near energized overhead lines shall be operated so that a clearance of 10 ft. is maintained. If the voltage is higher than 50kV, the clearance shall be increased 0.4 inch for every 1kV over the voltage. The clearance may be reduced only if:

(a) The vehicle is in transit with its structure lowered, the clearance may be reduced to 4 ft. If the voltage is

higher than 50kV, the clearance shall be increased 0.4 inch for every 1kV over that voltage.

(b) Insulating barriers are installed to prevent contact with the lines, and if the barriers are rated for the voltage of the line being guarded and are not a part of or an attachment to the vehicle or its raised structure, the clearance may be reduced to a distance within the designed working dimensions of the insulating barrier.

(2) If the equipment is an aerial lift insulated for the voltage involved, and if the work is performed by a qualified person, the clearance (between the uninsulated portion of the aerial lift and the power line) may be reduced to the distance given in WAC 296-306A-150.

(3) Employees standing on the ground shall not contact the vehicle or mechanical equipment or any of its attachments, unless:

(a) The employee is using protective equipment rated for the voltage; or

(b) The equipment is located so that no uninsulated part of its structure (that portion of the structure that provides a conductive path to employees on the ground) can come closer to the line than permitted in this section.

(4) If any vehicle or mechanical equipment that may have parts of its structure elevated near energized overhead lines is intentionally grounded, employees working on the ground near the point of grounding shall not stand at the grounding location whenever there is a possibility of overhead line contact. Additional precautions, such as the use of barricades or insulation, shall be taken to protect employees from hazardous ground potentials, depending on earth resistivity and fault currents, which can develop within the first few feet or more outward from the grounding point.

NEW SECTION

**WAC 296-306A-37618 What lighting must be provided for employees working near exposed energized parts?** (1) Employees shall not enter spaces containing exposed energized parts, unless lighting is provided that enables the employees to perform the work safely.

(2) Where lack of lighting or an obstruction prevents an employee from seeing the work to be performed, employees shall not perform tasks near exposed energized parts. Employees shall not reach blindly into areas that may contain energized parts.

NEW SECTION

**WAC 296-306A-37621 What requirements apply to working near exposed energized parts in confined spaces?** (1) For working in a confined or enclosed space (such as a manhole or vault) that contains exposed energized parts, the employer shall provide, and the employee shall use, protective shields, protective barriers, or insulating materials that are necessary to avoid contact with these parts. Doors, hinged panels, and the like shall be secured to prevent their swinging into an employee and causing the employee to contact exposed energized parts.

(2) Conductive materials and equipment that are in contact with any part of an employee's body shall be handled in a manner that will prevent them from contacting exposed energized conductors or circuit parts. If an employee handles long conductive objects (such as ducts and pipes)

in areas with exposed live parts, you must institute work practices (such as the use of insulation, guarding, and material handling techniques) that will minimize the hazard.

(3) Portable ladders shall have nonconductive siderails if they are used where the employee or the ladder could contact exposed energized parts.

(4) Conductive articles of jewelry and clothing (such as watch bands, bracelets, rings, key chains, necklaces, metalized aprons, cloth with conductive thread, or metal headgear) shall not be worn if they might contact exposed energized parts.

#### NEW SECTION

**WAC 296-306A-37624 What housekeeping requirements apply to working near exposed energized parts?**

(1) Where live parts present an electrical contact hazard, employees shall not perform housekeeping duties near enough to the parts that there is a possibility of contact, unless adequate safeguards (such as insulating equipment or barriers) are provided.

(2) Electrically conductive cleaning materials (including conductive solids such as steel wool, metalized cloth, and silicon carbide, as well as conductive liquid solutions) shall not be used in proximity to energized parts unless procedures are followed that will prevent electrical contact.

#### NEW SECTION

**WAC 296-306A-37627 Who may defeat an electrical safety interlock?** Only a qualified person following the requirements of this section may defeat an electrical safety interlock, and then only temporarily while he or she is working on the equipment. The interlock system shall be returned to its operable condition when this work is completed.

#### NEW SECTION

**WAC 296-306A-378 Safety-related work practices.**

#### NEW SECTION

**WAC 296-306A-37801 What does this section cover?**

(1) WAC 296-306A-376 and 296-306A-378 cover electrical safety-related work practices for both qualified persons (those who have training in avoiding the electrical hazards of working on or near exposed energized parts) and unqualified persons (those with little or no such training) working on, near, or with the following installations:

(a) Installations of electric conductors and equipment within or on buildings or other structures, and on other premises such as yards, parking, and other lots, and industrial substations;

(b) Installations of conductors that connect to the supply of electricity;

(c) Installations of other outside conductors on the premises; and

(d) Installations of optical fiber cable where such installations are made along with electric conductors.

(2) Chapter 306-376 WAC and WAC 296-306A-378 cover work performed by unqualified persons on, near, or with the installations listed in subsection (3) of this section.

(3) WAC 296-306A-376 and 296-306A-378 do not apply to work performed by qualified persons on or directly associated with the following installations:

(a) Installations for the generation, control, transformation, transmission, and distribution of electric energy (including communication and metering) located in buildings used for such purposes or located outdoors.

Work on or directly associated with generation, transmission, or distribution installations includes:

(i) Work performed directly on installations, such as repairing distribution lines or repairing a feed-water pump for the boiler in a generating plant.

(ii) Work directly associated with installations, such as line-clearance tree trimming and replacing utility poles.

(iii) Work on electric utilization circuits in a generating plant where:

- The circuits are combined with installations of power generation equipment or circuits; and

- The generation equipment or circuits present greater electrical hazards than those posed by the utilization equipment or circuits (such as exposure to higher voltages or lack of overcurrent protection).

(b) Installations in watercraft, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational vehicles.

(c) Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations of railways used exclusively for signaling and communication purposes.

#### NEW SECTION

**WAC 296-306A-37803 How must employees be trained on safety practices?** (1) The training requirements in this section apply to employees who face a risk of electrical shock that is not reduced to a safe level by the electrical installation requirements of WAC 296-306A-362 through 296-306A-374.

(2) Training contents shall include the following:

(a) Employees shall be trained in and familiar with the safety-related work practices required by WAC 296-306A-376 through 296-306A-378 that apply to their job assignments.

(b) Employees who are covered by this section but who are not qualified persons shall also be trained in and familiar with any electrically related safety practices that are not covered by this standard, but that are necessary for their safety.

(c) Qualified persons shall, at a minimum, be trained in and familiar with the following:

(i) The skills and techniques necessary to distinguish exposed live parts from other parts of electric equipment;

(ii) The skills and techniques necessary to determine the nominal voltage of exposed live parts; and

(iii) The clearance distance specified in WAC 296-306A-376 and the corresponding voltages to which the qualified person will be exposed.

Note 1: For the purposes of WAC 296-306A-376 and 296-306A-378, an employee must have the training required for a qualified person in order to be considered a qualified person.

Note 2: Qualified persons whose work on energized equipment involves either direct contact or contact by means of tools or materials

must also have the training needed to meet WAC 296-306A-376.

(3) You must provide either classroom or on-the-job training. The degree of training provided shall be determined by the risk to the employee.

#### NEW SECTION

**WAC 296-306A-37805 How must safety-related work practices be chosen and used?** Safety-related work practices shall be used to prevent electric shock or other injuries resulting from either direct or indirect electrical contacts, when work is performed near or on equipment or circuits that are or may be energized. The specific safety-related work practices shall be consistent with the nature and extent of the associated electrical hazards.

(1) When an employee may be exposed to live parts, they shall be deenergized before the employee works on or near them, unless deenergizing introduces other hazards or is infeasible due to equipment design or operational limitations. Live parts that operate at less than 50 volts to ground need not be deenergized if there will be no increased exposure to electrical burns or to explosion due to electric arcs.

Note 1: Examples of other hazards include deactivation of emergency alarm systems, shutdown of hazardous location ventilation equipment, or removal of illumination for an area.

Note 2: An example of work that may be performed on or near energized circuit parts because of unfeasibility due to equipment design or operational limitations is testing of electric circuits that can only be performed with the circuit energized.

(2) If the exposed live parts are not deenergized (for reasons of increased or additional hazards or unfeasibility), other safety-related work practices shall be used to protect employees who may be exposed to the electrical hazards involved. Such work practices shall protect employees against contact with energized circuit parts directly with any part of their body or indirectly through some other conductive object. The work practices shall be suitable for the voltage level of the exposed electric conductors or circuit parts.

#### NEW SECTION

**WAC 296-306A-37807 What work practices must be followed for work on exposed deenergized parts?** (1) This section applies to work on exposed deenergized parts or near enough to them to expose the employee to any electrical hazard they present. Conductors and parts of electric equipment that have been deenergized but have not been locked out or tagged shall be treated as energized parts, and WAC 296-306A-376 applies to work on or near them.

(2) While any employee is exposed to contact with parts of fixed electric equipment or circuits which have been deenergized, the circuits energizing the parts shall be locked out or tagged or both according to the requirements of this section. The requirements shall be followed in the order in which they are presented.

"Fixed equipment" means equipment that is fastened or connected by permanent wiring methods.

Note: Lockout and tagging procedures that comply with WAC 296-306A-320 will also be deemed to comply with WAC 296-306A-37807 through 296-306A-37817 as long as:

- The procedures address the electrical safety hazards covered by this part; and
- The procedures include the requirements of WAC 296-306A-37813(4) and 296-306A-37815(2).

#### NEW SECTION

**WAC 296-306A-37809 Must an employer have a written copy of lockout-tagout procedures?** The employer shall maintain a written copy of the procedures outlined in WAC 296-306A-37807 through 296-306A-37817 and shall make it available for inspection by us or by employees. The written procedures may be in the form of a copy of WAC 296-306A-37807 through 296-306A-37817.

#### NEW SECTION

**WAC 296-306A-37811 What work practices must be followed for deenergizing equipment?** (1) Safe procedures for deenergizing circuits and equipment shall be determined before circuits or equipment are deenergized.

(2) The circuits and equipment to be worked on shall be disconnected from all electric energy sources. Control circuit devices, such as push buttons, selector switches, and interlocks, shall not be used as the sole means for deenergizing circuits or equipment. Interlocks for electric equipment shall not be used as a substitute for lockout and tagging procedures.

(3) Stored electric energy which might endanger employees shall be released. Capacitors shall be discharged and high capacitance elements shall be short-circuited and grounded, if the stored electric energy might endanger employees.

Note: Capacitors or associated equipment handled in meeting this requirement shall be treated as energized.

(4) Stored nonelectrical energy in devices that could reenergize electric circuit parts shall be blocked or relieved to the extent that the circuit parts could not be accidentally energized by the device.

#### NEW SECTION

**WAC 296-306A-37813 How must locks and tags be applied?** (1) A lock and a tag shall be placed on each disconnecting means used to deenergize circuits and equipment on which work is to be performed, except as provided in subsections (3) and (5) of this section. The lock shall be attached to prevent anyone from operating the disconnecting means unless they resort to undue force or the use of tools.

(2) Each tag shall have a statement prohibiting unauthorized operation of the disconnecting means and removal of the tag.

(3) If a lock cannot be applied, or if tagging procedures will provide a level of safety equivalent to that obtained by the use of a lock, a tag may be used without a lock.

(4) A tag used without a lock shall be supplemented by at least one additional safety measure that provides a level of safety equivalent to that obtained by the use of a lock. Examples of additional safety measures include the removal of an isolating circuit element, blocking of a controlling switch, or opening of an extra disconnecting device.

(5) A lock may be placed without a tag only under the following conditions:

- (a) Only one circuit or piece of equipment is deenergized; and
- (b) The lockout period does not extend beyond the work shifts; and
- (c) Employees exposed to the hazards associated with reenergizing the circuit or equipment are familiar with this procedure.

**NEW SECTION**

**WAC 296-306A-37815 What work practices must be followed to verify deenergization?** The requirements of this section shall be met before any circuits or equipment can be considered and worked as deenergized.

- (1) A qualified person shall operate the equipment operating controls or otherwise verify that the equipment cannot be restarted.
- (2) A qualified person shall use test equipment to test the circuit elements and electrical parts of equipment to which employees will be exposed and shall verify that the circuit elements and equipment parts are deenergized. The test shall also determine if any energized conditions exist as a result of inadvertently induced voltage or unrelated voltage backfeed even though specific parts of the circuit have been deenergized and presumed to be safe. If the circuit to be tested is over 600 volts, nominal, the test equipment shall be checked for proper operation immediately before and immediately after this test.

**NEW SECTION**

**WAC 296-306A-37817 What work practices must be followed when reenergizing equipment?** These requirements shall be met, in the order given, before circuits or equipment are reenergized, even temporarily.

- (1) A qualified person shall conduct tests and visual inspections as necessary to verify that all tools, electrical jumpers, shorts, grounds, and other devices have been removed, so that the circuits and equipment can be safely energized.
- (2) Employees exposed to the hazards associated with reenergizing the circuit or equipment shall be warned to stay clear of circuits and equipment.
- (3) Each lock and tag shall be removed by the employee who applied it or under his or her direct supervision. However, if this employee is absent from the workplace, then the lock or tag may be removed by a qualified person designated to perform this task as long as:
  - (a) The employer ensures that the employee who applied the lock or tag is not available at the workplace; and
  - (b) The employer ensures that the employee is aware that the lock or tag has been removed before resuming work at that workplace.
- (4) There shall be a visual determination that all employees are clear of the circuits and equipment.

**NEW SECTION**

**WAC 296-306A-37819 What safety-related work practices relate to portable electric equipment?** This section applies to using cord-connected and plug-connected equipment, including flexible cord sets (extension cords).

- (1) Portable equipment shall be handled in a manner that will not cause damage. Flexible electric cords connected to equipment shall not be used for raising or lowering the equipment. Flexible cords shall not be fastened with staples or otherwise hung in a way that could damage the outer jacket or insulation.

**(2) Visual inspection requirements:**

- (a) Portable cord-connected and plug-connected equipment and flexible cord sets shall be visually inspected before use on any shift for external defects (such as loose parts, deformed and missing pins, or damage to outer jackets or insulation) and for evidence of possible internal damage (such as pinched or crushed outer jacket). Cord-connected and plug-connected equipment and flexible cord sets that remain connected once they are in place and are not exposed to damage need not be visually inspected until they are relocated.

- (b) If there is a defect or evidence of damage that might expose an employee to injury, the defective or damaged items shall be removed from service, and no employee shall use it until repairs and tests necessary to render the equipment safe have been made.

- (c) When an attachment plug is to be connected to a receptacle (including any on a cord set), the relationship of the plug and receptacle contacts shall first be checked to ensure they are of proper mating configurations.

**(3) Requirements for grounding-type equipment:**

- (a) A flexible cord used with grounding-type equipment shall contain an equipment grounding conductor.
- (b) Attachment plugs and receptacles shall not be connected or altered in a manner that would prevent proper continuity of the equipment grounding conductor at the point where plugs are attached to receptacles. These devices shall not be altered to allow the grounding pole of a plug to be inserted into slots intended for connection to the current-carrying conductors.

- (c) Adapters that interrupt the continuity of the equipment grounding connection are prohibited.

- (4) Portable electric equipment and flexible cords used in highly conductive work locations, or in locations where employees are likely to contact water or conductive liquids, shall be approved for those locations.

**(5) Connecting attachment plugs.**

- (a) Employees' hands shall not be wet when plugging and unplugging flexible cords and cord-connected and plug-connected equipment, if energized equipment is involved.

- (b) Energized plug and receptacle connections shall be handled only with insulating protective equipment if the condition of the connection could provide a conducting path to the employee's hand. For example: If a cord connector is wet from being immersed in water.

- (c) Locking-type connectors shall be properly secured after connection.

**NEW SECTION**

**WAC 296-306A-37821 What safety-related work practices relate to electric power and lighting circuits?**

- (1) Load rated switches, circuit breakers, or other devices specifically designed as disconnecting means shall be used for the opening, reversing, or closing of circuits under load conditions. Any cable connectors other than the load-break

type, fuses, terminal lugs, and cable splice connections are prohibited for such purposes, except in an emergency.

(2) After a circuit is deenergized by a circuit protective device, the circuit shall not be manually reenergized until it has been determined that the equipment and circuit can be safely energized. This repetitive manual reclosing of circuit breakers or reenergizing circuits through replaced fuses is prohibited.

Note: When it can be determined from the design of the circuit and the overcurrent devices involved that the automatic operation of a device was caused by an overload rather than a fault connection, no examination of the circuit or connected equipment is needed before the circuit is reenergized.

(3) Overcurrent protection of circuits and conductors shall not be modified, even on a temporary basis, beyond that allowed by this part for the installation safety requirements for overcurrent protection.

#### NEW SECTION

**WAC 296-306A-37823 What safety-related work practices relate to test instruments and equipment?** (1) Only qualified persons shall perform testing work on electric circuits or equipment.

(2) Test instruments and equipment and all associated test leads, cables, power cords, probes, and connectors shall be visually inspected for external defects and damage before the equipment is used. If there is a defect or evidence of damage that might expose an employee to injury, the defective or damaged item shall be removed from service, and no employee shall use it until necessary repairs and tests to render the equipment safe have been made.

(3) Test instruments and equipment and their accessories shall be rated for the circuits and equipment to which they will be connected and shall be designed for the environment in which they will be used.

#### NEW SECTION

**WAC 296-306A-37825 What safety-related work practices relate to flammable materials?** Where flammable materials are present only occasionally, electric equipment capable of igniting them shall not be used, unless measures are taken to prevent hazardous conditions from developing.

Such materials include, but are not limited to: flammable gases, vapors, or liquids; combustible dust; and ignitable fibers or flyings.

Note: Electrical installation requirements for locations where flammable materials are present on a regular basis are contained in WAC 296-306A-372.

#### NEW SECTION

**WAC 296-306A-380 Electrical protective equipment.**

#### NEW SECTION

**WAC 296-306A-38003 How must protective equipment be used?** (1) Employees working in the areas where there are potential electrical hazards shall be provided with, and shall use, electrical protective equipment that is appro-

priate for the specific parts of the body to be protected and for the work to be performed.

(2) If the insulating capability of protective equipment may be subject to damage during use, the insulating material shall be protected.

For example: An outer covering of leather is sometimes used to protect rubber insulating material.

(3) Employees shall wear nonconductive head protection wherever there is a danger of head injury from electric shock or burns due to contact with exposed energized parts.

(4) Employees shall wear protective equipment for the eyes or face wherever there is danger of injury to the eyes or face from electrical arcs or flashes or from flying objects resulting from electrical explosion.

#### NEW SECTION

**WAC 296-306A-38006 What requirements apply to general protective equipment and tools?** (1) When working near exposed energized conductors or circuit parts, each employee shall use insulated tools or handling equipment if the tools or handling equipment might make contact with such conductors or parts. If the insulating capability of insulated tools or handling equipment is subject to damage, the insulating material shall be protected.

(2) Ropes and handlines used near exposed energized parts shall be nonconductive.

(3) Protective shields, protective barriers, or insulating materials shall be used to protect each employee from shock, burns, or other electrically related injuries while that employee is working near exposed energized parts that might be accidentally contacted or where dangerous electric heating or arcing might occur. When normally enclosed live parts are exposed for maintenance or repair, they shall be guarded to protect unqualified persons from contact with the live parts.

(4) Altering techniques shall be used to warn and protect employees from hazards that could cause injury due to electric shock, burns, or failure of electric equipment parts.

(5) Safety signs, safety symbols, or accident prevention tags shall be used where necessary to warn employees about electrical hazards that may endanger them, as required by WAC 296-306A-330.

#### NEW SECTION

**WAC 296-306A-38009 What manufacturing and marking requirements apply to electrical protective devices?** Insulating blankets, matting, covers, line hose, gloves, and sleeves made of rubber shall meet the following manufacture and marking requirements:

(1) Blankets, gloves, and sleeves shall be produced by a seamless process.

(2) Each item shall be clearly marked as follows:

(a) All classified equipment shall be marked with its class number.

(b) Nonozone-resistant equipment other than matting shall be marked Type I.

(c) Ozone-resistant equipment other than matting shall be marked Type II.

(d) Other relevant markings, such as the manufacturer's identification and the size of the equipment, may also be provided.

(3) Markings shall be nonconducting and shall be applied so they do not impair the insulating qualities of the equipment.

(4) Markings on gloves shall be on the cuff.

#### NEW SECTION

**WAC 296-306A-38012 What electrical requirements apply to electrical protective devices?** Insulating blankets, matting, covers, line hose, gloves, and sleeves made of rubber shall meet the following electrical requirements:

(1) Equipment shall be capable of withstanding the a-c proof-test voltage specified in Table 1 or the d-c proof-test voltage specified in Table 2.

(a) The proof-test shall reliably indicate that the equipment can withstand the voltage involved.

(b) The test voltage shall be applied continuously for three minutes for equipment other than matting and shall be applied continuously for one minute for matting.

(c) Gloves shall also be capable of withstanding the a-c proof-test voltage specified in Table 1 after a sixteen-hour water soak.

(2) When the a-c proof-test is used on gloves, the 60 hertz proof-test current may not exceed the values specified in Table 1 at any time during the test period.

(a) If the a-c proof-test is made at a frequency other than 60 hertz, the permissible proof-test current shall be computed from the direct ratio of the frequencies.

(b) For the test, gloves (right side out) shall be filled with tap water and immersed in water to a depth that is in accordance with Table 3. Water shall be added to or removed from the glove, as necessary, so that the water level is the same inside and outside the glove.

(c) After the sixteen-hour water soak, the 60 hertz proof-test current may exceed the values given in Table 1 by not more than 2 milliamperes.

(3) Equipment that has been subjected to a minimum breakdown voltage test may not be used for electrical protection.

(4) Material used for Type II insulating equipment shall be capable of withstanding an ozone test, with no visible effects. The ozone test shall reliably indicate that the material will resist ozone exposure in actual use. Any visible signs of ozone deterioration of the material, such as checking, cracking, breaks, or pitting, is evidence of failure to meet the requirements for ozone-resistant material.

Note: Rubber insulating equipment meeting the following national consensus standards is considered to be in compliance with WAC 296-306A-38009, 296-306A-38012, and 296-306A-38015:

- American Society for Testing and Materials (ASTM) D 120-87, Specification for Rubber Insulating Gloves.
- ASTM D 178-93, Specification for Rubber Insulating Matting.
- ASTM D 1048-93, Specification for Rubber Insulating Blankets.
- ASTM D 1049-93, Specification for Rubber Insulating Covers.
- ASTM D 1050-90, Specification for Rubber Insulating Line Hose.
- ASTM D 1051-87, Specification for Rubber Insulating Sleeves.

These standards contain specifications for conducting the tests required in this section.

#### NEW SECTION

**WAC 296-306A-38015 What workmanship and finish requirements apply to electrical protective devices?** Insulating blankets, matting, covers, line hose, gloves, and sleeves made of rubber shall meet the following workmanship and finish requirements:

(1) Equipment shall be free of harmful physical irregularities that can be detected by the tests or inspections required in WAC 296-306A-38012.

(2) Surface irregularities that may be present on all rubber goods because of imperfections on forms or molds or because of inherent difficulties in the manufacturing process and that may appear as indentations, protuberances, or imbedded foreign material are acceptable as long as:

(a) The indentation or protuberance blends into a smooth slope when the material is stretched.

(b) Foreign material remains in place when the insulating material is folded and stretches with the insulating material surrounding it.

#### NEW SECTION

**WAC 296-306A-38018 How must electrical protective devices be maintained and used?** (1) Electrical protective equipment shall be maintained in a safe, reliable condition.

(2) The following specific requirements apply to insulating blankets, covers, line hose, gloves, and sleeves made of rubber:

(a) Maximum use voltages shall meet the requirements in Table 4.

(b) Insulating equipment shall be inspected for damage before each day's use and immediately following any incident that can reasonably be suspected of having caused damage. Insulating gloves shall be given an air test, along with the inspection.

(c) Insulating equipment with any of the following defects may not be used:

(i) A hole, tear, puncture, or cut;

(ii) Ozone cutting or ozone checking (the cutting action produced by ozone on rubber under mechanical stress into a series of interlacing cracks);

(iii) An embedded foreign object;

(iv) Any of the following texture changes: Swelling, softening, hardening, or becoming sticky or inelastic;

(v) Any other defect that damages the insulating properties.

(d) Insulating equipment found to have other defects that might affect its insulating properties shall be removed from service and returned for testing under (h) of this subsection.

(e) Insulating equipment shall be cleaned as needed to remove foreign substances.

(f) Insulating equipment shall be stored in such a location and in such a manner as to protect it from light, temperature extremes, excessive humidity, ozone, and other injurious substances and conditions.

(g) Protector gloves shall be worn over insulating gloves.

(h) Electrical protective equipment shall be subjected to periodic electrical tests. Test voltages and the maximum

intervals between tests shall be according to Table 4 and Table 5.

(i) The test method used shall reliably indicate whether the insulating equipment can withstand the voltages involved.

Note: Standard electrical test methods considered as meeting this requirement are given in the following national consensus standards:

- American Society for Testing and Materials (ASTM) D 120-87, Specification for Rubber Insulating Gloves.
- ASTM D 1048-93, Specification for Rubber Insulating Blankets.
- ASTM D 1049-93, Specification for Rubber Insulating Covers.
- ASTM D 1050-90, Specification for Rubber Insulating Line Hose.
- ASTM D 1051-87, Specification for Rubber Insulating Sleeves.
- ASTM F 478-92, Specification for In-Service Care of Insulating Line Hose and Covers.
- ASTM F 479-88a, Specification for In-Service Care of Insulating Blankets.
- ASTM F 496-93b, Specification for In-Service Care of Insulating Gloves and Sleeves.

(j) Insulating equipment that fails inspections or electrical tests shall not be used by employees, except as follows:

(i) Rubber insulating line hose could be used in shorter lengths with the defective portion cut off.

(ii) Rubber insulating blankets could be repaired using a compatible patch that results in physical and electrical properties equal to those of the blanket.

(iii) Rubber insulating blankets could be salvaged by severing the defective area from the undamaged portion of the blanket. The resulting undamaged area shall not be smaller than twenty-two inches by twenty-two inches (560 mm by 560 mm) for Class 1, 2, 3, and 4 blankets.

(k) Repaired insulating equipment shall be retested before it may be used by employees.

(l) The employer shall certify that equipment has been tested in accordance with the requirements of (h), (i), and (k) of this subsection. The certification shall identify the equipment that passed the test and the date it was tested.

Note: This requirement may be met by marking the equipment and entering the results of the tests and the dates of testing onto logs.

PROPOSED

<i>Class of equipment</i>	<i>Proof-test voltage rms V</i>	<i>267 mm (10.5 in.) glove</i>	<i>356 mm (14 in.) glove</i>	<i>406 mm (16 in.) glove</i>	<i>457 mm (18 in.) glove</i>
0	5,000	8	12	14	16
1	10,000		14	16	18
2	20,000		16	18	20
3	30,000		18	20	22
4	40,000			22	24

<i>Class of equipment</i>	<i>Proof-test voltage</i>
0	20,000
1	40,000
2	50,000
3	60,000
4	70,000

*Note: The d-c voltages listed in this table are not appropriate for proof testing rubber insulating line hose or covers. For this equipment, d-c proof-tests shall use a voltage high enough to indicate that the equipment can be safely used at the voltages listed in Table 3. See ASTM D 1050-90 and ASTM D 1049-88 for further information on proof tests for rubber insulating line hose and covers.*

Table 3 Glove Tests-Water Level <sup>1, 2</sup>				
Class of glove	A-C proof-test		D-C proof-test	
	mm.	in.	mm.	in.
0	38	1.5	38	1.5
1	38	1.5	51	2.0
2	64	2.5	76	3.0
3	89	3.5	102	4.0
4	127	5.0	153	6.0

<sup>1</sup>The water level is given as the clearance from the cuff of the glove to the water line, with a tolerance of 13 mm. (0.5 in.).  
<sup>2</sup>If atmospheric conditions make the specified clearances impractical, the clearances may be increased by a maximum of 25 mm. (1 in.)

Table 4 Rubber Insulating Equipment Voltage Requirements			
Class of equipment	Maximum use voltage <sup>1</sup> a-c-rms	Retest voltage <sup>2</sup> a-c-rms	Retest voltage <sup>2</sup> d-c-rms
0	1,000	5,000	20,000
1	7,500	10,000	40,000
2	17,000	20,000	50,000
3	26,500	30,000	60,000
4	36,000	40,000	70,000

Note: Rubber gloves shall only be used on voltages of 5000 volts phase to phase or less.  
<sup>1</sup>The maximum use voltage is the a-c voltage (rms) classification of the protective equipment that designates the maximum nominal design/voltage of the energized system that may be safely worked. The nominal design voltage is equal to the phase-to-phase voltage on multiphase circuits. However, the phase-to-ground potential is considered to be the nominal design/voltage:  
 (a) If there is no multiphase exposure in a system area and if the voltage exposure is limited to the phase-to-ground potential, or  
 (b) If the electrical equipment and devices are insulated or isolated or both so that the multiphase exposure on a grounded wye circuit is removed.  
<sup>2</sup>The proof-test voltage shall be applied continuously for at least one minute, but no more than three minutes.

Table 5 Rubber Insulating Equipment Test Intervals	
Type of equipment	When to test
Rubber insulating line hose	Upon indication that insulating value is suspect
Rubber insulating covers	Upon indication that insulating value is suspect
Rubber insulating blankets	Before first issue and every 12 months thereafter
Rubber insulating gloves	Before first issue and every 6 months thereafter
Rubber insulating sleeves	Before first issue and every 12 months thereafter

(3) Where switches or fuses of more than 150 volts to ground are not guarded during ordinary operations, suitable insulating floors, mats or platforms shall be provided on which the operator must stand while handling the switches.

**PART U-1  
HAZARDOUS MATERIALS—ANHYDROUS  
AMMONIA**

PROPOSED

NEW SECTION**WAC 296-306A-400 Anhydrous ammonia.**NEW SECTION**WAC 296-306A-40001 What does this section cover?**

WAC 296-306A-400 covers the transportation and application of anhydrous ammonia.

NEW SECTION

**WAC 296-306A-40003 What definitions apply to this section?** Certified means the equipment has been tested by a nationally recognized testing laboratory and meets nationally recognized standards or is safe for a specific use; or is a kind whose production is periodically inspected by a nationally recognized testing laboratory, and bears identification of certification.

DOT means the Federal Department of Transportation.

DOT container means a container constructed according to the requirements of 49 CFR chapter 1.

DOT cylinders mean cylinders that meet the requirements of 49 CFR chapter I.

Labeled means the equipment has an attached label, symbol, or other identifying mark of a nationally recognized testing laboratory that makes periodic inspections of the production of such equipment, and the label indicates compliance with nationally recognized standards or tests.

NEW SECTION

**WAC 296-306A-40005 What general requirements apply to the storage and handling of anhydrous ammonia?** (1) All employees must use gloves and goggles and/or a face shield while working on or with charged anhydrous ammonia equipment.

(2) You must ensure that equipment is inspected before each day's work. Conditions that would contribute to leaks shall be corrected.

(3) Hose end-valves must be closed when not in use to prevent accidental discharge in case the main valve is opened.

(4) Relief and vapor valves shall be positioned to discharge away from operator's working position.

NEW SECTION

**WAC 296-306A-40007 What requirements apply to systems mounted on farm wagons (implements of husbandry) for the transportation of ammonia?** All anhydrous ammonia containers with a capacity of 3,000 gallons or less and equipment mounted on farm wagons (implements of husbandry) that is used to transport ammonia must meet the requirements of this section.

WAC 296-306A-40011 through 296-306A-40037 also apply unless otherwise noted.

(1) Containers shall be mounted according to the following:

(a) A stop shall be mounted on the farm wagon or on the container so that the container does not dislodge from its mounting when a farm wagon stops suddenly.

(b) A hold-down device shall be provided that will anchor the container to the farm wagon at one or more places on each side of the container.

(c) When containers are mounted on four-wheel farm wagons, distribute the weight evenly over both axles.

(d) When the cradle and the container are not welded together, use material between them to eliminate metal-to-metal friction.

(2) Container accessories shall meet the following requirements:

(a) Each container shall have a fixed maximum liquid-level gauge.

(b) All containers with more than 250-gallon capacity shall have a pressure gauge with a dial graduated from 0-400 psi.

(c) The filling connection shall be fitted with one of the following:

(i) A combination back-pressure check valve and excess-flow valve; or

(ii) One double or two single back-pressure check valves; or

(iii) A positive shut-off valve that has either an internal back-pressure check valve or an internal excess flow valve.

(d) All containers with more than 250-gallon capacity shall be equipped for spray loading or with an approved vapor return valve.

(e) All vapor and liquid connections shall be equipped with approved excess flow valves or may be fitted with quick-closing internal valves that shall remain closed except when operating.

Exception: Safety-relief valves and connections that are specifically exempted by WAC 296-306A-40019(5) are exempt from this requirement.

(f) Fittings shall be protected from physical damage by a rigid guard. The guard must be designed to withstand force from any direction, equal to twice the weight of the container and lading, at a safety factor of four. If the guard is fully enclosed, the safety-relief valves shall be properly vented through the guard.

(g) If a liquid withdrawal line is installed in the bottom of a container, the connections and hose shall be at least as high as the lowest horizontal edge of the farm wagon axle.

(h) Both ends of the hose shall be secure while in transit.

(3) Each side and the rear end of the container must be marked in letters at least four inches high, with the words "ANHYDROUS AMMONIA" or "CAUTION—AMMONIA." The container may instead be marked according to DOT regulations.

(4) Farm wagons (implements of husbandry) shall meet all state regulations and the following requirements:

(a) All farm wagons shall be securely attached to the vehicle drawing them by drawbars with safety chains.

(b) A farm wagon shall be constructed so that it will follow the path of the towing vehicle and will prevent the towed wagon from whipping or swerving dangerously from side to side.

(c) All farm wagons shall have five gallons or more of readily available clean water.

NEW SECTION

**WAC 296-306A-40009 What requirements apply to systems mounted on farm wagons (implements of husbandry) for the application of ammonia?** This section applies to systems mounted on farm equipment that are used for the field application of ammonia.

WAC 296-306A-40011 through 296-306A-40037 also apply unless otherwise noted.

(1) All containers shall be securely mounted.

(2) Container valves and accessories shall meet the following requirements:

(a) Each container shall have a fixed maximum liquid-level gauge.

(b) The filling connection shall be fitted with one of the following:

(i) A combination back-pressure check valve and excess-flow valve; or

(ii) One double or two single back-pressure check valves; or

(iii) A positive shut-off valve that has either an internal back-pressure check valve or an internal excess flow valve.

(c) An excess-flow valve is not required in the vapor connection as long as the controlling orifice is a maximum of 7/16 inch in diameter and the valve is a hand-operated shut-off valve. To assist in filling applicator tanks, you may bleed vapors to the open air, as long as this requirement is met.

(d) Metering devices may be connected directly to the tank withdrawal valve. You may use a union type connection between the tank valve and metering device. You may use remote mounting of metering devices as long as the hose meets the requirements of Appendix B. When the applicator tank is trailed and the metering device is remotely mounted, such as on the tractor tool bar, you must use an automatic break-away type, self-closing coupling.

(e) No excess-flow valve is required in the liquid withdrawal line as long as the controlling orifice between the contents of the container and the outlet of the shut-off valve is a maximum of 7/16 inch in diameter.

NEW SECTION

**WAC 296-306A-40011 What requirements must approved anhydrous ammonia equipment meet?** All equipment shall be approved by one of the following methods:

(1) The equipment was installed before February 8, 1973, and was approved and tested, and installed according to either the requirements of the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M-1, in effect at the time of installation; or

(2) The equipment is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

(3)(a) The equipment is a type that no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe; and

(b) The equipment is inspected or tested by an authority responsible for enforcing occupational safety provisions of

a law, code, or regulation pertaining to the storage, handling, transport, and use of anhydrous ammonia; and

(c) The equipment is found in compliance with either the requirements of the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M-1, in effect at the time of installation; or

(4) For a custom-designed and custom-built unit:

(a) You cannot find a nationally recognized testing laboratory or authority responsible for the enforcement of a law, code or regulation pertaining to the storage, transportation and use of anhydrous ammonia that is willing to accept, certify, list, label or determine to be safe your custom equipment; and

(b) You have on file a document attesting to its safe condition following appropriate tests. The document shall be signed by a registered professional engineer or qualified person. The document shall describe the test bases, test data and results, and also the qualifications of the certifying person.

NEW SECTION

**WAC 296-306A-40013 What requirements apply to the construction, original test, and requalification of nonrefrigerated containers?** The code is the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers (Section VIII of the ASME Boiler Construction Code), 1952, 1956, 1959, 1962, 1965, 1968 and 1971 editions, the joint code of the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME Code) 1951 edition, and amendments or later editions, as adopted.

(1) Containers used with systems covered in WAC 296-306A-40005 and 296-306A-40007 shall be constructed and tested according to the code.

Exception: Construction under Table UW-12 at a basic joint efficiency of under 80% is prohibited. Containers built according to code are exempt from paragraphs UG-125 to UG-128, inclusive, and paragraphs UG-132 and UG-133 of the code.

Note: This subsection allows the continued use or reinstallation of containers constructed and maintained according to the 1949, 1950, 1952, 1956, 1959, 1962, 1965 and 1968 editions of the Unfired Pressure Vessel Code of the ASME or any revisions thereof in effect at the time of fabrication.

(2) Containers more than 36 inches in diameter or 250 gallons water capacity shall be constructed to meet one or more of the following requirements:

(a) Containers shall be stress relieved after fabrication according to the code; or

(b) Cold-formed heads, when used, shall be stress relieved; or

(c) Hot-formed heads shall be used.

(3) Welding to the shell, head, or any other part of the container subject to internal pressure shall be according to the code. Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the container manufacturer.

**NEW SECTION**

**WAC 296-306A-40015 How must nonrefrigerated containers and systems (other than DOT containers) be marked?** (1) System nameplates, when required, shall be permanently attached to the system so they are readily accessible for inspection.

(2) Each container or system covered in WAC 296-306A-40005 and 296-306A-40007 shall be marked as follows:

(a) With indication that the container or system meets the requirements of the code under which the container is constructed.

(b) With indication on the container and system nameplate when the system is designed for underground installation.

(c) With the name and address of the supplier of the container or the trade name of the container and with the date of fabrication.

(d) With the water capacity of the container in pounds at 60°F or gallons, United States standard.

(e) With the design pressure in pounds per square inch gauge.

(f) With the wall thickness of the shell and heads.

(g) With indication of the maximum fill level for liquid anhydrous ammonia between 20°F and 100°F. Markings shall be in increments of not more than 20°F.

Exception: Containers with fixed maximum level indicators, such as fixed length dip tubes, or containers that are filled by weight are exempt from this requirement.

(h) With the outside surface area in square feet.

(i) With minimum temperature in Fahrenheit for which the container is designed.

(j) The marking shall be on the container itself or on a permanently attached nameplate.

(3) All main operating valves on permanently installed containers with a capacity of over 3,000 water gallons shall be identified to show whether the valve is in liquid or vapor service. The valve may be identified as follows:

(a) The word LIQUID (or LIQUID VALVE), VAPOR (or VAPOR VALVE), as appropriate, shall be placed on or within twelve inches of the valve by means of a stencil tag or decal.

(b) Liquid valves shall be painted orange and vapor valves shall be painted yellow. The legend ORANGE-LIQUID, YELLOW-VAPOR shall be displayed in one or more conspicuous places at each permanent storage location. The legend shall have letters at least two inches high and shall be placed against a contrasting background. This is according to American National Standard A13.1 "Schemes for Identification of Piping Systems—1956, Page 5."

**NEW SECTION**

**WAC 296-306A-40017 Where may anhydrous ammonia containers be located?** (1) When selecting the location for a storage container, you must take into account the physiological effects of ammonia and adjacent fire hazards. Containers shall be located outdoors or indoors in areas especially approved for container storage.

(2) Containers shall be located at least fifty feet from a dug well or other sources of potable water supply, unless the container is a part of a water treatment installation.

(3) Permanent storage containers shall be located outside densely populated areas.

(4) Containers shall be located according to the following:

Minimum distances (feet) from container to:

Nominal capacity of container	Line of adjoining property that may be built upon, highways & main line of railroad	Place of public assembly	Institution occupancy
Over 500 to 2,000	25	150	250
Over 2,000 to 30,000	50	300	500
Over 30,000 to 100,000	50	450	750
Over 100,000	50	600	1,000

(5) Storage areas shall be kept free of readily ignitable materials such as waste, weeds and long dry grass.

**NEW SECTION**

**WAC 296-306A-40019 What requirements apply to container accessories?** (1) All accessories shall be designed for at least the maximum working pressure of the part of the system on which they are installed. All accessories shall be fabricated from materials suitable for anhydrous ammonia service.

(2) All connections to containers shall have shut-off valves located as close to the container as practical.

Exception: Safety-relief devices, gauging devices, or those fitted with a No. 54 drill size orifice are exempt from this requirement.

(3) All required excess flow valves shall close automatically at the rated flows of vapor or liquid specified by the manufacturer. The connections, lines, valves, and fittings shall have a greater capacity than the rated flow of the excess flow valve.

(4) Liquid-level gauging devices that require bleeding to the atmosphere and that are constructed so that outward flow is a maximum of that passed by a No. 54 drill size opening may be installed without excess flow valves.

(5) Openings from the container or through fittings attached directly on container to which pressure gauge connections are made may be installed without excess flow valves if the openings are a maximum of No. 54 drill size.

(6) Required excess flow and back pressure check valves shall be located inside the container or outside as close as practical to where the line enters the container. When located outside, the installation shall be made to prevent any stress beyond the excess flow or back pressure check valve from causing a break between the container and the valve.

(7) Excess flow valves shall be designed with a bypass that is a maximum of No. 60 drill size opening to allow equalization of pressures.

PROPOSED

(8) Shut-off valves provided with an excess flow valve shall be designed for proper installation in a container connection so that the excess flow valve will close if the shut-off valve breaks.

(9) All excess flow valves shall be plainly and permanently marked with the name or trademark of the manufacturer, the catalog number, and the rated capacity.

**NEW SECTION**

**WAC 296-306A-40021 What requirements apply to piping, tubing, and fittings?** (1) All piping, tubing and fittings shall be made of material suitable for anhydrous ammonia service.

(2) All piping, tubing and fittings shall be designed for a pressure of at least the maximum pressure to which they may be subjected in service.

(3) All piping shall be well supported and allow for expansion and contraction. All refrigeration system piping shall conform to the Refrigeration Piping Code (ANSI B31.5 1966 addenda B31.1a-1968), a section of the American Standard Code for Pressure Piping, as it applies to ammonia.

(4) Piping used on nonrefrigerated systems shall meet the requirements of ASTM A-53-1969 Grade B Electric Resistance Welded and Electric Flash Welded Pipe. Pipe shall be at least Schedule 40 when joints are welded, or welded and flanged. Pipe shall be at least Schedule 80 when joints are threaded. Brass, copper, or galvanized steel pipe or tubing is prohibited.

(5) All metal flexible connections for permanent installations shall have a minimum working pressure of 250 psig (safety factor of 4). For temporary installations, you may use hose that meets the requirements of WAC 296-306A-40023.

(6) Cast iron fittings are prohibited. You may use fittings made especially for ammonia service of malleable or nodular iron that meet the requirements of Specification ASTM A47 or ASTM A395.

(7) All piping, tubing, and fittings shall allow for expansion, contraction, jarring, vibration, and settling.

(8) You must make adequate provision to protect all exposed piping from physical damage from moving machinery, the presence of automobiles or trucks, or other strain on the piping.

(9) Joint compounds shall be resistant to ammonia.

(10) After assembly, all piping and tubing shall be tested and proved to be free from leaks at pressure that is at least equal to the normal operating pressure of the system.

**NEW SECTION**

**WAC 296-306A-40023 What specifications must hoses meet?** (1) Hose used in ammonia service and subject to container pressure must meet the requirements of the joint Rubber Manufacturers Association and the Fertilizer Institute "Hose Specifications for Anhydrous Ammonia."

(2) Hose subject to container pressure shall be designed for a minimum working pressure of 350 psig and a minimum burst pressure of 1750 psig. Hose assemblies shall be able to withstand a test pressure of 500 psig.

(3) Hose and hose connections on the low pressure side of flow control or pressure reducing valves on devices discharging to atmospheric pressure shall be designed for the

maximum low side working pressure. All connections shall be designed, constructed, and installed to prevent leaks when connected.

(4) Where liquid transfer hose is not drained after transfer operations, the hose shall be equipped with an approved shut-off valve at the discharge end. You must provide a method to prevent excessive hydrostatic pressure in the hose. (See WAC 296-306A-40025.)

(5) On all hose 1/2-inch outside diameter and larger, used for the transfer of anhydrous ammonia liquid or vapor, you must ensure that the following information is etched, cast, or impressed at five-foot intervals:

- Anhydrous Ammonia
- xxx psig (Maximum working pressure)
- Manufacturer's Name or Trademark
- Year of Manufacture

**NEW SECTION**

**WAC 296-306A-40025 What requirements apply to safety-relief devices?** (1) Every container used in systems covered by WAC 296-306A-400 shall be provided with one or more spring-loaded safety-relief valves or the equivalent.

(2) The discharge from safety-relief valves shall be vented away from the container, upward, and unobstructed to the atmosphere. All safety-relief valve discharge openings shall have suitable raincaps that allow free discharge of the vapor and prevent water from entering. You must provide a method to drain condensate. The rate of discharge shall be as follows:

Surface Area sq. ft.	Flow Rate CFM Air	Surface Area sq. ft.	Flow Rate CFM Air	Surface Area sq. ft.	Flow Rate CFM Air
20	258	185	1,600	900	5,850
25	310	190	1,640	950	6,120
30	360	195	1,670	1,000	6,380
35	408	200	1,710	1,050	6,640
40	455	210	1,780	1,100	6,900
45	501	220	1,850	1,150	7,160
50	547	230	1,920	1,200	7,410
55	591	240	1,980	1,250	7,660
60	635	250	2,050	1,300	7,910
65	678	260	2,120	1,350	8,160
70	720	270	2,180	1,400	8,410
75	762	280	2,250	1,450	8,650
80	804	290	2,320	1,500	8,900
85	845	300	2,380	1,550	9,140
90	885	310	2,450	1,600	9,380
95	925	320	2,510	1,650	9,620
100	965	330	2,570	1,700	9,860
105	1,010	340	2,640	1,750	10,090
110	1,050	350	2,700	1,800	10,330
115	1,090	360	2,760	1,850	10,560
120	1,120	370	2,830	1,900	10,800
125	1,160	380	2,890	1,950	11,030
130	1,200	390	2,950	2,000	11,260
135	1,240	400	3,010	2,050	11,490
140	1,280	450	3,320	2,100	11,720
145	1,310	500	3,620	2,150	11,950
150	1,350	550	3,910	2,200	12,180
155	1,390	600	4,200	2,250	12,400
160	1,420	650	4,480	2,300	12,630
165	1,460	700	4,760	2,350	12,850
170	1,500	750	5,040	2,400	13,080
175	1,530	800	5,300	2,450	13,300
180	1,570	850	5,590	2,500	13,520

PROPOSED

Surface area = total outside surface area of container in square feet. When the surface area is not stamped on the name plate or when the marking is not legible, calculate the area with one of the following formulas:

- Hemispherical heads: Area = (Length in feet) X (outside diameter in feet) X 3.1416.
- Other than hemispherical heads: Area = (Length in feet) + (0.3 outside diameter in feet) X (outside diameter in feet) X 3.1416.
- Spherical container: Area = (outside diameter in feet)<sup>2</sup> X 3.1416.
- Flow rate: CFM air = cubic feet per minute of air required at standard conditions, 60F and atmospheric pressure (14.7 psia).

For containers with total outside surface area greater than 2,500 sq. ft., the formula is: Flow rate CFM air = 22.11 A<sup>0.82</sup> where A = outside surface area of the container in square feet.

(3) Container safety-relief valves shall be set for start to discharge as follows, according to the design pressure of the container.

Containers	Minimum	Maximum*
ASME U-68, U-69	110%	125%
ASME U-200, U-201	95%	100%
ASME 1952, 1956, 1959, 1962, 1965, 1968 or 1971	95%	100%
API-ASME	95%	100%
U.S. Coast Guard	As required by USCG regulations	
DOT	As required by DOT regulations	

\*Note: Plus a relief valve manufacturer's tolerance of ten percent.

(4) Safety-relief devices used in systems covered by WAC 296-306A-400 shall be constructed to discharge at a rate equal to or greater than the rates required in subsection (2) of this section before the pressure exceeds 120% (not including the tolerance referred to in subsection (3) of this section) of the maximum permitted start-to-discharge pressure setting of the device.

(5) Safety-relief valves shall be arranged to minimize tampering. If the pressure setting adjustment is external, the relief valves shall have a sealable adjustment.

(6) Shut-off valves installed between the safety-relief valves and the containers or systems described in WAC 296-306A-400 are prohibited.

Exception: A shut-off valve may be used where the arrangement of the valve allows the required capacity flow through the relief valves.

Exception example 1: A three-way valve installed under two safety-relief valves, each of which has the required rate of discharge and is installed to allow either of the safety-relief valves to be closed off, but does not allow both safety valves to be closed off at the same time.

Exception example 2: Two separate relief valves are installed with individual shut-off valves. The two shut-off valve stems shall be mechanically interconnected to allow the full required flow of one safety-relief valve at all times.

Exception example 3: A safety-relief valve manifold that allows one valve of two, three, four or more to be closed off and the remaining valve or valves will provide not less than the rate of discharge shown on the manifold name-plate.

(7) Safety-relief valves shall have direct communication with the vapor space of the container.

(8) Each safety-relief valve used with systems described in WAC 296-306A-400 shall be plainly and permanently marked as follows:

- (a) With the letters "AA" or the symbol NH3.
- (b) The pressure in pounds per square inch gauge (psig) at which the valve is set to start to discharge.
- (c) The rate of discharge of the valve in cubic feet per minute of air at 60°F and atmospheric pressure (14.7 psia).
- (d) The manufacturer's name and catalog number.

For example: A safety-relief valve marked AA-250-4200 (air) mean the valve is suitable for use on an anhydrous ammonia container; that it is set to start to discharge at 250 psig; and that its rate of discharge is 4,200 cubic feet per minute of air.

(9) No connection to the safety-relief valve shall restrict the flow capacity on either the upstream or downstream side.

(10) The manufacturer or supplier of a safety-relief valve manifold shall publish complete data showing the flow rating through the combined assembly of the manifold with safety-relief valves installed. The manifold flow rating shall be determined by testing the manifold with all but one valve discharging. The flow rate shall be determined by the restricted opening or openings or those having the lowest flow. The valve shall be marked as required in subsection (7) of this section.

(11) A hydrostatic relief valve shall be installed between each pair of valves in the liquid ammonia piping or hose where liquid may be trapped to release into the atmosphere at a safe location.

(12) Discharge from safety-relief devices shall not terminate in or beneath any building.

**NEW SECTION**

**WAC 296-306A-40027 What emergency precautions are required when handling anhydrous ammonia?** (1) You must train employees required to handle ammonia in the safe operating practices and the proper action to take in an emergency. Employees shall be instructed to use the equipment listed in subsection (3) of this section in an emergency.

(2) If ammonia system leaks, the employees trained for and designated to act in emergencies shall:

- (a) See that anyone not required to deal with an emergency is evacuated from the contaminated area.
- (b) Put on a suitable gas mask.
- (c) Wear gauntlet type plastic or rubber gloves and wear plastic or rubber suits in heavily contaminated atmospheres.
- (d) Shut off the appropriate valves.

(3) All storage systems shall have on hand at least the following equipment for emergency and rescue purposes:

- (a) \*One full face gas mask with anhydrous ammonia refill canisters.
- (b) \*\*One pair of protective gloves.
- (c) \*\*One pair of protective boots.
- (d) \*\*One protective slicker and/or protective pants and jacket.
- (e) Easily accessible shower and/or at least 50 gallons of clean water in an open top container.
- (f) Tight-fitting vented goggles or one full face shield.

PROPOSED

\*An ammonia canister is effective for short periods of time in light concentrations of ammonia vapor, generally fifteen minutes in concentrations of 3% and will not protect breathing in heavier concentrations. If ammonia vapors are detected when mask is applied, the concentration is too high for safety. The life of a canister in service is controlled by the percentage of vapors to which it is exposed. Canisters must not be opened until ready for use and should be discarded after use. Unopened canisters may be guaranteed for as long as three years and all should be dated when received. In addition, an independently supplied air mask of the type used by fire departments may be used for severe emergencies.

\*\*Gloves, boots, slickers, jackets, and pants shall be made of rubber or other material impervious to ammonia.

(4) Where several persons are usually present, additional safety equipment may be necessary.

(5) Each tank motor vehicle transporting anhydrous ammonia, except farm applicator vehicles, shall carry a container of at least five gallons of water and shall be equipped with a full face gas mask, a pair of tight-fitting goggles or one full face shield. The driver shall be instructed in their use and the proper action to take to provide for the driver's safety.

(6) If a leak occurs in transportation equipment and it is impractical to stop the leak, the driver should move the vehicle to an isolated location.

(7) If liquid ammonia contacts the skin or eyes, the affected area should be promptly and thoroughly flushed with water. Do not use neutralizing solutions or ointments on affected areas. A physician shall treat all cases of eye exposure to liquid ammonia.

**NEW SECTION**

**WAC 296-306A-40029 What requirements apply to filling densities?** Filling density means the percent ratio of the weight of the gas in a container to the weight of water at 60°F that the container will hold. One pound of water equals 27.737 cubic inches at 60°F. To determine the weight capacity of the tank in pounds, the weight of a gallon (231 cubic inches) of water at 60°F in air shall be 8.32828 pounds.

(1) The filling densities for nonrefrigerated containers shall not exceed the following:

	Aboveground	Underground
(i) Uninsulated	56%	58%
(ii) Insulated	57%	
(iii) DOT containers shall be filled according to DOT regulations.		

This corresponds to 82% by volume at -28°F, 85% by volume at 5°F, 87.5% by volume at 30°F, and 90.6% by volume at 60°F.

(2) When containers are filled according to liquid level by any gauging method other than a fixed length dip tube gauge, each container should have a thermometer well so that the internal liquid temperature can be easily determined and the amount of liquid and vapor in the container corrected to a 60°F basis.

**NEW SECTION**

**WAC 296-306A-40031 What requirements apply to the transfer of liquids?** (1) Anhydrous ammonia shall always be at a temperature suitable for the material of construction and design of the receiving containers. Ordinary steels are not suitable for refrigerated ammonia. See Appendix R of API Standard 620 "Recommended Rules for Design and Construction of Large Welded Low-Pressure Storage Tanks" for materials for low temperature service.

(2) At least one attendant shall supervise the transfer of liquids from the time the connections are first made until they are finally disconnected.

(3) Flammable gases or gases that will react with ammonia (such as air) shall not be used to unload tank cars or transport trucks.

(4) Containers shall be charged or used only on authorization of the owner.

(5) Containers shall be gauged and charged only in the open atmosphere or in buildings approved for that purpose.

(6) Pumps used for transferring ammonia shall be recommended and labeled for ammonia service by the manufacturer.

(a) Pumps shall be designed for at least 250 psig working pressure.

(b) Positive displacement pumps shall have installed, off the discharge port, a constant differential relief valve discharging into the suction port of the pump through a line large enough to carry the full capacity of the pump at relief valve setting. The setting and installation shall be according to the pump manufacturer's recommendations.

(c) On the discharge side of the pump, before the relief valve line, there shall be a pressure gauge graduated from 0 to 400 psig installed.

(d) Plant piping shall contain shut-off valves located as close as practical to pump connections.

(7) Compressors used for transferring or refrigerating ammonia shall be recommended and labeled for ammonia service by the manufacturer.

(a) Compressors, except those used for refrigeration, shall be designed for at least 250 psig working pressure. Crank cases of compressors not designed to withstand system pressure shall be protected with a suitable safety-relief valve.

(b) Plant piping shall have shut-off valves located as close as practical to compressor connections.

(c) A safety-relief valve large enough to discharge the full capacity of the compressor shall be connected to the discharge before any shut-off valve.

(d) Compressors shall have pressure gauges at suction and discharge graduated to at least one and one-half times the maximum pressure that can develop.

(e) Adequate means, such as drainable liquid trap, may be provided on the compressor suction to minimize the entry of liquid into the compressor.

(f) Where necessary to prevent contamination, an oil separator shall be provided on the discharge side of the compressor.

(8) Loading and unloading systems shall be protected by suitable devices to prevent emptying of the storage container or the container being loaded or unloaded if the hose is cut. Backflow check valves or properly sized excess flow valves

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shall be installed where necessary to provide this protection. In the event that valves are not practical, remotely operated shut-off valves may be installed.

(9) Meters used to measure liquid anhydrous ammonia shall be recommended and labeled for ammonia service by the manufacturer.

(a) Liquid meters shall be designed for a minimum working pressure of 250 psig.

(b) The metering system shall incorporate devices that will prevent the inadvertent measurement of vapor.

#### NEW SECTION

**WAC 296-306A-40033 What requirements apply to tank car unloading points and operations?** (1) Provisions for unloading tank cars shall meet DOT requirements.

(2) Unloading operations shall be performed by reliable employees who are properly instructed and responsible for careful compliance with all procedures.

(3) Caution signs shall be placed on the track or car to give necessary warning to anyone approaching car from the open end of the siding. The signs shall be left up until after car is unloaded and disconnected from discharge connections. Signs shall be of metal or other suitable material, at least 12 by 15 inches, and bear the words "STOP—Tank car connected" or "STOP—Men at work." The word "STOP" shall be in letters at least four inches high and the other words in letters at least two inches high. The letters shall be white on a blue background.

(4) The track of a tank car siding shall be substantially level.

(5) Brakes shall be set and wheels blocked on all cars being unloaded.

(6) Tank cars of anhydrous ammonia shall be unloaded only at approved locations meeting the requirements of WAC 296-306A-40025(4) and 296-306A-40031(8).

#### NEW SECTION

**WAC 296-306A-40035 What requirements apply to the liquid-level gauging device?** (1) Each container except those filled by weight shall be equipped with an approved liquid-level gauging device.

(2) All gauging devices shall be arranged so that the maximum liquid level to which the container is filled is easily determined.

(3) Gauging devices that require bleeding of the product to the atmosphere such as the rotary tube, fixed tube, and slip tube devices, shall be designed so that the maximum opening of the bleed valve is a maximum of No. 54 drill size unless provided with an excess flow valve.

(4) Gauging devices shall have a design pressure equal to or greater than the design pressure of the container on which they are installed.

(5) Fixed liquid-level gauges shall be designed so that the maximum volume of the container filled by liquid is a maximum of 85% of its water capacity. The coupling into which the fixed liquid-level gauge is threaded must be placed at the 85% level of the container. If located elsewhere, the dip tube of this gauge must be installed so that it cannot be readily removed.

Note: This does not apply to refrigerated storage.

(6) Columnar gauge glasses shall be restricted to stationary storage installation. They shall be equipped with shut-off valves having metallic hand wheels, excess flow valves, and extra heavy glass adequately protected by a metal housing applied by the gauge manufacturer. They shall be shielded against the direct rays of the sun.

#### NEW SECTION

**WAC 296-306A-40037 How should aboveground uninsulated containers be maintained?** Aboveground uninsulated containers should have a reflective surface maintained in good condition. We recommend white for painted surfaces, but other light reflecting colors are acceptable.

#### NEW SECTION

**WAC 296-306A-40039 What requirements apply to electrical equipment and wiring?** (1) Electrical equipment and wiring for use in ammonia installations shall be general purpose or weather resistant as appropriate.

(2) Where concentrations of ammonia in the air in excess of 16% by volume are likely to be encountered, electrical equipment and wiring shall be specified by and installed according to chapter 296-306A WAC Part T, for Class I, Group D locations.

### **PART U-2 HAZARDOUS MATERIALS—LIQUIFIED PETROLEUM GAS**

#### NEW SECTION

**WAC 296-306A-410 Storage and handling of liquefied petroleum gases.**

#### NEW SECTION

**WAC 296-306A-41001 What does this part cover?** Chapter 296-306A WAC Part U2 covers the storage and handling of liquefied petroleum gases.

The requirements of WAC 296-306A-410 apply to all LP-gas installations covered by this part, unless otherwise indicated.

#### NEW SECTION

**WAC 296-306A-41003 Which LP-gas installations are not covered by this part?** (1) This part does not apply to:

- (a) LP-gas refrigerated storage systems;
- (b) LP-gas when used with oxygen;
- (c) LP-gas when used in utility gas plants (covered by the National Fire Protection Association Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants, NFPA No. 59-1968);
- (d) Low-pressure (less than 1/2 pound per square inch or 14 inches water column) LP-gas piping systems, and the installation and operation of residential and commercial appliances supplied through such systems. The National Fire Protection Association Standard for the Installation of Gas Appliances and Gas Piping, NFPA 54-1969 apply to these systems.

(2) Unless otherwise stated, these sections are not retroactive.

(3) LP-gas installations, equipment, and appliances that met the requirements of the National Fire Protection Association Standard for the Storage and Handling of Liquefied Petroleum Gases NFPA No. 58-1972, 1973 at the time of manufacture or installation may be used if they do not create a hazard to employees.

#### NEW SECTION

**WAC 296-306A-41005 What definitions apply to this section?** "API-ASME (or ASME) container" means a container constructed according to the *Rules for Construction of Unfired Pressure Vessels, section VIII, Division 1, American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, 1968 edition.*

"Adequate ventilation," for fire prevention during normal operation, means the concentration of the gas in a gas-air mixture does not exceed 25% of the lower flammable limit.

"Container assembly" means an assembly of the container and fittings for all container openings, including shut-off valves, excess flow valves, liquid-level gauging devices, safety-relief devices, and protective housing.

"Containers" means all vessels, such as tanks, cylinders, or drums, used to transport or store LP-gases.

"DOT" means the federal Department of Transportation.

"DOT container" means a container that meets DOT regulations.

"DOT cylinder" means a cylinder that meets DOT regulations.

"DOT regulations/requirements/specifications" means the DOT regulations of 49 CFR part 178.

"Liquefied petroleum gases" and "LP-gas" means any material that is composed mostly of any of the following: Hydrocarbons, or mixtures of them; propane; propylene; butanes (normal butane or iso-butane); and butylenes.

"Movable fuel storage tenders or farm carts" means wheeled containers of less than 1,200 gallons water capacity that may be towed. They are nonhighway vehicles, but may occasionally be moved over public roads. They are used as a fuel supply for farm tractors, construction machinery, and similar equipment.

"PSIA" pounds per square inch absolute.

"PSIG" means pounds per square inch gauge.

"Systems" means an assembly of the container or containers, major devices such as vaporizers, safety-relief valves, excess flow valves, regulators, and piping connecting such parts.

"Vaporizer-burner" means an integral vaporizer-burner unit, dependent upon the heat generated by the burner to vaporize the liquid used for dehydrators or dryers.

#### NEW SECTION

**WAC 296-306A-41007 When must LP-gas be odorized?** (1) All LP-gas shall be odorized by an approved agent to indicate by distinct odor, the presence of gas down to concentration in air of a maximum of 1/5 the lower limit of flammability.

Exception: Odorization is not required if it will create a hazard in further processing, or if it will serve no useful purpose as a warning agent.

(2) The odorization requirement may be met by using 1.0 pounds of ethyl mercaptan, 1.0 pounds of thiophene, or 1.4 pounds of amyl mercaptan per ten thousand gallons of LP-gas. You may use any odorant and quantity that meets the requirements of this section.

#### NEW SECTION

**WAC 296-306A-41009 What requirements apply to "approved" systems?** (1) Each system of DOT containers shall have approved container valves, connectors, manifold valve assemblies, and regulators.

(2) Each system for domestic or commercial use using non-DOT containers of 2,000 gallons or less water capacity, shall consist of a container assembly and one or more regulators, and may include other parts. The entire system, or the container assembly with the regulators, shall be individually listed by a nationally recognized testing laboratory.

(3) In systems using containers of over 2,000 gallons water capacity, each regulator, container, valve, excess flow valve, gauging device, and relief valve installed on or at the container, shall be listed by a nationally recognized testing laboratory.

(4) All DOT containers shall be constructed, tested, and stamped according to the DOT specifications effective at the date of their manufacture.

#### NEW SECTION

**WAC 296-306A-41011 What construction and test requirements must containers meet?** (1) Containers shall be designed, constructed, and tested according to the *Rules for Construction of Unfired Pressure Vessels, section VIII, Division 1, American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, 1968 edition, unless otherwise specified.*

(2) Containers constructed according to the 1949 and earlier editions of the ASME Code are exempt from U-2 through U-10 and U-19 of the code. Containers constructed according to U-70 in the 1949 and earlier editions do not meet the requirements of this section.

(3) Containers designed, constructed, and tested prior to July 1, 1961, according to the *Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1951 edition with 1954 Addenda, of the American Petroleum Institute and the American Society of Mechanical Engineers* shall be considered in compliance. Containers constructed according to API-ASME Code do not have to comply with section I or with the appendix to section I. W-601 through W-606 in the 1943 and earlier editions do not apply.

#### NEW SECTION

**WAC 296-306A-41013 How may containers be welded?** (1) Welding to the shell, head, or any other part of the container subject to internal pressure, must meet the requirements of the code under which the tank was fabricated. You may weld on saddle plates, lugs, or brackets attached to the container by the tank manufacturer.

(2) When you must repair or modify DOT containers by welding, you must return the container to a qualified manufacturer making containers of the same type who will make the repair or modification according to DOT regulations.

- LP-gas fueled industrial trucks that meet the requirements of WAC 296-306A-42525.
- LP-gas fueled vehicles garaged according to WAC 296-306A-42527.
- Containers awaiting use or resale when stored according to WAC 296-306A-430.

**NEW SECTION**

**WAC 296-306A-41015 How must containers be marked?** (1) All containers not marked according to DOT regulations shall be marked as follows:

(a) With indication that the container meets the requirements of the code under which it is constructed, and any other marks required by that code.

(b) With indication whether the container is designed for underground or aboveground installation or both. If intended for both and different style hoods are provided, the marking shall indicate the proper hood for each type of installation.

(c) With the name and address of the supplier of the container, or with the trade name of the container.

(d) With the water capacity of the container in pounds or gallons, United States standard.

(e) With the pressure in psig, for which the container is designed.

(f) With the wording "this container shall not contain a product having a vapor pressure in excess of \_\_ psig at 100°F."

(g) With the tare weight in pounds or other identified unit of weight for containers with a water capacity of three hundred pounds or less.

(h) With indication of the maximum fill level for liquid at temperatures between 20°F and 130°F. Markings shall be in increments of not more than 20°F. This marking may be located on the liquid level gauging device.

Exception: Containers provided with fixed maximum level indicators or which are filled by weighing are exempt from this requirement.

(i) With the outside surface area in square feet.

(2) The markings shall be on a metal nameplate attached to the container so that it is visible after the container is installed.

(3) When LP-gas and one or more other gases are stored or used in the same area, the containers shall be marked to identify their content. Marking shall be according to American National Standard Z48.1-1954, "Method of Marking Portable Compressed Gas Containers to Identify the Material Contained."

**NEW SECTION**

**WAC 296-306A-41017 Where must containers and regulating equipment be located?** (1) Containers, and first stage regulating equipment if used, shall be located outside of buildings.

Exception: Containers may be located indoors under any of the following conditions:

- In buildings used exclusively for container charging, vaporization pressure reduction, gas mixing, gas manufacturing, or distribution.
- When portable use is necessary and meets the requirements of WAC 296-306A-41509
- LP-gas fueled stationary or portable engines that meet the requirements of WAC 296-306A-42521 or 296-306A-42523.

(2) Each individual container shall be located away from the nearest important building, group of buildings, or line of adjoining property that may be built on according to Table U-1.

**TABLE U-1**  
Minimum distances

Water capacity per container	Containers		Between above-ground containers
	Underground	Aboveground	
Less than 125 gals <sup>1</sup>	10 feet	None	None
125-250 gals	10 feet	10 feet	None
251-500 gals	10 feet	10 feet	3 feet
501-2,000 gals	25 feet <sup>2</sup>	25 feet <sup>2</sup>	3 feet
2,001-30,000 gals	50 feet	50 feet	5 feet
30,001-70,000 gals	50 feet	75 feet	1/4 of sum of diameters of adjacent containers
70,001-90,000 gals	50 feet	100 feet	1/4 of sum of diameters of adjacent containers

<sup>1</sup>If the total water capacity of a multicontainer installation at a consumer site is 501 gallons or more, the minimum distance shall comply with this table, applying the aggregate capacity instead of the capacity per container. For multiple installations, installations shall be at least twenty-five feet apart. Do not apply the MINIMUM DISTANCES BETWEEN ABOVEGROUND CONTAINERS to such installations.

<sup>2</sup>Distance requirements may be reduced to at least 10 feet for a single container of 1200 gallons water capacity or less, as long as the container is at least 25 feet from any other LP-gas container of more than 125 gallons water capacity.

(3) Containers installed for use shall not be stacked one above the other.

(4) In industrial installations involving containers of 180,000 gallons total water capacity or more, where serious exposures from the container to adjacent properties are common, firewalls or other means of protection designed and constructed according to good engineering practices are required.

(5) In buildings devoted exclusively to gas manufacturing and distributing operations, the distances required by Table U-1 may be reduced as long as no containers of more than 500 gallons water capacity are located closer than ten feet to gas manufacturing and distributing buildings.

(6) You must remove readily ignitable material such as weeds and long dry grass within ten feet of any container.

(7) The minimum separation between LP-gas containers and flammable liquid tanks shall be twenty feet; the minimum separation between a container and the centerline of the dike shall be ten feet.

Exception: This does not apply when LP-gas containers of 125 gallons or less capacity are installed adjacent to Class III flammable liquid tanks of 275 gallons or less capacity.

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(8) You must take precautions to prevent the accumulation of flammable liquids under adjacent LP-gas containers, such as by diking, diversion curbs, or grading.

(9) When dikes are used with flammable liquid tanks, no LP-gas containers shall be located within the diked area.

**NEW SECTION**

**WAC 296-306A-41019 What requirements apply to valves and accessories?** (1) Valves, fittings, and accessories connected directly to the container including primary shut-off valves, shall have a rated working pressure of at least 250 psig and shall be of material and design suitable for LP-gas service. The use of cast iron for container valves, fittings, and accessories is prohibited. Container valves may be made of malleable or nodular iron.

(2) Connections to containers shall have shut-off valves located as close to the container as practical.

Exception: This does not apply to safety-relief connections, liquid level gauging devices, and plugged openings.

(3) All required excess flow valves shall close automatically at the rated flows of vapor or liquid specified by the manufacturer. The connections, lines, valves, and fittings shall have a greater capacity than the rated flow of the excess flow valve.

(4) Liquid level gauging devices that are constructed so that outward flow is a maximum of that passed by a No. 54 drill size opening may be installed without excess flow valves.

(5) Openings from container or through fittings attached directly on container to which pressure gauge connection is made, need not be equipped with shut-off or excess flow valves if such openings are restricted to not larger than No. 54 drill size opening.

(6) Required excess flow and back pressure check valves shall be located inside the container or outside where the line enters the container. When located outside, the installation shall be made to prevent any stress beyond the excess flow or back pressure check valve from causing a break between the container and the valve.

Exception: This does not apply to systems using containers with a water capacity greater than 2-1/2 pounds (nominal one pound LP-gas capacity).

(7) Excess flow valves shall be designed with a bypass that is a maximum of No. 60 drill size opening to allow equalization of pressures.

(8) Containers of more than 30 gallons water capacity and less than 2,000 gallons water capacity, filled on a volumetric basis, and manufactured after December 1, 1963, shall be equipped for filling into the vapor space.

**NEW SECTION**

**WAC 296-306A-41021 What requirements apply to piping, tubing, and fittings?** (1) Pipe shall be wrought iron or steel (black or galvanized), brass, copper, or aluminum alloy. Aluminum alloy pipe shall be at least Schedule 40 according to the specifications for Aluminum Alloy Pipe, ANSI H38.7-1969 (ASTM, B241-1969), and shall be suitably marked at each end of each length indicating compliance with ANSI specifications. Alloy 5456 is prohibited.

Exception: This does not apply to piping for LP-gas used as a motor fuel or to piping on commercial vehicles.

(2) Aluminum alloy pipe shall be protected against external corrosion whenever:

(a) It is in contact with dissimilar metals other than galvanized steel; or

(b) Its location is subject to repeated wetting by such liquids as water (except rain water), detergents, sewage, or leaking from other piping; or

(c) It passes through flooring, plaster, masonry, or insulation.

Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection.

(3) Aluminum pipe shall be three-fourths inch nominal and shall not be used for pressures exceeding 20 psig. Aluminum alloy pipe shall not be installed within six inches of the ground.

(a) Vapor piping with operating pressures not exceeding 125 psig shall be suitable for a working pressure of at least 125 psig. Pipe shall be at least Schedule 40 ASTM A-53-69, Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal.

(b) Vapor piping with operating pressures over 125 psig and all liquid piping shall be suitable for a working pressure of at least 250 psig. Pipe shall be at least Schedule 80 if joints are threaded or threaded and back welded. At least Schedule 40 (ASTM A-53-1969 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal) shall be used if joints are welded, or welded and flanged.

(4) Tubing shall be seamless copper, brass, steel, or aluminum alloy. Copper tubing shall be of Type K or L or equivalent as covered in the Specification for Seamless Copper Water Tube, ANSI H23.1-1970 (ASTM B88-1969). Aluminum alloy tubing shall be of Type A or B or equivalent as covered in Specification ASTM B210-1968 and shall be suitably marked every 18 inches indicating compliance with ASTM specifications. The minimum nominal wall thickness of copper tubing and aluminum alloy tubing shall be as specified in Table U-2 and Table U-3.

**TABLE U-2  
WALL THICKNESS OF COPPER TUBING<sup>1</sup>**

Note: The standard tube size is one-eighth-inch smaller than its nominal outside diameter.

Standard size (inches)	Nominal O.D. (inches)	Nominal wall thickness (inches)	
		Type K	Type L
1/4	0.375	0.035	0.030
3/8	0.500	0.049	0.035
1/2	0.625	0.049	0.040
5/8	0.750	0.049	0.042
3/4	0.875	0.065	0.045
1	1.125	0.065	0.050
1 1/4	1.375	0.065	0.055
1 1/2	1.625	0.072	0.060
2	2.125	0.083	0.070

<sup>1</sup>Based on data in Specification for Seamless Copper Water Tubing, ANSI H23.1-1970 (ASTM B-88-69).

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**TABLE U-3  
WALL THICKNESS OF ALUMINUM ALLOY TUBING<sup>1</sup>**

Outside diameter	Nominal wall thickness (inches)	
(inches)	Type A	Type B
3/8	0.035	0.049
1/2	0.035	0.049
5/8	0.042	0.049
3/4	0.049	0.058

<sup>1</sup>Based on data in Standard Specification for Aluminum-Alloy Drawn Seamless Coiled Tubes for Special Purpose Applications, ASTM B210-68.

(5) Aluminum alloy tubing shall be protected against external corrosion whenever:

- (a) It is in contact with dissimilar metals other than galvanized steel; or
- (b) Its location is subject to repeated wetting by liquids such as water (except rainwater), detergents, sewage, or leakage from other piping; or
- (c) It passes through flooring, plaster, masonry, or insulation.

Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection.

(6) The maximum outside diameter for aluminum alloy tubing shall be three-fourths inch and shall not be used for pressures exceeding 20 psig. Aluminum alloy tubing installed within six inches of the ground is prohibited.

(7) In systems where the gas in liquid form enters the building without pressure reduction, only heavy walled seamless brass or copper tubing with an internal diameter a maximum of 3/32 inch, and a wall thickness of at least 3/64 inch shall be used.

**Exception:** This requirement shall not apply to research and experimental laboratories, buildings or separate fire divisions of buildings used exclusively for housing internal combustion engines, and to commercial gas plants or bulk stations where containers are charged, nor to industrial vaporizer buildings, nor to buildings, structures, or equipment under construction or undergoing major renovation.

(8) Pipe joints may be screwed, flanged, welded, soldered, or brazed with a material having a melting point over 1,000°F. Joints on seamless copper, brass, steel, or aluminum alloy gas tubing shall be made by approved gas tubing fittings, or soldered or brazed with a material having a melting point over 1,000°F.

(9) For operating pressures of 125 psig or less, fittings shall be designed for a pressure of at least 125 psig. For operating pressures above 125 psig, fittings shall be designed for a minimum of 250 psig.

(10) Threaded cast iron pipe fittings are prohibited. Aluminum alloy fittings shall be used with aluminum alloy pipe and tubing. Insulated fittings shall be used where aluminum alloy pipe or tubing connects with a dissimilar metal. You may use malleable, nodular, or higher strength gray iron for fittings.

**Note:** Strainers, regulators, meters, compressors, pumps, etc., are not to be considered as pipe fittings.

(11) All materials such as valve seats, packing, gaskets, diaphragms, etc., shall be of a quality resistant to the action of LP-gas under the service conditions to which they are subjected.

(12) All piping, tubing, or hose shall be tested after assembly and proved free from leaks at least normal operating pressures. After installation, piping and tubing of all domestic and commercial systems shall be tested and proved free of leaks using a manometer or equivalent device that will indicate a drop in pressure. Test made by flame is prohibited.

(13) You must ensure that piping allows for expansion, contraction, jarring, and vibration, and settling. You may use flexible connections.

(14) Piping outside buildings may be buried, above-ground, or both, but shall be well supported and protected against physical damage. Where soil conditions warrant, all piping shall be protected against corrosion. Where condensation may occur, the piping shall be pitched back to the container, or you must provide a means for revaporization of the condensate.

**NEW SECTION**

**WAC 296-306A-41023 What specifications must hoses meet?** (1) Hose shall be fabricated of materials that are resistant to the action of LP-gas in the liquid and vapor phases. If wire braid is used for reinforcing the hose, it shall be of corrosion-resistant material such as stainless steel.

(2) Hose subject to container pressure shall be marked "LP-gas" or "LPG" at not greater than ten-foot intervals.

(3) Hose subject to container pressure shall be designed for a bursting pressure of not less than 1,250 psig.

(4) Hose subject to container pressure must be listed by a nationally recognized testing laboratory.

(5) Hose connections subject to container pressure shall be able to withstand, without leaking, a test pressure of not less than 500 psig.

(6) Hose and hose connections on the low-pressure side of the regulator or reducing valve shall be designed for a bursting pressure of not less than 125 psig or five times the set pressure of the relief devices protecting that portion of the system, whichever is higher.

(7) Hose may be used on the low-pressure side of regulators to connect to other than domestic and commercial gas appliances under the following conditions:

(a) The appliances connected with hose are portable and need a flexible connection.

(b) For use inside buildings, the hose is of minimum practical length, but is a maximum of six feet. Hose shall not extend from one room to another, nor pass through any walls, partitions, ceilings, or floors. Such hose shall not be concealed from view or used in a concealed location.

**Exception:** For use outside of buildings, the hose may exceed this length but shall be kept as short as practical.

(c) The hose shall be approved and shall not be used where it may be exposed to temperatures above 125°F. The hose shall be securely connected to the appliance. Rubber slip ends are prohibited.

(d) The shut-off valve for an appliance connected by hose shall be in the metal pipe or tubing and not at the appliance end of the hose. When shut-off valves are installed close to each other, precautions shall be taken to prevent operation of the wrong valve.

(e) Hose used for connecting to wall outlets shall be protected from physical damage.

PROPOSED

**NEW SECTION**

**WAC 296-306A-41025 What requirements apply to safety devices?** (1) Every container except those constructed according to DOT specifications and every vaporizer (except motor fuel vaporizers and vaporizers described in WAC 296-306A-41029(3) and 296-306A-42007 (6)(a) whether heated by artificial means or not, shall be provided with one or more safety-relief valves of spring-loaded or equivalent type. These valves shall be arranged to afford free vent to the outer air with discharge not less than five feet horizontally away from any opening into the building that is below such discharge. The rate of discharge shall be according to the requirements of subsection (2) or (4) of this section.

(2) Minimum required rate of discharge in cubic feet per minute of air at one hundred twenty percent of the maximum permitted start to discharge pressure for safety-relief valves to be used on containers other than those constructed according to DOT specification shall be as follows:

Surface area sq. ft.	Flow rate CFM air	Surface area sq. ft.	Flow rate CFM air	Surface area sq. ft.	Flow rate CFM air
20 or less	626	170	3,620	550	9,470
25	751	175	3,700	600	10,170
30	872	180	3,790	650	10,860
35	990	185	3,880	700	11,550
40	1,100	190	3,960	750	12,220
45	1,220	195	4,050	850	13,540
50	1,330	200	4,130	900	14,190
55	1,430	210	4,300	950	14,830
60	1,540	220	4,470	1,000	15,470
65	1,640	230	4,630	1,050	16,100
70	1,750	240	4,800	1,100	16,720
75	1,850	250	4,960	1,150	17,350
80	1,950	260	5,130	1,200	17,960
85	2,050	270	5,290	1,250	18,570
90	2,150	280	5,450	1,300	19,180
95	2,240	290	5,610	1,350	19,780
100	2,340	300	5,760	1,400	20,380
105	2,440	310	5,920	1,450	20,980
110	2,530	320	6,080	1,500	21,570
115	2,630	330	6,230	1,550	22,160
120	2,720	340	6,390	1,600	22,740
125	2,810	350	6,540	1,650	23,320
130	2,900	360	6,690	1,700	23,900
135	2,990	370	6,840	1,750	24,470
140	3,080	380	7,000	1,800	25,050
145	3,170	390	7,150	1,850	25,620
150	3,260	400	7,300	1,900	26,180
155	3,350	450	8,040	1,950	26,750
160	3,440	500	8,760	2,000	27,310
165	3,530				

Surface area = total outside surface area of container in square feet.

(3) When the surface area is not stamped on the name plate or when the marking is not legible, calculate the area with one of the following formulas:

- Hemispherical heads: Area = (overall length) X (outside diameter) X 3.1416.

- Other than hemispherical heads: Area = (overall length) + 0.3 (outside diameter) X (outside diameter) X 3.1416.

Note: This formula is not exact, but will give results within the limits of practical accuracy for the sole purpose of sizing relief valves.

- Spherical container: Area = (outside diameter)<sup>2</sup> X 3.1416.

- Flow rate: CFM air = required flow capacity in cubic feet per minute of air at standard conditions, 60°F and atmospheric pressure (14.7 psia).

For containers with total outside surface area greater than 2,000 sq. ft., the formula is: Flow rate CFM air = 53.632 A<sup>0.82</sup> where A = outside surface area of the container in square feet.

Valves not marked "air" have flow rate marking in cubic feet per minute of LP-gas. These can be converted to ratings in cubic feet per minute of air by multiplying the LP-gas ratings by factors listed below. Air flow ratings can be converted to ratings in cubic feet per minute of LP-gas by dividing the air ratings by the factors listed below.

**AIR CONVERSION FACTORS**

Container type	100	125	150	175	200
Air conversion factor	1.162	1.142	1.113	1.078	1.010

(4) The minimum required rate of discharge for safety-relief valves for LP-gas vaporizers (steam heated, water heated, and direct fired) shall be determined as follows:

(a) Obtain the total surface area by adding the surface area of vaporizer shell in square feet directly in contact with LP-gas and the heat exchanged surface area in square feet directly in contact with LP-gas.

(b) Obtain the minimum required rate of discharge in cubic feet of air per minute, at 60°F and 14.7 psia from subsection (2) of this section, for this total surface area.

(5) Container and vaporizer safety-relief valves shall be set to start to discharge, with relation to the design pressure of the container, according to the following:

Containers	Minimum (percent)	Maximum (percent)
ASME Code; Par. U-68, U-69—1949 and earlier editions	110	*125
ASME Code; Par. U-200, U-201—1949 edition	88	*100
ASME Code—1950, 1952, 1956, 1959, 1962, 1965 and 1968 (Division I) editions	88	*100
API—ASME Code—all editions	88	*100
DOT	As prescribed in 49 CFR Chapter I	

\* Manufacturers of safety-relief valves are allowed a plus tolerance not exceeding 10% of the set pressure marked on the valve.

(6) Safety-relief devices used with systems employing non-DOT containers shall be constructed to discharge at not less than the rates shown in subsection (2) of this section, before the pressure is in excess of 120% of the maximum (not including the 10% referred to in subsection (5) of this section) permitted start-to-discharge pressure setting of the device.

(7) In high temperature areas, you must use a lower vapor pressure product or a higher designed pressure vessel to prevent the safety valves from opening. The tanks may be protected by cooling devices such as spraying, shading, or other means.

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(8) Safety-relief valves shall be arranged to minimize tampering. For external pressure setting or adjustment, the relief valves shall have an approved sealable adjustment.

(9) Shut-off valves are prohibited between safety-relief devices and the container, equipment, or piping.

Exception: A shut-off valve may be used where the arrangement of the valve allows the required capacity flow through the safety-relief device.

(10) Safety-relief valves shall have direct communication with the vapor space of the container.

(11) Each safety-relief valve shall be plainly and permanently marked with the following:

(a) Container type of the pressure vessel on which the valve is designed to be installed;

(b) The pressure in psig at which the valve is set to discharge;

(c) The actual rate of discharge of the valve in cubic feet per minute of air at 60°F and 14.7 psia; and

(d) The manufacturer's name and catalog number.

For example: T200-250-4050 AIR: Indicates that the valve is suitable for use on a Type 200 container, that it is set to start to discharge at 250 psig; and that its rate of discharge is 4,050 cubic feet per minute of air.

(12) Safety-relief valve assemblies and their connections shall be large enough to provide the required rate of flow for the container on which they are installed.

(13) A hydrostatic relief valve shall be installed between each pair of shut-off valves on LP-gas liquid piping. The start-to-discharge pressure setting of such relief valves shall be a maximum of 500 psig. The minimum setting on relief valves installed in piping connected to non-DOT containers shall be 140% of the container relief valve setting. For piping connected to DOT containers, the minimum shall be 400 psig. The relief valve should not be installed in the pump discharge piping if the same protection can be provided by installing the relief valve in the suction piping. The start-to-discharge pressure setting of such a relief valve, if installed on the discharge side of a pump, shall exceed the maximum pressure permitted by the recirculation device in the system.

(14) The discharge from any safety-relief device shall not terminate in or beneath any building.

Exception: This requirement does not apply to relief devices covered by WAC 296-306A-41017(1), 296-306A-41507(1) or 296-306A-41509.

(15) Container safety-relief devices and regulator relief vents shall be located at least five feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

## NEW SECTION

**WAC 296-306A-41027 How must indirect fired vaporizers be constructed and installed?** Indirect fired vaporizers utilizing steam, water, or other heating medium shall be constructed and installed according to the following:

(1) Vaporizers shall be constructed according to the requirements of WAC 296-306A-41011 and shall be permanently marked as follows:

(a) With the code marking signifying the specifications to which the vaporizer is constructed;

(b) With the allowable working pressure and temperature for which the vaporizer is designed;

(c) With the sum of the outside surface area and the inside heat exchange surface area expressed in square feet; and

(d) With the name or symbol of the manufacturer.

(2) Vaporizers with an inside diameter of six inches or less exempted by the ASME Unfired Pressure Vessel Code, Section VIII of the ASME Boiler and Pressure Vessel Code, 1968, shall have a design pressure of at least 250 psig and need not be permanently marked.

(3) Heating or cooling coils installed inside a storage container are prohibited.

(4) Vaporizers may be installed in buildings, rooms, sheds, or lean-tos used exclusively for gas manufacturing or distribution, or in other light, noncombustible structures that are well ventilated near the floor line and roof.

Exception: When vaporizing and/or mixing equipment is in a structure not used exclusively for gas manufacturing or distribution, the structure or room shall be separated from the remainder of the building. The separation shall be a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipe or conduit passing through it. Such structure or room shall be provided with adequate ventilation and shall have a roof or at least one exterior wall of lightweight construction.

(5) Vaporizers shall have, at or near the discharge, a safety-relief valve providing an effective rate of discharge according to WAC 296-306A-41025.

Exception: This requirement does not apply to non-DOT vaporizers.

(6) The heating medium lines into and out of the vaporizer shall have a mechanism to prevent the flow of gas into the heat systems in the event of tube rupture in the vaporizer. Vaporizers shall be provided with an automatic means to prevent liquid from passing through the vaporizers to the gas discharge piping.

(7) The device that supplies heat to produce steam, hot water, or other heat may be installed in a building, compartment, room, or lean-to ventilated near the floorline and roof to the outside. The device shall be separated from all compartments or rooms containing LP-gas vaporizers, pumps, and central gas mixing devices by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipes or conduit passing through it.

Exception: This requirement does not apply to the domestic water heaters that may supply heat for a vaporizer in a domestic system.

(8) Gas-fired heating systems supplying heat exclusively for vaporization shall have automatic safety devices to shut off the flow of gas to main burners, if the pilot light should fail.

(9) Vaporizers may be an integral part of a fuel storage container directly connected to the liquid section or gas section or both.

(10) Vaporizers shall not be equipped with fusible plugs.

(11) Vaporizer houses shall not have unprotected drains to sewers or sump pits.

NEW SECTION

**WAC 296-306A-41029 How must atmospheric vaporizers be constructed and installed?** Atmospheric vaporizers using heat from the ground or surrounding air shall be installed as follows:

- (1) Buried underground; or
- (2) Located inside the building near where the pipe enters the building, as long as the capacity of the unit does not exceed one quart;
- (3) Vaporizers of less than one quart capacity heated by the ground or surrounding air, may be installed without safety-relief valves as long as tests show that the assembly is safe.

NEW SECTION

**WAC 296-306A-41031 How must direct gas-fired vaporizers be constructed and installed?** Direct gas-fired vaporizers shall be constructed, marked, and installed as follows:

- (1) According to the requirements of the *American Society of Mechanical Engineers Boiler and Pressure Vessel Code*, 1968, that apply to the maximum working conditions for which the vaporizer is designed.
- (2) With the name of the manufacturer; rated Btu input to the burner; the area of the heat exchange surface in square feet; the outside surface of the vaporizer in square feet; and the maximum vaporizing capacity in gallons per hour.
- (3) Vaporizers may be connected to the liquid section or the gas section of the storage container, or both. In any case, there shall be at the container a manually operated valve in each connection that completely shuts off when desired, all flow of gas or liquid from container to vaporizer.
- (4) Vaporizers with a maximum capacity of 35 gallons per hour shall be located at least 5 feet from container shut-off valves. Vaporizers more than 35 gallon capacity but a maximum of 100 gallons per hour shall be located at least 10 feet from the container shut-off valves. Vaporizers having a capacity greater than 100 gallons per hour shall be located at least 15 feet from container shut-off valves.
- (5) Vaporizers may be installed in buildings, rooms, housings, sheds, or lean-tos used exclusively for vaporizing or mixing of LP-gas. Vaporizing housing structures shall be noncombustible, and well ventilated near the floorline and the highest point of the roof. When vaporizer and/or mixing equipment is located in a structure or room attached to or within a building, such structure or room shall be separated from the remainder of the building by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipes or conduit passing through it. Such structure or room shall be provided with adequate ventilation, and shall have a roof or at least one exterior wall of lightweight construction.
- (6) Vaporizers shall have at or near the discharge, a safety-relief valve providing an effective rate of discharge according to WAC 296-306A-41025. The relief valve shall be located where it is not subjected to temperatures over 140°F.
- (7) Vaporizers shall be provided with suitable automatic means to prevent liquid passing from the vaporizer to the gas discharge piping of the vaporizer.

(8) Vaporizers shall be provided with means for manually turning off the gas to the main burner and pilot.

(9) Vaporizers shall be equipped with automatic safety devices to shut off the flow of gas to main burners if the pilot light should fail. When the flow through the pilot exceeds 2,000 Btu per hour, the pilot also shall be equipped with an automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

(10) Pressure regulating and pressure reducing equipment located within 10 feet of a direct fired vaporizer shall be separated from the open flame by an airtight noncombustible partition.

(11) Except as provided in subsection (5) of this section, the following minimum distances shall be maintained between direct fired vaporizers and the nearest important building, group of buildings, or line of adjoining property that may be built on:

- (a) Ten feet for vaporizers with a vaporizing capacity of 15 gallons per hour or less;
- (b) Twenty-five feet for vaporizers with a vaporizing capacity of 16-100 gallons per hour;
- (c) Fifty feet for vaporizers with a vaporizing capacity over 100 gallons per hour.

(12) Direct fired vaporizers shall not raise the product pressure above the design pressure of the vaporizer equipment nor shall they raise the product pressure within the storage container above the pressure shown in the second column of Table U-8.

(13) Vaporizers shall not be provided with fusible plugs.

(14) Vaporizers shall not have unprotected drains to sewers or sump pits.

NEW SECTION

**WAC 296-306A-41033 How must direct gas-fired tank heaters be constructed and installed?** Direct gas-fired tank heaters shall be constructed and installed as follows:

- (1) Direct gas-fired tank heaters, and tanks to which they are applied, shall only be installed aboveground.
- (2) Tank heaters shall be permanently marked with the name of the manufacturer, the rated Btu input to the burner, and the maximum vaporizing capacity in gallons per hour.

Note: Tank heaters may be an integral part of a fuel storage container directly connected to the container liquid section, or vapor section, or both.

(3) Tank heaters shall be provided with a means for manually turning off the gas to the main burner and pilot.

(4) Tank heaters shall be equipped with an automatic safety device to shut off the flow of gas to main burners, if the pilot light should fail. When flow through pilot exceeds 2,000 Btu per hour, the pilot also shall be equipped with an automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

(5) Pressure regulating and pressure reducing equipment if located within ten feet of a direct fired tank heater shall be separated from the open flame by a substantially airtight noncombustible partition.

(6) The following minimum distances shall be maintained between a storage tank heated by a direct fired tank heater and the nearest important building, group of buildings, or line of adjoining property that may be built on:

- (a) Ten feet for storage containers of less than 500 gallons water capacity;
- (b) Twenty-five feet for storage containers of 500-1,200 gallons water capacity;
- (c) Fifty feet for storage containers of over 1,200 gallons water capacity.
- (7) No direct fired tank heater shall raise the product pressure within the storage container over 75% of the pressure in the second column of Table U-8.

**NEW SECTION**

**WAC 296-306A-41035 How must dehydrators be constructed and installed?** The vaporizer section of vaporizer-burners used for dehydrators or dryers shall be located outdoors; they shall be constructed and installed as follows:

- (1) Vaporizer-burners shall have a minimum design pressure of 250 psig with a factor safety of five.
- (2) Manually operated positive shut-off valves shall be located at the containers to shut off all flow to the vaporizer-burners.
- (3) Minimum distances between storage containers and vaporizer-burners shall be as follows:

Water capacity per container (gallons)	Minimum distances (feet)
Less than 501	10
501 to 2,000	25
Over 2,000	50

(4) The vaporizer section of vaporizer-burners shall be protected by a hydrostatic relief valve. The relief valve shall be located where it is not subjected to temperatures over 140°F. The start-to-discharge pressure setting shall protect the components involved, and be at least 250 psig. The discharge shall be directed upward and away from component parts of the equipment and away from operating personnel.

(5) Vaporizer-burners shall be provided with means for manually turning off the gas to the main burner and pilot.

(6) Vaporizer-burners shall be equipped with automatic safety devices to shut off the flow of gas to the main burner and pilot in the event the pilot is extinguished.

(7) Pressure regulating and control equipment shall be located or protected so that the temperatures surrounding this equipment shall not exceed 140°F.

Exception: Equipment components may be used at higher temperatures if designed to withstand such temperatures.

(8) Pressure regulating and control equipment when located downstream of the vaporizer shall be designed to withstand the maximum discharge temperature of the vapor.

(9) The vaporizer section of vaporizer-burners shall not be provided with fusible plugs.

(10) Vaporizer coils or jackets shall be made of ferrous metal or high temperature alloys.

(11) Equipment utilizing vaporizer-burners shall be equipped with automatic shut-off devices upstream and downstream of the vaporizer section connected so as to operate in the event of excessive temperature, flame failure, and, if applicable, insufficient airflow.

**NEW SECTION**

**WAC 296-306A-41037 What are the maximum filling densities?** (1) "Filling density" means the percent ratio of the weight of the gas in a container to the weight of water the container will hold at 60°F. All containers shall be filled according to the filling densities shown in Table U-4.

**TABLE U-4  
MAXIMUM PERMITTED FILLING DENSITY**

Specific Gravity at 60°F (15.6°C)	Aboveground containers		Underground containers, all capacities
	0 to 1,200 U.S. gals. (1,000 imp. gal. 4,500 liters) total water cap	0 to 1,200 U.S. gals. (1,000 imp. gal. 4,500 liters) total water cap	
	Percent	Percent	Percent
.496-.503	41	44	45
.504-.510	42	45	46
.511-.519	43	46	47
.520-.527	44	47	48
.528-.536	45	48	49
.537-.544	46	49	50
.545-.552	47	50	51
.553-.560	48	51	52
.561-.568	49	52	53
.569-.576	50	53	54
.577-.584	51	54	55
.585-.592	52	55	56
.593-.600	53	56	57

(2) Any container including mobile cargo tanks and portable tank containers regardless of size or construction, shipped under DOT jurisdiction or constructed according to DOT specifications shall be charged according to DOT requirements.

(3) Exception: Portable containers not subject to DOT jurisdiction may be filled either by weight, or by volume using a fixed length dip tube gauging device.

**NEW SECTION**

**WAC 296-306A-41039 What requirements apply to LP-gas in buildings?** (1) Vapor may be piped into buildings at pressures over 20 psig only if the buildings or separate areas thereof:

- (a) Are constructed according to this section;
- (b) Are used exclusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing, or distribution, or to house internal combustion engines, industrial processes, research and experimental laboratories, or equipment and processes using such gas and having similar hazard;
- (c) Are buildings, structures, or equipment under construction or undergoing major renovation.

(2) Liquid may be permitted in buildings as follows:

- (a) In buildings, or separate areas of buildings, used exclusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing, or distribution, or to house internal combustion engines, industrial processes, research and experimental laboratories, or equipment and

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processes using such gas and having similar hazard; and when such buildings, or separate areas are constructed according to this section.

(b) In buildings, structures, or equipment under construction or undergoing major renovation as long as the temporary piping meets the following conditions:

(i) Liquid piping inside the building meets the requirements of WAC 296-306A-41021 and is a maximum of three-fourths iron pipe size. Copper tubing with an outside diameter of 3/4 inch or less may be used as long as it meets the requirements of Type K of Specifications for Seamless Water Tube, ANSI H23.1-1970 (ASTM B88-1969). (See Table U-2.) All such piping shall be protected against construction hazards. Liquid piping inside buildings shall be kept to a minimum. Such piping shall be securely fastened to walls or other surfaces to provide adequate protection from breakage and located to subject the liquid line to the lowest ambient temperatures.

(ii) A shut-off valve shall be installed in each intermediate branch line where it takes off the main line and shall be readily accessible. A shut-off valve shall also be placed at the appliance end of the intermediate branch line. Such shut-off valve shall be upstream of any flexible connector used with the appliance.

(iii) Suitable excess flow valves shall be installed in the container outlet line supplying liquid LP-gas to the building. A suitable excess flow valve shall be installed immediately downstream of each shut-off valve. Excess flow valves shall be installed where piping size is reduced and shall be sized appropriately.

(iv) Hydrostatic relief valves shall be installed according to WAC 296-306A-41025(13).

(v) Using hose to carry liquid between the container and the building or at any point in the liquid line, except at the appliance connector, is prohibited.

(vi) Where flexible connectors are necessary for appliance installation, such connectors shall be as short as practical and shall meet the requirements of WAC 296-306A-41021(4) or 296-306A-41023.

(vii) Release of fuel when any section of piping or appliances is disconnected shall be minimized by either of the following methods:

(A) Using an approved automatic quick-closing coupling (closing in both directions when coupled in the fuel line); or

(B) Closing the valve nearest to the appliance and allowing the appliance to operate until the fuel in the line is consumed.

(viii) Portable containers shall not be taken into buildings.

Exception: Portable containers may be used as provided in WAC 296-306A-41509.

## NEW SECTION

**WAC 296-306A-41041 What requirements apply to transfer of liquids?** When transferring liquids, you must ensure that:

(1) At least one attendant remains close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of the product.

(2) Containers shall be filled or used only upon authorization of the owner.

(3) Containers manufactured according to DOT specifications authorized by DOT as a "single trip" or "nonrefillable container" shall not be refilled or reused in LP-gas service.

(4) Gas or liquid shall not be vented to the atmosphere to assist in transferring contents of one container to another, except as provided in WAC 296-306A-42509(4). A listed pump may use LP-gas in the vapor phase as a source of energy. The gas may be vented to the atmosphere at a rate not to exceed that from a No. 31 drill size opening, as long as venting and liquid transfer are located at least 50 feet from the nearest important building.

(5) Filling fuel containers for industrial trucks or motor vehicles from industrial bulk storage containers shall be performed at least ten feet from the nearest important masonry-walled building or at least twenty-five feet from the nearest important building or other construction and always at least 25 feet from any building opening.

(6) Filling portable containers, containers mounted on skids, fuel containers on farm tractors, or similar applications, from storage containers used in domestic or commercial service, shall be performed at least 50 feet from the nearest important building.

(7) The filling connection and the vent from the liquid level gauges in containers, filled at point of installation, shall be at least ten feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(8) Fuel supply containers shall be gauged and charged only in the open air or in buildings especially provided for that purpose.

(9) Marketers and users shall exercise precaution to ensure that only those gases for which the system is designed, examined, and listed, are employed in its operation, particularly with regard to pressures.

(10) Pumps or compressors shall be designed for use with LP-gas. When compressors are used they shall normally take suction from the vapor space of the container being filled and discharge to the vapor space of the container being emptied.

(11) Pumping systems, when equipped with a positive displacement pump, shall include a recirculating device that limits the differential pressure on the pump under normal operating conditions to the maximum differential pressure rating of the pump. The discharge of the pumping system shall be protected so that pressure is a maximum of 350 psig. If a recirculation system discharges into the supply tank and contains a manual shut-off valve, an adequate secondary safety recirculation system shall be incorporated that has no means of rendering it inoperative. Manual shut-off valves in recirculation systems shall be kept open except during an emergency or when repairs are being made to the system.

(12) When necessary, unloading piping or hoses shall be provided with suitable bleeder valves for relieving pressure before disconnection.

(13) Agricultural air moving equipment, including crop dryers, shall be shut down when supply containers are filling unless the air intakes and sources of ignition on the equipment are located 50 feet or more from the container.

(14) Agricultural equipment employing open flames or equipment with integral containers, such as flame cultivators, weed burners, and tractors, shall be shut down during refueling.

**NEW SECTION**

**WAC 296-306A-41043 Must workers be trained?** Workers performing installation, removal, operation, and maintenance work shall be properly trained in that function.

**NEW SECTION**

**WAC 296-306A-41045 What fire protection must be provided for LP-gas installations?** (1) Open flames or other sources of ignition shall not be permitted in vaporizer rooms (except those housing direct-fired vaporizers), pumphouses, container charging rooms or other similar locations. Direct-fired vaporizers shall not be permitted in pumphouses or container charging rooms.

Note: LP-gas storage containers do not require lightning protection. Since LP-gas is contained in a closed system of piping and equipment, the system need not be electrically conductive or electrically bonded for protection against static electricity. (See NFPA No. 77-1972-1973, Recommended Practice for Static Electricity.)

(2) Open flames (except as provided in subsection (1) of this section), cutting or welding, portable electric tools, and extension lights capable of igniting LP-gas, shall not be permitted within classified areas specified in Table U-5 unless the LP-gas facilities have been freed of all liquid and vapor, or special precautions observed under carefully controlled conditions.

**NEW SECTION**

**WAC 296-306A-41047 What electrical requirements apply to LP-gas installations?** (1) Electrical equipment and wiring shall be specified by and installed according to chapter 296-306A WAC Part T, for ordinary locations.

(2) Fixed electrical equipment and wiring installed within classified areas shall comply with Table U-5 and shall be installed according to chapter 296-306A WAC Part T.

Exception: This provision does not apply to fixed electrical equipment at residential or commercial installations of LP-gas systems, LP-gas used as a motor fuel, or to LP-gas system installations on commercial vehicles.

**TABLE U-5**

Part	Location	Extent of classified area <sup>1</sup>	Equipment shall be suitable for Class I, Group D <sup>2</sup>
A	Storage containers other than DOT cylinders	Within 15 feet in all directions from connections, except connections otherwise covered in this table	Division 2
B	Tank vehicle and tank car loading and unloading <sup>3</sup>	Within 5 feet in all directions from connections regularly made or disconnected	Division 1

for product transfer

		Beyond 5 feet but within 15 feet in all directions from a point where connections are regularly made or disconnected and within the cylindrical volume between the horizontal equator of the sphere and grade (See Figure H-1)	Division 2
C	Gauge vent openings other than those on DOT cylinders	Within 5 feet in all directions from point of discharge	Division 1
		Beyond 5 feet but within 15 feet in all directions from point of discharge	Division 2
D	Relief valve discharge other than those on DOT cylinders	Within direct path of discharge	Division 1 <i>Note: Fixed electrical equipment should not be installed</i>
		Within 5 feet in all directions from point of discharge	Division 1
		Beyond 5 feet but within 15 feet in all directions from point of discharge except within the direct path of discharge	Division 2
E	Pumps, compressors, gas-air mixers and vaporizers other than direct fired		
	Indoors without ventilation	Entire room and any adjacent room not separated by a gastight partition	Division 1
		Within 15 feet of the exterior side of any exterior wall or roof that is not vaportight or within 15 feet of any exterior opening	Division 2
	Indoors with adequate ventilation <sup>4</sup>	Entire room and any adjacent room not separated by a gastight partition	Division 2

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	Outdoors in open air at or above grade	Within 15 feet in all directions from this equipment and within the cylindrical volume between the horizontal equator of the sphere and grade (See Figure H-1)	Division 2
F	Service station dispensing units	Entire space within dispenser enclosure, and 18 inches horizontally from enclosure exterior up to an elevation 4 ft. above dispenser base. Entire pit or open space beneath dispenser	Division 1
		Up to 18 inches above grade within 20 ft. horizontally from any edge of enclosure	Division 2
		<i>Note:</i> For pits within this area, see Part F of this table	
G	Pits or trenches containing or located beneath LP-gas valves, pumps, compressors, regulators, and similar equipment		
	Without mechanical ventilation	Entire pit or trench	Division 1
		Entire room and any adjacent room not separated by a gastight partition	Division 2
		Within 15 feet in all directions from pit or trench when located outdoors	Division 2
	With adequate mechanical ventilation	Entire pit or trench	Division 2
		Entire room and any adjacent room not separated by a gastight partition	Division 2
		Within 15 feet in all directions from pit or trench when located outdoors	Division 2

H	Special buildings or rooms for storage of portable containers	Entire room	Division 2
I	Pipelines and connections containing operational bleeds, drips, vents or drains	Within 5 ft. in all directions from point of discharge	Division 1
		Beyond 5 ft. from point of discharge, same as Part E of this table	
J	Container filling		
	Indoors without ventilation	Entire room	Division 1
	Indoors with adequate ventilation <sup>4</sup>	Within 5 feet in all directions from connections regularly made or disconnected for product transfer	Division 1
		Beyond 5 feet and entire room	Division 2
	Outdoors in open air	Within 5 feet in all directions from connections regularly made or disconnected for product transfer	Division 1
		Beyond 5 feet but within 15 feet in all directions from a point where connections are regularly made or disconnected and within the cylindrical volume between the horizontal equator of the sphere and grade (See Fig. H-1.)	Division 2

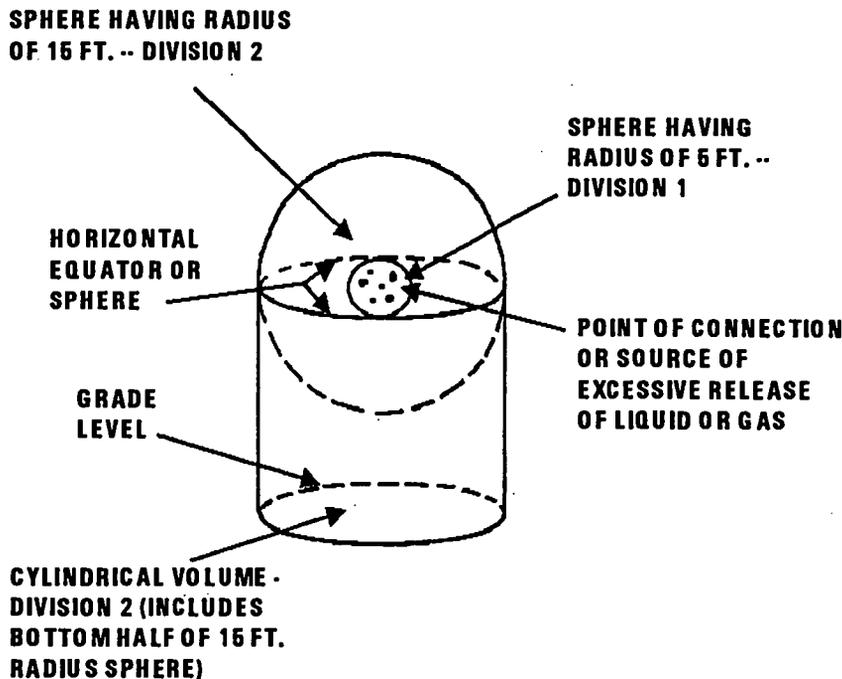
<sup>1</sup>The classified area shall not extend beyond an unpierced wall, roof, or solid vaportight partition.

<sup>2</sup>See chapter 296-46 WAC, and chapter 296-306A WAC Part T.

<sup>3</sup>When classifying extent of hazardous area, consideration shall be given to possible variations in the spotting of tank cars and tank vehicles at the unloading points and the effect these variations of actual spotting point may have on the point of connection.

<sup>4</sup>Ventilation, either natural or mechanical, is considered adequate when the concentration of the gas in a gas-air mixture does not exceed twenty-five percent of the lower flammable limit under normal operating conditions.

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**NEW SECTION**

**WAC 296-306A-41049 What requirements apply to liquid-level gauging devices?** (1) Each container manufactured after December 31, 1965, and filled on a volumetric basis shall be equipped with a fixed liquid-level gauge to indicate the maximum permitted filling level according to subsection (5) of this section. Each container manufactured after December 31, 1969, shall have permanently attached to the container adjacent to the fixed level gauge a marking showing the percentage full that will be shown by that gauge. When used with a variable liquid-level gauge, the fixed liquid-level gauge will act as a check on the variable gauge. Gauges shall be used in charging containers as required in WAC 296-306A-41034.

(2) All variable gauging devices shall be arranged so that the maximum liquid level for butane, for a 50/50 mixture of butane and propane, and for propane, to which the container may be charged, is easily determined. Liquid levels from empty to full shall be marked on the system nameplate or gauging device. Dials of magnetic or rotary gauges shall show whether they are for cylindrical or spherical containers and whether for aboveground or underground service. The dials of gauges for aboveground containers of over 1,200 gallons water capacity shall be so marked.

(3) Gauging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube, and slip tube, shall be designed so that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with excess flow valve.

(4) Gauging devices shall have a design working pressure of at least 250 psig.

(5) Length of tube or position of fixed liquid-level gauge shall be designed to indicate the maximum level to

which the container may be filled for the product contained. This level shall be based on the volume of the product at 40°F at its maximum permitted filling density for above-ground containers and at 50°F for underground containers. You must calculate the filling point for which the fixed liquid level gauge shall be designed according to this section.

**Note:** It is impossible to set out in a table the length of a fixed dip tube for various tank capacities because of the various tank diameters and lengths, and because the tank may be installed either vertically or horizontally. If you know the maximum permitted filling volume in gallons, however, you can determine the length of the fixed tube by using a strapping table from the container manufacturer.

The fixed tube should be long enough so that when its lower end touches the surface of the liquid in the container, the contents of the container will be the maximum permitted volume as determined by the following formula:

$$\frac{\text{Water capacity of container}^1 \text{ (gals.)}}{\text{X filling density}^2} = \frac{\text{Maximum volume of LP-gas}}{\text{Specific gravity of LP-gas}^1 \times \text{volume correction factor}^3 \times 100}$$

<sup>1</sup>Measure at 60°F.

<sup>2</sup>From WAC 296-306A-41037(1).

<sup>3</sup>For aboveground containers the liquid temperature is assumed to be 40°F and for underground containers the liquid temperature is assumed to be 50°F. To correct the liquid volumes at these temperatures to 60°F, use the following factors:

(a) To determine maximum volume of LP-gas for which a fixed length of dip tube shall be set:

**TABLE U-6  
VOLUME CORRECTION FACTORS**

Specific gravity	Aboveground	Underground
0.500	1.033	1.017
.510	1.031	1.016

.520	1.029	1.015
.530	1.028	1.014
.540	1.026	1.013
.550	1.025	1.013
.560	1.024	1.012
.570	1.023	1.011
.580	1.021	1.011
.590	1.020	1.010

(b) To calculate the maximum volume of LP-gas that can be placed in a container when determining the length of the dip tube expressed as a percentage of total water content of the container, use the formula in (c) of this subsection.

(c) Determine the maximum weight of LP-gas that may be placed in a container for determining the length of a fixed dip tube by multiplying the maximum volume of LP-gas from Table U-6 by the pounds of LP-gas in a gallon at 40°F for aboveground and at 50°F for underground containers. Typical pounds per gallon are specified below:

Example: Assume a one hundred gallon total water capacity tank for aboveground storage of propane having a specific gravity of 0.510 of 60°F.

$$\frac{100 \text{ (gals.)} \times 42 \text{ (filling density)}}{0.510 \times 1.031 \text{ (correction factor from Table U-6)} \times 100} = \frac{4200}{52.6}$$

$$\frac{4200}{52.6} = 79.8 \text{ gallons propane, the maximum amount permitted to be placed in a 100-gallon total water capacity aboveground container equipped with a fixed dip tube.}$$

$$\frac{\text{Maximum volume of LP-gas (from formula in (a) of this subsection)} \times 100}{\text{Total water content of container in gallons}} = \text{Maximum percent of LP-gas}$$

	Aboveground, pounds per gallon	Underground, pounds per gallon
Propane	4.37	4.31
N Butane	4.97	4.92

(6) Fixed liquid-level gauges used on non-DOT containers shall be stamped on the exterior of the gauge with the letters DT followed by the vertical distance (expressed in inches and carried out to one decimal place) from the top of container to the end of the dip tube or to the centerline of the gauge when located at the maximum permitted filling level. For portable containers that may be filled in the horizontal and/or vertical position the letters DT shall be followed by V with the vertical distance from the top of the container to the end of the dip tube for vertical filling, and with H followed by the proper distance for horizontal filling. For DOT containers the stamping shall be placed both on the exterior of the gauge and on the container. On aboveground or cargo containers where the gauges are positioned at specific levels, the marking may be specified in percent of total tank contents and the marking shall be stamped on the container.

(7) Columnar gauge glasses shall be restricted to charging plants where the fuel is withdrawn in the liquid phase only. They shall have valves with metallic handwheels, excess flow valves, and extra-heavy glass adequately protected with a metal housing applied by the gauge manufacturer. They shall be shielded against the direct rays of the sun. Columnar gauge glasses are prohibited on tank trucks, motor fuel tanks, and containers used in domestic, commercial, and industrial installations.

(8) Float gauging devices or equivalent that do not require flow for their operation and that have connections extending outside the container do not have to be equipped with excess flow valves as long as the piping and fittings are adequately designed to withstand the container pressure and are properly protected against physical damage and breakage.

**NEW SECTION**

**WAC 296-306A-41051 What requirements apply to appliances?** (1) New commercial and industrial gas consuming appliances shall be approved.

Exception: Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-gas and is in good condition may be used with LP-gas only after it is properly converted, adapted, and tested for performance with LP-gas before the appliance is placed in use.

(2) Unattended heaters used inside buildings for the purpose of animal or poultry production or care shall be equipped with an approved automatic device designed to shut off the flow of gas to the main burners, and pilot if used, in case the flame goes out.

(3) All commercial, industrial, and agricultural appliances or equipment shall be installed according to the requirements of these standards and according to the following:

(a) Domestic and commercial appliances, NFPA 54-1969, Standard for the Installation of Gas Appliances and Gas Piping.

(b) Industrial appliances, NFPA 54A-1969, Standard for the Installation of Gas Piping and Gas Equipment on Industrial Premises and Certain Other Premises.

(c) Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, NFPA 37-1970.

(d) Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment, NFPA 96-1970.

**NEW SECTION**

**WAC 296-306A-415 Cylinder systems.**

**NEW SECTION**

**WAC 296-306A-41501 What does this section cover?** WAC 296-306A-415 applies to systems using DOT containers. Cylinder systems must meet all requirements of WAC 296-306A-410 (unless otherwise indicated) and the additional requirements of this section.

**NEW SECTION**

**WAC 296-306A-41503 What is a "cylinder system?"** A "cylinder system" includes the container base or bracket, containers, container valves, connectors, manifold valve assembly, regulators, and relief valves.

PROPOSED

NEW SECTION

**WAC 296-306A-41505 How must containers be marked for cylinder systems?** (1) Containers shall be marked according to DOT regulations. Additional markings that do not conflict with DOT regulations may be used.

(2) Each container shall be marked with its water capacity in pounds or other identified unit of weight.

(3) Exception: If you are the only one who fills and maintains the container and if the water capacity of the container is identified by a code, subsection (2) of this section does not apply.

(4) Each container shall be marked with its tare weight in pounds or other identified unit of weight including all permanently attached fittings but not the cap.

NEW SECTION

**WAC 296-306A-41507 What additional requirements apply to cylinder systems installed outdoors?** (1) Containers shall not be buried below ground. However, systems may be installed in a compartment or recess below grade level, such as a niche in a slope or terrace wall that is used for no other purpose, as long as the container and regulating equipment are not in contact with the ground, and the compartment or recess is drained and ventilated horizontally to the outside air from its lowest level, with the outlet at least 3 feet away from any building opening below the level of the outlet.

(2) Except as provided in WAC 296-306A-41025(14), the discharge from safety-relief devices shall be located at least three feet away from any building opening that is below the level of discharge and shall not terminate beneath any building unless the space is well ventilated to the outside and is not enclosed on more than two sides.

(3) Containers shall be set on firm foundation or otherwise firmly secured; the possible effect of settling on the outlet piping shall be guarded against by a flexible connection or special fitting.

NEW SECTION

**WAC 296-306A-41509 What additional requirements apply to cylinder system installed indoors?** (1) When portable containers are necessary and it is not practical to use them outdoors, containers and equipment may be used indoors only if they meet the requirements of this section.

(a) "Containers in use" means connected for use.

(b) Systems using containers with a water capacity greater than 2-1/2 pounds (nominal one pound LP-gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets. In either case, an excess flow valve shall be installed so that any strain beyond the excess flow valve will not cause breakage between the container and the excess flow valve. The installation of excess flow valves shall take into account the type of valve protection provided.

(c) Regulators, if used, shall be either directly connected to the container valves or to manifolds connected to the container valves. The regulator shall be suitable for use with LP-gas. Manifolds and fittings connecting containers to

pressure regulator inlets shall be designed for at least 250 psig service pressure.

(d) Valves on containers having a water capacity greater than fifty pounds (nominal twenty pounds LP-gas capacity) shall be protected while in use.

(e) Aluminum pipe or tubing is prohibited.

(f) Hose shall be designed for a working pressure of at least 250 psig. Hose and hose connections shall be listed by a nationally recognized testing laboratory.

(i) Hose shall be as short as practical.

(ii) Hose shall be long enough to allow required spacing without kinking, straining, or allowing hose to be close enough to a burner to be damaged by heat.

(g) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the main burner, and pilot if used, in case the flame goes out. Heaters with inputs above 50,000 Btu manufactured on or after May 17, 1967, and heaters with inputs above 100,000 Btu manufactured before May 17, 1967, shall be equipped with either:

(i) A pilot that must be lighted and proved before the main burner can be turned on; or

(ii) An electric ignition system;

(iii) Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

Exception: These requirements do not apply to tar kettle burners, torches, melting pots, nor do they apply to portable heaters under 7,500 Btu/h input when used with containers with a maximum water capacity of 2-1/2 pounds.

(h) Containers, regulating equipment, manifolds, piping, tubing, and hose shall be located to minimize exposure to abnormally high temperatures (such as may result from exposure to convection or radiation from heating equipment or installation in confined spaces), physical damage, or tampering.

(i) Heat producing equipment shall be located and used to minimize the possibility of igniting combustibles.

(j) Containers with water capacity greater than 2-1/2 pounds (nominal one pound LP-gas capacity) connected for use, shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(k) Containers, including the valve protective devices, shall be installed to minimize the probability of impingement of discharge of safety-relief devices upon containers.

(2) Containers with a maximum water capacity of 2-1/2 pounds (nominal one pound LP-gas capacity) may be used indoors as part of approved self-contained hand torch assemblies or similar appliances.

(3) When buildings frequented by the public are open to the public, containers may be used for repair or minor renovation as follows:

(a) The maximum water capacity of individual containers shall be 50 pounds (nominal twenty pounds LP-gas capacity).

(b) The number of LP-gas containers shall not exceed the number of employees assigned to use LP-gas.

(c) Containers with a water capacity greater than 2-1/2 pounds (nominal one pound LP-gas capacity) shall be attended at all times.

(4) When buildings frequented by the public are closed to the public, containers may be used in buildings or structures for repairs or minor renovation as follows:

(a) The maximum water capacity of individual containers shall be 245 pounds (nominal one hundred pounds LP-gas capacity).

(b) For temporary heating such as curing concrete, drying plaster and similar applications, heaters (other than integral heater-container units) shall be located at least six feet from any LP-gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, as long as they are designed and installed to prevent direct or radiant heat application from the heater onto the container. Blower and radiant type heater shall not be directed toward any LP-gas container within 20 feet.

(c) If two or more heater-container units, either integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least 20 feet.

(d) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers manifolded together for connection to a heater or heaters shall not be greater than 735 pounds (nominal three hundred pounds LP-gas capacity). Such manifolds shall be separated by at least 20 feet.

(e) On floors on which heaters are not connected for use, containers may be manifolded together for connection to a heater or heaters on another floor, as long as:

(i) The total water capacity of containers connected to any one manifold is a maximum of 2,450 pounds (nominal one thousand pounds LP-gas capacity) and;

(ii) Where more than one manifold having a total water capacity greater than 735 pounds (nominal three hundred pounds LP-gas capacity) are located in the same unpartitioned area, they shall be separated by at least 50 feet.

(f) Containers with a water capacity greater than 2-1/2 pounds (nominal one pound LP-gas capacity) shall be attended at all times.

(5) Containers may be used in industrial occupancies for processing, research, or experimental purposes as follows:

(a) The maximum water capacity of individual containers shall be 245 pounds (nominal one hundred pounds LP-gas capacity).

(b) Containers connected to a manifold shall have a total water capacity of a maximum of 735 pounds (nominal three hundred pounds LP-gas capacity) and only one manifold may be located in the same room unless separated at least 20 feet from a similar unit.

(c) LP-gas in containers for research and experimental use shall use the smallest practical quantity.

(6) Containers used in industrial occupancies with essentially noncombustible contents where portable equipment for space heating is essential and where a permanent heating installation is not practical, shall meet the requirements of subsection (5) of this section.

(7) Containers may be used in buildings for temporary emergency heating purposes, if necessary to prevent damage to the buildings or contents, when the permanent heating system is temporarily out of service, as follows:

(a) Containers and heaters shall comply with and be used according to subsection (5) of this section.

(b) The temporary heating equipment shall be attended at all times.

(8) Containers may be used temporarily in buildings for training purposes related in installation and use of LP-gas systems, as follows:

(a) The maximum water capacity of individual containers shall be 245 pounds (nominal one hundred pounds LP-gas capacity), but the maximum quantity of LP-gas that may be placed in each container shall be 20 pounds.

(b) If more than one container is located in the same room, the containers shall be separated by at least 20 feet.

(c) Containers shall be removed from the building when the training class has terminated.

#### NEW SECTION

**WAC 296-306A-41511 What requirements apply to valves and accessories?** (1) Valves in the assembly of multiple container systems shall be arranged so that containers can be replaced without shutting off the flow of gas in the system.

Note: An automatic changeover device is not required.

(2) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls or otherwise rigidly secured and shall be installed or protected so that weather will not affect their operation.

(3) Valves and connections to the containers shall be protected while in transit, in storage, and while being moved into final use, as follows:

(a) By setting into the recess of the container to prevent the possibility of being struck if the container is dropped on a flat surface; or

(b) By ventilated cap or collar, fastened to the container capable of withstanding a blow from any direction equivalent to that of a 30-pound weight dropped four feet. Construction must ensure that a blow will not be transmitted to the valve or other connection.

(4) When containers are not connected to the system, the outlet valves shall be kept tightly closed or plugged, even on empty containers.

(5) Containers having a water capacity in excess of 50 pounds (approximately 21 pounds LP-gas capacity), recharged at the installation, shall be provided with excess flow or backflow check valves to prevent the discharge of container contents in case of failure of the filling or equalizing connection.

#### NEW SECTION

**WAC 296-306A-41513 What requirements apply to safety devices for cylinder systems?** (1) Containers shall be provided with safety devices as required by DOT regulations.

(2) A final stage regulator of an LP-gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve that is set to start to discharge within the limits specified in Table U-7.

TABLE U-7

(37.8°C.)

editions of ASME Code; All editions of API-ASME Code<sup>3</sup>

Relief valve start-to-discharge pressure setting (percent of regulator delivery pressure)

Regulator delivery pressure	Minimum	Maximum
1 psig or less	200	300
Above 1 psig but not over 3 psig	140	200
Above 3 psig	125	200

80 <sup>1</sup>	80 <sup>1</sup>	80 <sup>1</sup>	100 <sup>1</sup>
100	100	100	125
125	125	125	156
150	150	150	187
175	175	175	219
200 <sup>2</sup>	215	200	250

(3) When a regulator or pressure relief valve is used indoors for other than purposes specified in WAC 296-306A-41017(1), the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located at least three feet horizontally away from any building opening that is below such discharge.

Exception: This requirement does not apply to individual appliance regulators when protection is otherwise provided, nor to WAC 296-306A-41509 and 296-306A-41025(14). In buildings devoted exclusively to gas distribution, the space above the diaphragm need not be vented to the outside.

<sup>1</sup>New type 80 storage containers have not been authorized since Dec. 31, 1947.

<sup>2</sup>Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designations when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under:

1. The 1949 ASME Code (Par. U-200 and U-201);  
2. 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of the ASME Code; and  
3. All editions of the API-ASME Code.

<sup>3</sup>Construction of containers under the API-ASME Code is prohibited after July 1, 1961.

**NEW SECTION**

**WAC 296-306A-41515 What other requirements apply to cylinder systems?** (1) Containers shall not be reinstalled unless they are requalified according to DOT regulations.

(2) A product shall not be placed in a container marked with a service pressure less than four-fifths of the maximum vapor pressure of product at 130°F.

**NEW SECTION**

**WAC 296-306A-420 Systems using non-DOT containers.**

**NEW SECTION**

**WAC 296-306A-42001 What does this section cover?** WAC 296-306A-420 applies to systems using storage containers not constructed according to DOT specifications. Non-DOT containers must meet all requirements of WAC 296-306A-410 (unless otherwise indicated) and the additional requirements of this section.

**NEW SECTION**

**WAC 296-306A-42003 How must non-DOT containers be designed and classified?** Storage containers shall be designed and classified according to Table U-8.

TABLE U-8

Minimum design pressures of container lb. per sp. in. gauge

Container type	For gases with vapor press. Not to exceed lb. per sp. in. gauge 100°F	1949 and earlier editions of ASME Code (Par. U-68, U-69)	1949 edition of Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I)

**NEW SECTION**

**WAC 296-306A-42005 What requirements apply to valves and accessories, filler pipes, and discharge pipes for non-DOT containers?** (1) The filling pipe inlet terminal shall not be located inside a building. For containers with a water capacity of 125 gallons or more, such terminals shall be located at least 10 feet from any building, and preferably at least 5 feet from any driveway, and shall have a protective housing.

(2) The filling connection shall be fitted with one of the following:

(a) Combination back-pressure check valve and excess flow valve.

(b) One double or two single back-pressure check valves.

(c) A positive shut-off valve in conjunction with either:

(i) An internal back pressure valve; or

(ii) An internal excess flow valve.

(3) All openings in a container shall be equipped with approved automatic excess flow valves unless otherwise exempt.

(4) An excess flow valve is not required in the withdrawal service line as long as the following requirements are met:

(a) The total water capacity is a maximum of 2,000 U.S. gallons.

(b) The discharge from the service outlet is controlled by a manually operated shut-off valve that is:

(i) Threaded directly into the service outlet of the container; or

(ii) Is an integral part of a substantial fitting threaded into or on the service outlet of the container; or

(iii) Threaded directly into a substantial fitting threaded into or on the service outlet of the container.

(c) The shut-off valve is equipped with an attached handwheel or the equivalent.

(d) The controlling orifice between the contents of the container and the outlet of the shut-off valve is a maximum

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of 5/16 inch in diameter for vapor withdrawal systems and 1/8 inch in diameter for liquid withdrawal systems.

(e) An approved pressure-reducing regulator is directly attached to the outlet of the shut-off valve and is rigidly supported, or an approved pressure-reducing regulator is attached to the outlet of the shut-off valve by means of a suitable flexible connection, as long as the regulator is adequately supported and properly protected on or at the tank.

(5) All inlet and outlet connections except safety-relief valves, liquid-level gauging devices and pressure gauges on containers of 2,000 gallons water capacity, or more, and on any container used to supply fuel directly to an internal combustion engine, shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

(6) Instead of an excess flow valve, openings may be fitted with a quick-closing internal valve that shall remain closed when not in operation. The internal mechanism for such valves may be provided with a secondary control that shall be equipped with a fusible plug (not over 220°F melting point) that will cause the internal valve to close automatically in case of fire.

(7) A maximum of two plugged openings may be used on a container of 2,000 gallons or less water capacity.

(8) Containers of 125 gallons water capacity or more manufactured after July 1, 1961, shall have an approved device for liquid evacuation, the size of which shall be 3/4 inch national pipe thread minimum. A plugged opening will not satisfy this requirement.

#### NEW SECTION

#### **WAC 296-306A-42007 What additional requirements apply to safety devices for non-DOT containers?**

(1) All safety devices shall comply with the following:

(a) All container safety-relief devices shall be located on the containers.

(b) In industrial and gas manufacturing plants, discharge pipe from safety-relief valves on pipe lines within a building shall discharge vertically upward and shall be piped to a point outside a building.

(c) Safety-relief device discharge terminals shall be located to provide protection against physical damage and shall be fitted with loose raincaps. Return bends and restrictive pipefittings shall not be permitted.

(d) If desired, discharge lines from two or more safety-relief devices located on the same unit, or similar lines from two or more different units, may be run into a common discharge header, as long as the cross-sectional area of the header is at least equal to the sum of the cross-sectional area of the individual discharge lines, and the setting of safety-relief valves are the same.

(e) Each storage container of over 2,000 gallons water capacity shall be provided with a suitable pressure gauge.

(f) A final stage regulator of an LP-gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve that is set to start to discharge within the limits specified in Table U-7.

(g) When a regulator or pressure relief valve is installed indoors, the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air

with the discharge outlet located not less than 3 feet horizontally away from any opening into the building that is below such discharge.

Exception: This requirement does not apply to individual appliance regulators already protected. In buildings devoted exclusively to gas distribution, the space above the diaphragm need not be vented to the outside.

(2) Safety devices for aboveground containers shall be provided as follows:

(a) Containers of 1,200 gallons water capacity or less that may contain liquid fuel when installed aboveground shall have the rate of discharge required by WAC 296-306A-41025(2) provided by a spring-loaded relief valve or valves. In addition to the required spring-loaded relief valve, a suitable fuse plug may be used as long as the total discharge area of the fuse plug for each container does not exceed 0.25 square inch.

(b) The fusible metal of the fuse plugs shall have a yield temperature of 208°F minimum and 220°F maximum. Relief valves and fuse plugs shall have direct communication with the vapor space of the container.

(c) On a container having a water capacity between 125 and 2,000 gallons, the discharge from the safety-relief valves shall be vented away from the container upwards and unobstructed to the open air so that it prevents any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Suitable provision shall be made for draining condensate that may accumulate in the relief valve or its discharge pipe.

(d) On containers of 125 gallons water capacity or less, the discharge from safety-relief devices shall be located at least 5 feet horizontally away from any opening into the building below the level of such discharge.

(e) On a container having a water capacity greater than 2,000 gallons, the discharge from the safety-relief valves shall be vented away from the container upwards to a point at least 7 feet above the container, and unobstructed to the open air so that it prevents any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Suitable provision shall be made so that any liquid or condensate that may accumulate inside of the safety-relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, the container, adjacent containers, piping, or equipment shall be protected against impingement of flame resulting from ignition of product escaping from the drain.

(3) On all containers that are installed underground and that contain no liquid fuel until buried and covered, the rate of discharge of the spring-loaded relief valve installed thereon may be reduced to a minimum of 30% of the rate of discharge specified in WAC 296-306A-41025(2). Containers so protected shall remain covered after installation until the liquid fuel has been removed. Containers that may contain liquid fuel before being installed underground and before being completely covered with earth are aboveground containers when determining the rate of discharge requirement of the relief valves.

(4) On underground containers of over 2,000 gallons water capacity, the discharge from safety-relief devices shall be piped directly upward to a point at least 7 feet above the ground.

(5) Where the manhole or housing may become flooded, the discharge from regulator vent lines shall be above the highest probable water level. All manholes or housings shall have ventilated louvers or equivalent, and the area of openings shall be equal to or exceed the combined discharge areas of the safety-relief valves and other vent lines that discharge their content into the manhole housing.

(6) Safety devices for vaporizers shall be provided as follows:

(a) Vaporizers of less than 1 quart total capacity, heated by the ground or the surrounding air, need not be equipped with safety-relief valves as long as adequate tests demonstrate that the assembly is safe without safety-relief valves.

(b) No vaporizer shall be equipped with fusible plugs.

(c) In industrial and gas manufacturing plants, safety-relief valves on vaporizers within a building shall be piped to a point outside the building and be discharged upward.

#### NEW SECTION

**WAC 296-306A-42009 When may non-DOT containers be reinstalled?** Containers may be reinstalled if they are free from harmful external corrosion or other damage. Where containers are reinstalled underground, the corrosion resistant coating shall be put in good condition. Where containers are reinstalled aboveground, the safety devices and gauging devices must meet all requirements for aboveground containers.

#### NEW SECTION

**WAC 296-306A-42011 What is the maximum capacity allowed for non-DOT containers?** A non-DOT storage container may have a maximum 90,000 gallons water capacity.

#### NEW SECTION

**WAC 296-306A-42013 How must non-DOT containers be installed?** (1) Containers installed aboveground shall be provided with substantial masonry or noncombustible structural supports on firm masonry foundation, unless otherwise indicated.

(2) Aboveground containers shall be supported as follows:

(a) Horizontal containers shall be mounted on saddles that permit expansion and contraction. Structural metal supports may be used when they are protected against fire. Suitable means of preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.

(b) Containers of 2,000 gallons water capacity or less may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container shell to the concrete pad, footing, or the ground is a maximum of 24 inches.

(3) Any container may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container to the ground is a maximum of 5 feet, as long as the container is in an isolated location.

(4) Partially buried containers must meet the following requirements:

(a) The portion of the container below the surface and for a vertical distance not less than 3 inches above the surface of the ground is protected to resist corrosion, and the container is protected against settling and corrosion as required for fully buried containers.

(b) Partially buried containers must meet the same spacing requirements as underground tanks.

(c) Relief valve capacity shall be as required for aboveground containers.

(d) Container is protected against vehicular damage by location or other means.

(e) Partially buried containers must meet the same requirements for filling densities as for aboveground containers.

(5) Containers buried underground shall be placed so that the top of the container is at least 6 inches below grade. Underground containers subject to abrasive action or physical damage must be:

(a) Placed not less than 2 feet below grade; or

(b) Otherwise protected against such physical damage.

It is not necessary to cover the portion of the container to which manhole and other connections are affixed. When necessary to prevent floating, containers shall be securely anchored or weighted.

(6) Containers shall be given a protective coating before being placed underground. This coating shall be equivalent to hot-dip galvanizing or to two coatings of red lead followed by a heavy coating of coal tar or asphalt. In lowering the container into place, take care to prevent damage to the coating. Any damage to the coating shall be repaired before backfilling.

Containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand firmly tamped in place. Backfill should be free of rocks or other abrasive materials.

(7) Containers with foundations attached (portable or semiportable containers with suitable steel runners or skids popularly known as "skid tanks") must meet the requirements of WAC 296-306A-410 and the following:

(a) If they are to be used at a given general location for a temporary period of 6 months at most, they may be without fire-resisting foundations or saddles but shall have adequate ferrous metal supports.

(b) They shall not be located with the outside bottom of the container shell more than 5 feet above the surface of the ground unless fire-resisting supports are provided.

(c) The bottom of the skids shall be between 2 and 12 inches below the outside bottom of the container shell.

(d) Flanges, nozzles, valves, fittings, and the like, having communication with the interior of the container, shall be protected against physical damage.

(e) When not permanently located on fire-resisting foundations, piping connections shall be flexible enough to minimize breakage or leakage of connections if the container settles, moves, or is otherwise displaced.

(f) Skids, or lugs for attachment of skids, shall be secured to the container according to the rules under which the container is designed and built (with a minimum factor of safety of four) to withstand loading in any direction equal to four times the weight of the container and attachments when filled to the maximum permissible loaded weight.

(8) Field welding where necessary shall be made only on saddle plates or brackets that were applied by the manufacturer of the tank.

(9) For aboveground containers, secure anchorage or adequate pier height shall be provided against possible container flotation wherever high floodwater might occur.

(10) When permanently installed containers are interconnected, you must allow for expansion, contraction, vibration, and settling of containers, and interconnecting piping. Where flexible connections are used, they shall be approved and designed for a bursting pressure of at least five times the vapor pressure of the product at 100°F. Nonmetallic hose is prohibited for permanently interconnecting containers.

(11) Container assemblies listed for interchangeable installation aboveground or underground shall meet the requirements for aboveground installations for safety-relief capacity and filling density. For installation aboveground all other requirements for aboveground installations shall apply. For installation underground all other requirements for underground installations shall apply.

#### NEW SECTION

**WAC 296-306A-42015 How must non-DOT containers be protected?** (1) Valves, regulating, gauging, and other container accessory equipment shall be protected against tampering and physical damage. Such accessories shall also be protected during the transit of containers intended for installation underground.

(2) On underground or combination aboveground-underground containers, the service valve handwheel, the terminal for connecting the hose, and the opening through which there can be a flow from safety-relief valves shall be at least 4 inches above the container and this opening shall be located in the dome or housing. Underground systems shall be installed so that all openings, including the regulator vent, are located above the normal maximum water table.

(3) All connections to the underground containers shall be located within a substantial dome, housing, or manhole, with access protected by a substantial cover.

#### NEW SECTION

**WAC 296-306A-42017 What requirements apply to non-DOT containers in industrial plants?** General provisions applicable to systems in industrial plants (of 2,000 gallons water capacity and more) and to bulk filling plants.

(1) When standard watch service is provided, it shall be extended to the LP-gas installation and personnel shall be properly trained.

(2) If loading and unloading are normally done during the night, adequate lights shall be provided to illuminate storage containers, control valves, and other equipment.

(3) Suitable roadways or means of access for extinguishing equipment such as wheeled extinguishers or fire department apparatus shall be provided.

(4) To minimize trespassing or tampering, the area that includes container accessories, pumping equipment, loading and unloading facilities, and cylinder-filling facilities shall be enclosed with at least a 6-foot-high industrial fence unless otherwise adequately protected. There shall be at least two means of emergency access.

#### NEW SECTION

**WAC 296-306A-42019 What requirements apply to container-charging plants?** (1) The container-charging room shall be located at least:

(a) Ten feet from bulk storage containers.

(b) Twenty-five feet from line of adjoining property that may be built on.

(2) Tank truck filling station outlets shall be located at least:

(a) Twenty-five feet from line of adjoining property that may be built on.

(b) Ten feet from pumps and compressors if housed in one or more separate buildings.

(3) The pumps or compressors may be located in the container-charging room or building, in a separate building, or outside of buildings. When housed in separate building, such building (a small noncombustible weather cover is not to be construed as a building) shall be located at least:

(a) Ten feet from bulk storage tanks.

(b) Twenty-five feet from line of adjoining property that may be built on.

(c) Twenty-five feet from sources of ignition.

(4) When a part of the container-charging building is to be used for a boiler room or where open flames or similar sources of ignition exist or are employed, the space to be occupied shall be separated from container charging room by a partition wall or walls of fire-resistant construction continuous from floor to roof or ceiling. Such separation walls shall be without openings and shall be joined to the floor, other walls, and ceiling or roof to provide a permanent gas-tight joint.

#### NEW SECTION

**WAC 296-306A-42021 What fire protection must be provided for non-DOT containers?** (1) Each bulk plant shall be provided with at least one approved portable fire extinguisher with a minimum rating of 12-B, C.

(2) In industrial installations involving containers of 150,000 gallons aggregate water capacity or more, provision shall be made for an adequate supply of water at the container site for fire protection in the container area, unless other adequate means for fire control are provided. Water hydrants shall be readily accessible and spaced to provide water protection for all containers. Enough firehose shall be provided to facilitate easy movement of the hose in the container area. You should equip the outlet of each hose line with a combination fog nozzle. A shelter shall be provided to protect the hose and its conveyor from the weather.

#### NEW SECTION

**WAC 296-306A-42023 What other requirements apply to non-DOT containers?** (1) Aboveground containers shall be kept properly painted.

(2) Vaporizers for internal combustion engines shall meet the requirements of WAC 296-306A-42515.

(3) Gas regulating and mixing equipment for internal combustion engines shall meet the requirements of WAC 296-306A-42517.

(37.8°C.)

1968 (Division I) editions of ASME Code; All editions of API-ASME Code<sup>2</sup>

(4) Where vaporized gas on the low-pressure side of the system may condense to a liquid at normal operating temperatures and pressures, means shall be provided to revaporize condensate.

(5) You must protect LP-gas systems against damage from vehicular traffic.

(6) Avoid the use of pits when possible, except pits fitted with automatic flammable vapor detecting devices. No drains or blowoff lines shall be directed into or in proximity to sewer systems used for other purposes.

**NEW SECTION**

**WAC 296-306A-425 LP-gas as a motor fuel.**

**NEW SECTION**

**WAC 296-306A-42501 What does this section cover?**

(1) WAC 296-306A-425 applies to internal combustion engines, fuel containers, and pertinent equipment for the use of LP-gases as a motor fuel on easily movable, readily portable units including self-propelled vehicles. This section does not apply to containers for transportation of LP-gases nor to marine fuel use.

(2) All uses of LP-gas as a motor fuel must meet all requirements of WAC 296-306A-410 (unless otherwise indicated) and the additional requirements of this section.

**NEW SECTION**

**WAC 296-306A-42503 What general requirements apply to LP-gas used as a motor fuel?** (1) Fuel may be used from the cargo tank of a truck while in transit, but not from cargo tanks on trailers or semitrailers. Fuel may be used from the cargo tanks to operate stationary engines as long as the wheels are securely blocked.

(2) Passenger-carrying vehicles shall not be fueled while passengers are on board.

(3) Industrial trucks (including lift trucks) equipped with permanently mounted fuel containers shall be charged outdoors. Charging equipment shall meet the requirements of WAC 296-306A-440.

(4) LP-gas fueled industrial trucks shall comply with the Standard for Type Designations, Areas of Use, Maintenance and Operation of Powered Industrial Trucks, NFPA 505-1969.

(5) Engines on vehicles shall be shut down while fueling if the fueling operation involves venting to the atmosphere.

**NEW SECTION**

**WAC 296-306A-42505 How must fuel containers be designed and classified?** (1) Containers shall meet the following requirements:

Minimum design pressure of container lb. per sq. in. gauge

Container type	For gases with vapor press. Not to exceed lb. per sq. in. gauge at 100°F	1949 and earlier editions of ASME Code (Par. U-68, U-69)	1949 edition of ASME Code (Par. U-200, U-201); editions 1950, 1952, 1956, 1959, 1962, 1965, and

200 <sup>1</sup>	215	200	250

<sup>1</sup>Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designation when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under:

1. The 1949 ASME Code (Par. U-200 and U-201);
2. 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of the ASME Code; and
3. All editions of the API-ASME Code.

<sup>2</sup>Construction of containers under the API-ASME Code is prohibited after July 1, 1961.

Exception: Fuel containers for use in industrial trucks (including lift trucks) shall be either DOT containers authorized for LP-gas service having a minimum service pressure of 240 psig or minimum Container Type 250. Under 1950 and later ASME Codes, this means a 312.5-psig design pressure container.

(2) DOT containers used as fuel containers must meet all requirements of this section.

(3) All container inlets and outlets except safety-relief valves and gauging devices shall be labeled to designate whether they communicate with vapor or liquid space. (Labels may be on valves.)

**NEW SECTION**

**WAC 296-306A-42507 How must fuel containers be installed?** (1) Containers shall be located to minimize the possibility of damage to the container. Containers located in the rear of trucks and buses, when protected by substantial bumpers meet this requirement. Fuel containers on passenger-carrying vehicles shall be installed as far from the engine as is practical, and the passenger space and any space containing radio equipment shall be sealed from the container space to prevent direct seepage of gas to these spaces. The container compartment shall be vented to the outside. In case the fuel container is mounted near the engine or the exhaust system, the container shall be shielded against direct heat radiation.

(2) Containers shall be installed with as much clearance as practical and at least the minimum road clearance of the vehicle under maximum spring deflection. This minimum clearance shall be to the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

(3) Permanent and removable fuel containers shall be securely mounted to prevent jarring loose, slipping, or rotating, and the fastenings shall be designed and constructed to withstand static loading in any direction equal to twice the weight of the tank and attachments when filled with fuel using a safety factor of at least four based on the ultimate strength of the material to be used. Field welding, when necessary, shall be made only on saddle plates, lugs or brackets, attached to the container by the manufacturer.

(4) Fuel containers on buses shall be permanently installed.

(5) Containers from which only vapor is to be withdrawn shall be installed and equipped with suitable connections to minimize the accidental withdrawal of liquid.

#### NEW SECTION

**WAC 296-306A-42509 What requirements apply to valves and accessories?** (1) Container valves and accessories shall have a rated working pressure of at least 250 psig, and shall be suitable for LP-gas service.

(2) The filling connection shall be fitted with an approved double back-pressure check valve, or a positive shut off in conjunction with an internal back-pressure check valve. On a removable container the filler valve may be a hand operated shut-off valve with an internal excess flow valve. Main shut-off valves on the container on liquid and vapor must be readily accessible.

(3) Filling connections equipped with approved automatic back-pressure check valves, and safety-relief valves, all connections to the containers having openings for the flow of gas in excess of a No. 54 drill size shall be equipped with approved automatic excess flow valves to prevent discharge of content in case connections are broken.

(4) Liquid-level gauging devices must meet the following requirements:

(a) Variable liquid-level gauges that require the venting of fuel to the atmosphere are prohibited on fuel containers of industrial trucks (including lift trucks).

(b) On portable containers that may be filled in the vertical and/or horizontal position, the fixed liquid-level gauge shall indicate maximum permitted filling level for both vertical and horizontal filling with the container oriented to place the safety-relief valve in communication with the vapor space.

(c) For containers used solely in farm tractor service and charged at a point at least 50 feet from any important building, the fixed liquid-level gauging device may be constructed so that the outward flow of container content exceeds that passed by a No. 54 drill size opening, but may never exceed that passed by a No. 31 drill-size opening. An excess flow valve is not required. Fittings equipped with restricted drill size opening and the container on which they are used shall be marked to indicate the size of the opening.

(d) All valves and connections on containers shall be adequately protected to prevent damage due to accidental contact with stationary objects or from loose objects thrown up from the road. All valves shall be safeguarded against damage due to collision, overturning or other accident. Farm tractors where parts of the vehicle provide protection to valves and fittings meet this requirement. However, on removable type containers the protection for the fittings shall be permanently attached to the container.

(e) You should exchange removable fuel outdoors, but you may exchange them indoors. When removable fuel containers are used, means shall be provided in the fuel system to minimize the escape of fuel when the containers are exchanged. Use one of the following methods:

(i) Using an approved automatic quick-closing coupling (a type closing in both directions when uncoupled) in the fuel line; or

(ii) Closing the valve at the fuel container and allowing the engine to run until the fuel in the line is consumed.

#### NEW SECTION

**WAC 296-306A-42511 What requirements apply to piping, tubing, and fittings?** (1) Pipe from fuel container to first-stage regulator shall be at least schedule 80 wrought iron or steel (black or galvanized), brass or copper; or seamless copper, brass, or steel tubing. Steel tubing shall have a minimum wall thickness of 0.049 inch. Steel pipe or tubing shall be adequately protected against exterior corrosion. Copper tubing shall be types K or L or equivalent with a minimum wall thickness of 0.032 inch. Approved flexible connections may be used between container and regulator or between regulator and gas-air mixer. Using aluminum pipe or tubing is prohibited. For removable containers, an approved flexible connection shall be used between the container and the fuel line.

(2) All piping shall be installed, braced, and supported to minimize vibration strains or wear.

#### NEW SECTION

**WAC 296-306A-42513 What requirements apply to safety devices?** (1) Spring-loaded internal safety-relief valves shall be used on all motor fuel containers.

(2) The discharge outlet from safety-relief valves shall be located on the outside of enclosed spaces and as far as practical from possible sources of ignition, and vented upward within 45 degrees of the vertical to prevent impingement of escaping gas upon containers, or parts of vehicles, or on vehicles in adjacent lines of traffic. A rain cap or other protector shall be used to keep water and dirt from collecting in the valve.

(3) When a discharge line from the container safety-relief valve is used, the line shall be metallic, other than aluminum, and shall be sized, located, and maintained so as not to restrict the required flow of gas from the safety-relief valve. The discharge line shall be able to withstand the pressure resulting from the discharge of vapor when the safety-relief valve is in the full open position. Flexible metal hose or tubing shall be used when necessary.

(4) Portable containers equipped for volumetric filling may be filled in either the vertical or horizontal position only when oriented to place the safety-relief valve in communication with the vapor space.

#### NEW SECTION

**WAC 296-306A-42515 What requirements apply to vaporizers?** (1) Vaporizers, their parts, and other devices that may be subjected to container pressure shall have a design pressure of at least 250 psig.

(2) Each vaporizer shall have a valve or suitable plug that will permit substantially complete draining of the vaporizer. It shall be located at or near the lowest portion of the section occupied by the water or other heating medium.

(3) Vaporizers shall be securely fastened to minimize the possibility of loosening.

(4) Each vaporizer shall be permanently marked at a visible point as follows:

(a) With the design pressure of the fuel-containing portion in psig.

(b) With the water capacity of the fuel-containing portion of the vaporizer in pounds.

(5) Devices to supply heat directly to a fuel container shall be equipped with an automatic device to cut off the supply of heat before the pressure inside the fuel container reaches 80% of the start-to-discharge pressure setting of the safety-relief device on the fuel container.

(6) Engine exhaust gases may be used as a direct source of heat supply for the vaporization of fuel if the materials of construction of those parts of the vaporizer in contact with exhaust gases are resistant to the corrosive action of exhaust gases and the vaporizer system is designed to prevent excessive pressures.

(7) Vaporizers shall not be equipped with fusible plugs.

#### NEW SECTION

**WAC 296-306A-42517 What requirements apply to gas regulating and mixing equipment?** (1) Approved automatic pressure reducing equipment shall be installed securely between the fuel supply container and gas-air mixer to reduce the pressure of the fuel delivered to the gas-air mixer.

(2) An approved automatic shut-off valve shall be provided in the fuel system at some point ahead of the inlet of the gas-air mixer, designed to prevent flow of fuel to the mixer when the ignition is off and the engine is not running. For industrial trucks and engines operating in buildings other than those used exclusively to house engines, the automatic shut-off valve shall be designed to operate if the engine stops. Atmospheric regulators (zero governors) are adequate as an automatic shut-off valve only in cases of outdoor operation such as farm tractors, construction equipment, irrigation pump engines, and other outdoor stationary engine installations.

(3) The source of air for combustion shall be completely isolated from the passenger compartment, ventilating system, or air-conditioning system.

#### NEW SECTION

**WAC 296-306A-42519 What is the maximum container capacity allowed?** A single fuel container used on passenger carrying vehicles shall have a maximum of 200 gallons water capacity. A single fuel container on other vehicles normally operating on the highway shall have a maximum of 300 gallons water capacity except as provided in WAC 296-306A-42503(1).

#### NEW SECTION

**WAC 296-306A-42521 What requirements apply to stationary engines used indoors?** Stationary engines and gas turbines installed in buildings, including portable engines used instead of or to supplement stationary engines, shall comply with the Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, NFPA 37-1970, and the appropriate requirements of WAC 296-306A-410 through 296-306A-420.

#### NEW SECTION

**WAC 296-306A-42523 What requirements apply to portable engines used indoors?** (1) Portable engines may be used in buildings only for emergency use, except as provided by WAC 296-306A-42521.

(2) Exhaust gases shall be discharged outside the building or to an area where they will not constitute a hazard.

(3) Provision shall be made to supply sufficient air for combustion and cooling.

(4) An approved automatic shut-off valve shall be provided in the fuel system ahead of the engine, designed to prevent flow of fuel to the engine when the ignition is off or if the engine should stop.

#### NEW SECTION

**WAC 296-306A-42525 What requirements apply to industrial trucks used indoors?** (1) LP-gas-fueled industrial trucks may be used in buildings and structures.

(2) No more than two LP-gas containers shall be used on an industrial truck for motor fuel purposes.

(3) LP-gas-fueled industrial trucks may be used in buildings frequented by the public, when occupied by the public. The total water capacity of containers on each industrial truck shall be a maximum of 105 pounds (nominal 45 pounds LP-gas).

(4) Trucks shall be attended at all times in areas occupied by the public.

(5) Industrial trucks shall not be parked and left unattended in areas of possible excessive heat or sources of ignition.

#### NEW SECTION

**WAC 296-306A-42527 How must LP-gas-fueled vehicles be garaged?** (1) LP-gas-fueled vehicles may be stored or serviced inside garages as long as there are no leaks in the fuel system and the fuel tanks are not filled beyond the maximum filling capacity allowed.

(2) LP-gas-fueled vehicles being repaired in garages shall have the container shut-off valve closed except when fuel is required for engine operation.

(3) Such vehicles shall not be parked near sources of heat, open flames, or similar sources of ignition or near open pits unless such pits are adequately ventilated.

#### NEW SECTION

**WAC 296-306A-430 Storage of containers awaiting use or resale.**

#### NEW SECTION

**WAC 296-306A-43001 What does this section cover?** WAC 296-306A-430 applies to the storage of portable containers a maximum of 1,000 pounds water capacity, filled or partially filled, at user location but not connected for use, or in storage for resale by dealers or resellers. This section shall not apply to containers stored at charging plants or at plants devoted primarily to the storage and distribution of LP-gas or other petroleum products.

**NEW SECTION**

**WAC 296-306A-43003 What general requirements apply to storage of containers?** (1) Containers in storage shall be located to minimize exposure to excessive temperature rise, physical damage, or tampering.

(2) Containers stored inside shall be located away from exits, stairways, or in areas normally used or intended for the safe exit of people.

(3) Container valves shall be protected while in storage as follows:

(a) By setting into recess of container to prevent the possibility of their being struck if the container is dropped upon a flat surface; or

(b) By ventilated cap or collar, fastened to container capable of withstanding blow from any direction equivalent to that of a thirty-pound weight dropped four feet. Construction must be such that a blow will not be transmitted to a valve or other connection.

(4) The outlet valves of containers in storage shall be closed.

(5) Empty containers that have been in LP-gas service should preferably be stored in the open. When stored inside, they shall be considered full containers for the purpose of determining the maximum quantity of LP-gas permitted by this section.

**NEW SECTION**

**WAC 296-306A-43005 How must containers be stored within buildings frequented by the public?** DOT containers with a maximum individual water capacity of 2-1/2 pounds, used with completely self-contained hand torches and similar applications, may be stored or displayed in a building frequented by the public. The display of such containers shall be limited to a total of 24 units of each brand and size. The total quantity on display and in storage shall not exceed 200 pounds LP-gas.

**NEW SECTION**

**WAC 296-306A-43007 How must containers be stored in buildings not frequented by the public?** (1) The quantity of LP-gas stored shall be a maximum of 300 pounds (approximately 2,550 cubic feet in vapor form), except when stored within special buildings or rooms.

(2) Containers carried as a part of service equipment on highway mobile vehicles are not considered in the total storage capacity as long as the vehicles are stored in private garages, and are limited to one container per vehicle with a maximum LP-gas capacity of 100 pounds. All container valves shall be closed.

**NEW SECTION**

**WAC 296-306A-43009 How must containers be stored within special buildings or rooms?** (1) The quantity of LP-gas stored in special buildings or rooms shall be a maximum of 10,000 pounds.

(2) The walls, floors, and ceilings of container storage rooms that are within or adjacent to other parts of the building shall be constructed of material having at least a two-hour fire resistance rating.

(3) At least 10% of the exterior walls or roof shall be of explosion relieving construction.

(4) Each opening from storage rooms to other parts of the building shall be protected by a listed one and one-half hour "(B)" fire door.

(5) Such rooms shall have no open flames for heating or lighting.

(6) Such rooms shall be adequately ventilated both top and bottom to the outside only. The openings from such vents shall be at least five feet away from any other opening into any building.

(7) The floors of such rooms shall not be below ground level. Any space below the floor shall be of solid fill or properly ventilated to the open air.

(8) Such storage rooms shall not be located adjoining the line of property occupied by schools, churches, hospitals, athletic fields or other points of public gathering.

**NEW SECTION**

**WAC 296-306A-43011 How must containers be stored outdoors?** (1) Storage outside of buildings, for containers awaiting use or resale, shall be located according to the table below with respect to:

(a) The nearest important building or group of buildings;

(b) The line of adjoining property that may be built on;

(c) Busy thoroughfares;

(d) The line of adjoining property occupied by schools, churches, hospitals, athletic fields, or other points of public gathering.

Quantity of LP-Gas Stored	Distance
500 pounds or less	0
501 to 2,500 pounds	0*
2,501 to 6,000 pounds	10 feet
6,001 to 10,000 pounds	20 feet
Over 10,000 pounds	25 feet

\*Containers shall be at least ten feet from any building on adjoining property, any sidewalk, or any of the exposures described in (c) or (d) of this subsection.

(2) Containers shall be in a suitable enclosure or otherwise protected against tampering.

**NEW SECTION**

**WAC 296-306A-43013 What fire protection must be provided for stored containers?** Storage locations other than supply depots separated and located apart from dealer, reseller, or user establishments shall be provided with at least one approved portable fire extinguisher having a minimum rating of 8-B, C.

**NEW SECTION**

**WAC 296-306A-435 LP-gas system installations on commercial vehicles.**

PROPOSED

**NEW SECTION****WAC 296-306A-43501 What does this section cover?**

(1) WAC 296-306A-435 applies to:

(a) LP-gas system installations on vehicles (self-propelled, trailers, or semitrailers) used for commercial or construction purposes;

(b) All exchangeable container systems with container capacities greater than 105 pounds water capacity (approximately 45 pounds LP-gas capacity); and

(c) Systems using containers permanently mounted on vehicles.

(2) All LP-gas installations on commercial vehicles must meet all requirements of WAC 296-306A-410 (unless otherwise indicated) and the additional requirements of this section. When such a vehicle is permanently parked, and LP-gas is supplied from a system not mounted on and secured to the unit, WAC 296-306A-415 and 296-306A-420 shall also apply.

(3) This section does not apply to LP-gas motor fuel systems covered by WAC 296-306A-425.

**NEW SECTION**

**WAC 296-306A-43503 How must containers be constructed?** Containers shall be constructed according to WAC 296-306A-41011, and marked according to the applicable requirements of WAC 296-306A-41015, and shall also meet the following:

(1) Containers designed for use as portable cylinders shall be constructed according to DOT specifications.

(2) All other containers whether designed for permanent mounting, or for portable or semiportable use (such as skid tanks), shall be constructed as provided for by WAC 296-306A-41009(4) and 296-306A-41011(1).

(3) Nonrecessed container fittings and accessories shall be protected against damage by either:

(a) Their location;

(b) The vehicle frame or bumper; or

(c) Protective housing. The housing shall meet the requirements under which the tanks are fabricated with respect to design and construction and shall be designed to withstand static loading in any direction equal to twice the weight of the tank and attachments when filled with the lading at a safety factor of at least four, based on the ultimate strength of the material used. The housing shall have a weather cover if necessary to ensure proper operation of valves and safety devices.

(4) Manually operated shut-off valves or self-closing internal valves shall be closed except during transfer operations.

(5) Permanently installed containers shall meet the following requirements:

(a) Tank motor vehicles with frames not made integral with the tank, as by welding, shall be provided with turn-buckles or similar positive devices for drawing the tank down tight on the frame. In addition, suitable stops or anchors shall be attached to the frame and/or the tank to prevent relative motion between them from starting, stopping, and turning. The stops and anchors shall be installed to be accessible for inspection and maintenance.

(b) Any tank motor vehicle designed and constructed so that the cargo tank constitutes the stress member used

instead of a frame shall be supported by external cradles enclosing at least 120 degrees of the shell circumference. The design calculations shall include beam stress, shear stress, torsion stress, bending moment, and acceleration stress for the cargo tank as a whole using a factor of safety of four, based on the ultimate tensile strength of the material. Maximum concentrated stresses that might be created at pads and cradles due to shear, bending, and torsion shall also be calculated according to Appendix G of the American Society of Mechanical Engineers, Unfired Pressure Vessel Code, 1968. Fully loaded vehicles shall be assumed to be operating under highway conditions equal to two "g" loading. The effects of fatigue shall be taken into consideration. Cargo tanks mounted on frames may be supported by upright supports attached to pads as long as these factors are taken into account.

(c) Where any tank support is attached to any part of a tank head, the stresses imposed upon the head shall be provided for as required above.

(d) Tank supports, stops, anchors, and bumpers shall not be welded directly to the tank but shall be attached by means of pads of the same material as the tank. The pad thickness shall be not less than 1/4 inch, or the thickness of the shell material if less, and no greater than the shell material. Each pad shall extend at least four times its thickness, in each direction, beyond the weld attaching the support, bumper, stop, or anchor. Each pad shall be preformed to an inside radius no greater than the outside radius of the tank at the place of attachment. Each pad corner shall be rounded to a radius at least one-fourth the width of the pad, and no greater than one-half the width of the pad. Weepholes and tell-tale holes, if used, shall be drilled or punched before the pads are attached to the tank. Each pad shall be attached to the tank by continuous fillet welding using filler material having properties that meet the recommendations of the maker of the shell and head material.

(6) Portable or semiportable containers shall meet the applicable requirements of WAC 296-306A-42507(3). Containers designed for permanent installation as part of systems under WAC 296-306A-420 are prohibited.

(a) Filling connections shall have an approved automatic back pressure check valve, excess flow check valve, or quick closing internal valve to prevent excessive escape of gas in case the filling connection is broken.

Exception: Where the filling and discharge connect on a common opening in the container shell, and the opening is fitted with a quick-closing internal valve, the automatic valve is not required.

Every inlet and outlet connection shall have a manually or automatically operated shut-off valve. Liquid discharge openings, except those for engine fuel lines, on tanks built after September 1, 1965, shall be fitted with a remotely controlled internal shut-off valve. Valves must meet the following requirements:

(i) The seat of the valve shall be inside the tank, or in the opening nozzle or flange, or in a companion flange bolted to the nozzle or flange.

(ii) All parts of the valve inside the tank, nozzle, or companion flange shall be made of material that protects against corrosion or other deterioration in the presence of the lading.

(iii) The parts shall be arranged so that damage to parts exterior to the tank will not prevent effective seating of the valve.

(iv) The valve may be operated mechanically, by hydraulically, or by air, or gas pressure.

(v) The valve shall have remote means of automatic closure, both mechanical and thermal, in at least two places for tanks over 3,500 gallons water capacity. These remote control stations shall be located at each end of the tank and diagonally opposite. The thermal control mechanism shall have a fusible element with a melting point between 220°F and 208°F. At least one remote control station shall be provided for tanks of 3,500 gallons water capacity or less, and such actuating means may be mechanical.

(b) All other connections to containers, except those used for gauging devices, thermometer wells, safety-relief devices, and plugged openings, shall be provided with suitable automatic excess flow valves, or may instead be fitted with quick-closing internal valves.

The control mechanism for the internal valve shall have a secondary control, remote from the fill or discharge connections (for use in the event of accidents or fire during delivery operations), and such control mechanism shall have a fusible element with a melting point not over 220°F or less than 208°F.

(c) Excess flow valves shall close automatically at the rated flow of vapor or liquid as specified by the valve manufacturers. The flow rating of the piping beyond the excess flow valve shall be greater than that of the excess flow valve and such rating shall include valves, fittings, and hose.

**Exception:** When branching or necessary restrictions are incorporated in a piping system so that flow ratings are less than that of the excess flow valve and the tank, then additional excess flow valves shall be installed in the piping where such flow rate is reduced.

(d) Container inlets and outlets, except those used for safety-relief valves, liquid-level gauging devices, and pressure gauges, shall be labeled to designate whether they communicate with vapor or liquid space when the container is filled to maximum permitted filling density. Labels may be on the valves.

#### NEW SECTION

**WAC 296-306A-43505 What is the maximum capacity allowed for LP-gas installations on commercial vehicles?** No single fuel container used on passenger carrying vehicles shall exceed 200 gallons water capacity.

#### NEW SECTION

**WAC 296-306A-43507 Where must systems be located?** (1) Containers shall not be installed, transported, or stored (even temporarily) inside any vehicle covered by these standards except as provided by the DOT regulations.

(2) Containers, control valves, and regulating equipment comprising a complete system shall be suitably protected against damage and weather. Systems may be installed in a recess vaportight to the inside of the vehicle and accessible from and vented to the outside.

(3) Systems installed outside of mobile units shall be located so that discharge from safety-relief devices shall be

at least 3 feet horizontally away from any opening into the unit below the level of such discharge. When the system is located in a recess vaportight to the inside, vent openings in such recess shall be not less than 3 feet horizontally away from any opening into the mobile unit below the level of these vents.

(4) There shall be no fuel connection between tractor and trailer or other vehicle units.

(5) The container or container carrier shall be secured in place by fastenings designed and constructed with a minimum safety factor of four to withstand loading in any direction equal to twice the weight of the container when filled to normal capacity with LP-gas.

#### NEW SECTION

**WAC 296-306A-43509 What requirements apply to valves and accessories?** Container valves and accessories shall be provided, protected and mounted as follows:

(1) Systems using DOT cylinders according to WAC 296-306A-41511.

(2) All other systems according to WAC 296-306A-42005 (2) through (8).

(3) Portable, semiportable and permanently mounted containers shall be mounted and protected as provided under WAC 296-306A-43503 (2), (5), and (6).

#### NEW SECTION

**WAC 296-306A-43511 What requirements apply to safety devices?** (1) DOT containers shall be provided with safety-relief devices as required by DOT regulations.

(2) ASME containers and API-ASME containers shall be provided with safety-relief devices as required by WAC 296-306A-41025.

(3) A final stage regulator of an LP-gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve that is set to start to discharge within the limits specified in Table U-7.

(4) The relief valve and space above the regulator and relief valve diaphragms shall be vented to the outside air and terminate at a position to minimize the possibility of vapors accumulating at sources of ignition.

(5) Whenever equipment such as a cargo heater or cooler on commercial vehicles is designed to be in operation while in transit, suitable means to stop the flow such as an excess flow valve or other device, shall be installed. This device will be actuated to stop the flow in the event of the break in the fuel supply line. All excess flow valves shall comply with WAC 296-306A-41019(3).

#### NEW SECTION

**WAC 296-306A-43513 What types of systems may be used on commercial vehicles?** Commercial vehicles may use either vapor withdrawal or liquid withdrawal systems and shall comply with the appropriate requirements.

#### NEW SECTION

**WAC 296-306A-43515 What requirements apply to enclosures and mounting?** (1) Housing or enclosures shall be designed to provide proper ventilation.

(2) Hoods, domes, or removable portions of cabinets shall be provided with means to keep them firmly in place during transit.

(3) The assembly shall hold the containers firmly in position and prevent their movement during transit according to WAC 296-306A-42507(3).

(4) Containers shall be mounted on a substantial support or base secured firmly to the vehicle chassis. Neither the container nor its support shall extend below the frame.

#### NEW SECTION

**WAC 296-306A-43517 What requirements apply to piping, tubing, and fittings?** (1) Regulators shall be connected directly to the container valve outlet or mounted securely by means of support bracket and connected to the container valve or valves with a listed high pressure flexible connector.

(2) Provision shall be made between the regulator outlet and the gas service lines by either a flexible connector or a tubing loop to provide for expansion, contraction, jarring, and vibration.

(3) Aluminum alloy piping is prohibited. Steel tubing shall have a minimum wall thickness of 0.049 inch. Steel piping or tubing shall be adequately protected against exterior corrosion.

(4) Approved gas tubing fittings shall be employed for making tubing connections.

(5) The fuel line shall be firmly fastened in a protected location and where under the vehicle and outside and below any insulation or false bottom, fastenings shall prevent abrasion or damage to the gas line due to vibration. Where the fuel line passes through structural members or floors, a rubber grommet or equivalent shall be installed to prevent chafing.

(6) The fuel line shall be installed to enter the vehicle through the floor directly beneath or adjacent to the appliance that it serves. When a branch line is required, the tee connection shall be in the main fuel line and located under the floor and outside the vehicle.

(7) All parts of the system assembly shall be designed and secured to preclude such parts working loose during transit.

#### NEW SECTION

**WAC 296-306A-43519 What requirements apply to appliances?** (1) LP-gas appliances shall be approved for use on commercial vehicles.

(2) In vehicles not intended for human occupancy, where the gas-fired heating appliance is used to protect the cargo, such heater may be unvented, but provision shall be made to dispose of the products of combustion to the outside.

(3) In vehicles intended for human occupancy, all gas-fired heating appliances, including water heaters, shall be designed or installed to provide for complete separation of the combustion system from the atmosphere of the living space. Such appliances shall be installed with the combustion air inlet assembly furnished as a component of the appliance, and with either:

(a) The flue gas outlet assembly furnished as a component of the appliance; or

(b) A listed roof jack if the appliance is listed for such use.

The combustion air inlet assembly, flue gas outlet assembly, and roof jack shall extend to the outside atmosphere.

(4) Provision shall be made to ensure an adequate supply of outside air for combustion.

(5) All gas-fired heating appliances and water heaters shall be equipped with an approved automatic device designed to shut off the flow of gas to the main burner and to the pilot in the event the pilot flame is extinguished.

(6) Gas-fired appliances installed in the cargo space shall be readily accessible.

(7) Appliances shall be constructed or protected to minimize the possible damage or impaired operation resulting from cargo shifting or handling.

(8) Appliances inside the vehicle shall be located so that a fire at an appliance will not block the exit route.

#### NEW SECTION

**WAC 296-306A-43521 What general precautions must be followed for LP-gas system installations on commercial vehicles?** (1) DOT containers shall be marked, maintained, and requalified for use according to DOT regulations.

(2) Containers that have not been requalified according to DOT regulations shall be removed from service. Requalified containers shall be stamped with the date of requalification. When DOT cylinders are requalified by retesting, the retest shall be made according to DOT regulations.

(3) Containers shall not be charged with fuel unless they bear the proper markings of the code under which they were constructed, and with their water capacity. In the case of cylinders or portable containers filled by weight, the container shall be marked with its tareweight.

(4) DOT containers that have been involved in a fire shall not be recharged until they have been requalified for service according to DOT regulations.

(5) API-ASME containers or ASME containers that have been involved in a fire shall not be recharged until they have been retested according to the requirements for their original hydrostatic test and found to be suitable for continued service.

(6) Containers shall not be charged without the consent of the owner.

(7) A permanent caution plate shall be provided on the appliance or adjacent to the container outside of any enclosure. It shall include the word "caution" and the following or similar instructions.

(a) Be sure all appliance valves are closed before opening container valve.

(b) Connections at appliances, regulators, and containers must be checked periodically for leaks with soapy water or its equivalent.

(c) A match or flame shall not be used to check for leaks.

(d) Container valves shall be closed except when the equipment is in use.

**NEW SECTION**

**WAC 296-306A-43523 How must containers be charged?** Containers shall be charged according to DOT specifications.

**NEW SECTION**

**WAC 296-306A-43525 What fire protection must be provided for mobile cook units?** Mobile cook units shall be provided with at least one approved portable fire extinguisher having a minimum rating of 8-B, C.

**NEW SECTION**

**WAC 296-306A-440 LP-gas service stations.**

**NEW SECTION**

**WAC 296-306A-44001 What does this section cover?** WAC 296-306A-440 applies to storage containers, dispensing devices, and pertinent equipment in service stations where LP-gas is stored and dispensed into fuel tanks of motor vehicles. LP-gas service stations must meet all requirements of WAC 296-306A-410 (unless otherwise indicated) and the additional requirements of this section.

**NEW SECTION**

**WAC 296-306A-44003 How must storage containers be designed and classified?** Storage containers shall be designed and classified according to the following table:

Minimum design pressure of container lb. per sq. in. gauge

Container type	For gases with vapor press. Not to exceed lb. per sq. in. gauge 100°F (37.8°C.)	1949 and earlier editions of ASME Code (Par. U-68, U-69)	1949 edition of ASME Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of ASME Code; All editions of API-ASME Code <sup>2</sup>
200 <sup>1</sup>	215	200	250

<sup>1</sup>Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designation when constructed under 1949 or earlier editions of ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: 1. The 1949 ASME Code (Par. U-200 and U-201), 2. 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of the ASME Code, and 3. All editions of the API-ASME Code.

<sup>2</sup>Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

**NEW SECTION**

**WAC 296-306A-44005 What requirements apply to valves and accessories?** (1) A filling connection on the container shall be fitted with one of the following:

- (a) A combination back-pressure check and excess flow valve.

- (b) One double or two single back-pressure valves.
- (c) A positive shut-off valve, in conjunction with either:
  - (i) An internal back-pressure valve; or
  - (ii) An internal excess flow valve.

Instead of an excess flow valve, filling connections may be fitted with a quick-closing internal valve that only opens during operating periods. The mechanism for such valves may have a secondary control that will close automatically in case of fire. The melting point for a fusible plug shall be a maximum of 220°F.

- (2) A filling pipe inlet terminal off the container shall have a positive shut-off valve and either:

- (a) A back pressure check valve; or
- (b) An excess flow check valve.

- (3) All openings in the container shall be equipped with approved excess flow check valves.

Exceptions:

- (a) Filling connections;
- (b) Safety-relief connections;
- (c) Liquid-level gauging devices; and
- (d) Pressure gauge connections.

- (4) All container inlets and outlets shall be labeled to designate whether they connect with vapor or liquid (labels may be on valves).

Exceptions:

- (a) Safety-relief valves;
- (b) Liquid-level gauging devices; and
- (c) Pressure gauges.

- (5) Each storage container shall be provided with a suitable pressure gauge.

**NEW SECTION**

**WAC 296-306A-44007 What requirements apply to safety devices?** (1) All safety-relief devices shall be installed as follows:

- (a) On the container and directly connected with the vapor space.
- (b) Safety-relief valves and discharge piping shall be protected against physical damage. The outlet shall be provided with loose-fitting rain caps. There shall be no return bends or restrictions in the discharge piping.

- (c) The discharge from two or more safety-relief valves with the same pressure settings may be run into a common discharge header. The cross-sectional area of such header shall be at least equal to the sum of the individual discharges.

- (d) Discharge from a safety-relief device that terminates in or beneath any building is prohibited.

- (2) Aboveground containers shall be provided with safety-relief valves as follows:

- (a) The rate of discharge, which may be provided by one or more valves, shall be at least that specified in WAC 296-306A-41025(2).

- (b) The discharge from safety-relief valves shall be vented upward to the open air to prevent impingement of escaping gas upon the container. You must use loose-fitting rain caps. On a container having a water capacity greater than 2,000 gallons, the discharge from the safety-relief valves shall be vented upward away from the container to a point at least 7 feet above the container. Provisions shall be made so that any liquid or condensate accumulation inside

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the relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, you must protect the container, adjacent containers, piping, or equipment against impingement of flame resulting from ignition of the product escaping from the drain.

(3) Underground containers shall be provided with safety-relief valves as follows:

(a) The discharge from safety-relief valves shall be piped upward to a point at least 10 feet above the ground. The discharge lines or pipes shall be adequately supported and protected against physical damage.

(b) In areas where the manhole or housing may flood, the discharge from regulator vent lines should be above the highest probable water level.

(c) If no liquid is put into a container until after it is buried and covered, the rate of discharge of the relief valves may be reduced to at least 30 percent of the rate shown in WAC 296-306A-41025(2). If liquid fuel is present during installation of containers, the rate of discharge shall be the same as for aboveground containers. Only empty containers shall be uncovered.

**NEW SECTION**

**WAC 296-306A-44009 What is the maximum capacity allowed for containers?** Individual storage containers shall be a maximum of 30,000 gallons water capacity.

**NEW SECTION**

**WAC 296-306A-44011 How must storage containers be installed?** (1) Each storage container used exclusively in service station operation shall comply with the following table. This table outlines the minimum distances from a container to a building, group of buildings, or adjoining property lines that may be built on.

Minimum distances

Water capacity per container (gallons)	Aboveground and underground (feet)	Between aboveground containers (feet)
Up to 2,000	25	3
Over 2,000	50	5

Note: The above distances may be reduced to at least 10 feet for service station buildings of other than wood frame construction.

(a) Readily ignitable material including weeds and long dry grass, shall be removed within 10 feet of containers.

(b) The minimum separation between LP-gas containers and flammable liquid tanks shall be 20 feet and the minimum separation between a container and the centerline of the dike shall be 10 feet.

(c) LP-gas containers located near flammable liquid containers shall be protected against the flow or accumulation of flammable liquids by diking, diversion curbs, or grading.

(d) LP-gas containers located within diked areas for flammable liquid containers are prohibited.

(e) Field welding is permitted only on saddle plates or brackets that were applied by the container manufacturer.

(f) When permanently installed containers are interconnected, you must allow for expansion, contraction, vibration, and settling of containers and interconnecting piping. Where flexible connections are used, they shall be approved and designed for a bursting pressure of at least five times the vapor pressure of the product at 100°F. Using nonmetallic hose is prohibited for interconnecting containers.

(g) Where high water table or flood conditions may be encountered, you must protect against container flotation.

(2) Aboveground containers shall be installed according to this section.

(a) Containers may be installed horizontally or vertically.

(b) Containers shall be protected by crash rails or guards to prevent physical damage unless they are protected by location. Servicing vehicles within 10 feet of containers is prohibited.

(c) Container foundations shall be of substantial masonry or other noncombustible material. Containers shall be mounted on saddles that permit expansion and contraction, and shall provide against excess stresses. Corrosion protection shall be provided for tank-mounting areas. Structural metal container supports shall be protected against fire.

Exception: This protection is not required on prefabricated storage and pump assemblies, mounted on a common base, with container bottom a maximum of 24 inches above ground with water capacity of 2,000 gallons or less, if the piping connected to the storage and pump assembly is flexible enough to minimize breakage or leakage in case container supports fail.

(3) Underground containers shall be installed according to this section.

(a) Containers shall be given a protective coating before being placed underground. This coating shall be equivalent to hot-dip galvanizing or to two coatings of red lead followed by a heavy coating of coal tar or asphalt. During installation, take care to minimize abrasion or other damage to the coating. Repair coating damage before back-filling.

(b) Containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand firmly tamped in place. Backfill should be free of rocks or other abrasive materials.

(c) A minimum of 2 feet of earth cover shall be provided. Where ground conditions make impractical, equivalent protection against physical damage shall be provided. The portion of the container to which manhole and other connections are attached may be left uncovered. If there is vehicle traffic at the site, containers shall be protected by a concrete slab or other cover to prevent the weight of a loaded vehicle imposing a load on the container shell.

**NEW SECTION**

**WAC 296-306A-44013 What equipment must be protected against tampering?** Valves, regulators, gauges, and other container fittings shall be protected against tampering and physical damage.

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NEW SECTION

**WAC 296-306A-44015 What requirements apply to the transport truck unloading point?** (1) During unloading, the transport truck shall not be parked on public thoroughfares and shall be at least 5 feet from storage containers. The truck shall be positioned so that shut-off valves are accessible.

(2) The filling pipe inlet terminal shall not be located within a building nor within 10 feet of any building or driveway. It shall be protected against physical damage.

NEW SECTION

**WAC 296-306A-44017 What requirements apply to piping, valves, and fittings?** (1) Piping may be underground, aboveground, or a combination of both. It shall be well supported and protected against physical damage and corrosion.

(2) Piping laid beneath driveways shall be installed to prevent physical damage by vehicles.

(3) Piping shall be wrought iron or steel (black or galvanized), brass or copper pipe; or seamless copper, brass, or steel tubing and shall be suitable for a minimum pressure of 250 psig. Pipe joints may be screwed, flanged, brazed, or welded. The use of aluminum alloy piping or tubing is prohibited.

(4) All shut-off valves (liquid or gas) shall be suitable for LP-gas service and designed for at least the maximum pressure to which they may be subjected. Valves that may be subjected to container pressure shall have a rated working pressure of at least 250 psig.

(5) All materials used for valve seats, packing, gaskets, diaphragms, etc., shall be resistant to the action of LP-gas.

(6) Fittings shall be steel, malleable iron, or brass having a minimum working pressure of 250 psig. Cast iron pipe fittings, such as ells, tees and unions shall not be used.

(7) All piping shall be tested after assembly and proved free from leaks at least at the normal operating pressures.

(8) You must allow for expansion, contraction, jarring, and vibration, and for settling. You may use flexible connections.

NEW SECTION

**WAC 296-306A-44019 What requirements apply to pumps and accessory equipment?** All pumps and accessory equipment shall be suitable for LP-gas service, and designed for at least the maximum pressure to which they may be subjected. Accessories shall have a minimum rated working pressure of 250 psig. Positive displacement pumps shall be equipped with suitable pressure actuated bypass valves permitting flow from pump discharge to storage container or pump suction.

NEW SECTION

**WAC 296-306A-44021 What requirements apply to LP-gas dispensing devices?** (1) Meters, vapor separators, valves, and fittings in the dispenser shall be suitable for LP-gas service and shall be designed for a minimum working pressure of 250 psig.

(2) Provisions shall be made for venting LP-gas from a dispensing device to a safe location.

(3) Pumps used to transfer LP-gas shall be equipped to allow control of the flow and to prevent leakage or accidental discharge. Means shall be provided outside the dispensing device to readily shut off the power in the event of fire or accident.

(4) A manual shut-off valve and an excess flow check valve shall be installed downstream of the pump and ahead of the dispenser inlet.

(a) Dispensing hose shall be resistant to the action of LP-gas in the liquid phase and designed for a minimum bursting pressure of 1,250 psig.

(b) An excess flow check valve or automatic shut-off valve shall be installed at the terminus of the liquid line at the point of attachment of the dispensing hose.

(5) LP-gas dispensing devices shall be located at least 10 feet from aboveground storage containers greater than 2,000 gallons water capacity. The dispensing devices shall be at least 20 feet from any building (not including canopies), basement, cellar, pit, or line of adjoining property that may be built on and at least 10 feet from sidewalks, streets, or thoroughfares. No drains or blowoff lines shall be directed into or in proximity to the sewer systems used for other purposes.

(a) LP-gas dispensing devices shall be installed on a concrete foundation or as part of a complete storage and dispensing assembly mounted on a common base, and shall be adequately protected from physical damage.

(b) LP-gas dispensing devices shall not be installed within a building.

Exception: Dispensing devices may be located under a weather shelter or canopy as long as the area is not enclosed on more than two sides. If the enclosing sides are adjacent, the area shall be properly ventilated.

(6) Dispensing LP-gas into the fuel container of a vehicle shall be performed by a competent attendant who shall remain at the LP-gas dispenser during the entire transfer operation.

NEW SECTION

**WAC 296-306A-44023 Is smoking allowed at LP-gas service stations?** Smoking is prohibited on the driveway of service stations in the dispensing areas or transport truck unloading areas. Conspicuous signs prohibiting smoking shall be posted within sight of the customer being served. Letters on such signs shall be at least 4 inches high. The motors of all vehicles being fueled shall be shut off during the fueling operations.

NEW SECTION

**WAC 296-306A-44025 What fire protection must be provided at LP-gas service stations?** Each service station shall be provided with at least one approved portable fire extinguisher with at least an 8-B, C, rating.

**PART U3  
OTHER HAZARDOUS MATERIALS**

NEW SECTION**WAC 296-306A-450 Other hazardous materials.**NEW SECTION

**WAC 296-306A-45001 What general requirements apply to hazardous materials and flammable and combustible liquids?** (1) Fuel shall be stored, handled and marked according to the recommendations of the National Fire Protection Association (NFPA) or other agencies with jurisdiction.

(2) You must ensure that compressed gas cylinders under your control are in a safe condition to the extent that you can determine by visual inspection. Inspections shall be conducted according to the hazardous materials regulations of the Department of Transportation (49 CFR Parts 171-179 and 14 CFR Part 103).

Exception: Where those regulations are not applicable, inspections shall be conducted according to the Compressed Gas Association Pamphlets C-6-1968 and C-8-1962.

(3) Compressed gas cylinders, portable tanks, and cargo tanks shall have pressure relief devices installed and maintained according to Compressed Gas Association Pamphlets S-1.1-1963 and 1965 addenda and S-1.2-1963.

(4) The following equipment shall be shut down during refueling:

- Tractors;
- Agricultural equipment employing open flames; and
- Equipment with integral containers, such as flame cultivators, weed burners.

NEW SECTION

**WAC 296-306A-45003 What requirements apply to dip tanks containing flammable or combustible liquids?** Dip tanks containing flammable or combustible liquids must meet the requirements of WAC 296-306A-450.

NEW SECTION

**WAC 296-306A-45005 What definitions apply to this section?** "Dip tank" means a tank, vat, or container of flammable or combustible liquid in which articles or materials are immersed for coating, finishing, treating, or similar processes.

"Vapor area" means any area containing dangerous quantities of flammable vapors in the vicinity of dip tanks, drainboards or other drying, conveying, or other equipment during operation or shutdown.

NEW SECTION

**WAC 296-306A-45007 What requirements must ventilation systems meet?** (1) Vapor areas shall be limited to the smallest practical space by maintaining a properly designed ventilation system arranged to move air from all directions towards the vapor area and to a safe outside location. Ventilating systems must meet the requirements of the Standards for Blower and Exhaust Systems (NFPA Pamphlet No. 91-1969).

(2) For drying operations that use a heating system that is a potential source of ignition, the ventilation system shall have a prevention process that must operate before the

heating system can be started. The failure of any ventilating fan shall automatically shut down the heating system. The installation must meet the requirements of the Standard for Ovens and Furnaces (NFPA No. 86A-1969).

NEW SECTION

**WAC 296-306A-45009 What general requirements apply to the construction of dip tanks?** (1) Dip tanks and drainboards shall be constructed of substantial noncombustible material, and their supports shall be of heavy metal, reinforced concrete, or masonry. Where dip tanks extend through a floor to the story below or where the weakening of the tank supports by fire may result in the tank collapse, supports should be of material with at least 1-hour fire resistance.

(2) The capacity of the salvage tank shall be greater than the capacity of the dip tanks to which they are connected.

(3) All dip tanks exceeding 150 gallons liquid capacity or having a liquid surface area exceeding 4 square feet shall be protected by at least one of the automatic extinguishing facilities in WAC 296-306A-45021 (2), (3), (4), (5) or (6).

Exception: Hardening and tempering tanks shall meet the requirements of WAC 296-306A-45023.

(4) Dip tanks that use a conveyor system shall be arranged so that, in the event of fire, the conveyor system shall automatically stop and the bottom drains shall open. Conveyor systems shall automatically stop unless required ventilation is in full operation.

(5) When dip tank liquids are heated by dipping heated articles or by other application of heat to the liquid, you must prevent a temperature rise greater than 50°F below the flashpoint of the liquid.

NEW SECTION

**WAC 296-306A-45011 How must overflow pipes for dip tanks be constructed?** (1) Dip tanks of over 150 gallons in capacity or 10 square feet in liquid surface area shall be equipped with a properly trapped overflow pipe leading to a safe location outside buildings. When practical, smaller dip tanks should be equipped the same way.

(2) The location and arrangement of the discharge of the overflow pipe shall prevent hazards if the combustible contents of the dip tank overflows through the overflow pipe from fire fighting water. The overflow pipe should be large enough to conduct the maximum amount of water expected to be applied from automatic sprinklers or other sources in a fire.

(3) Overflow pipes shall be large enough to overflow the maximum delivery of dip tank liquid fill pipes. They shall be at least 3 inches in diameter or larger depending on the area of the liquid surface and the length and pitch of pipe.

(4) Piping connections on drains and overflow lines shall be designed to allow access for inspection and cleaning of the interior.

(5) The bottom of the overflow connection shall be at least 6 inches below the top of the tank.

**NEW SECTION**

**WAC 296-306A-45013 How must the bottom drains of dip tanks be constructed?** (1) Dip tanks over 500 gallons in liquid capacity shall be equipped with bottom drains that are automatically and manually arranged to quickly drain the tank in the event of fire. Manual operation shall be from a safely accessible location. Where gravity flow is not practical, automatic pumps are required.

Exception: This requirement does not apply if the viscosity of the liquid at normal atmospheric temperature makes this impractical.

(2) Bottom drains shall be trapped and discharged to a closed properly vented salvage tank or to a safe location outside.

(3) According to tank capacity, the diameter of the bottom drainpipe shall be at least the following:

Gallons	Inches
500 to 750	3
750 to 1,000	4
1,000 to 2,500	5
2,500 to 4,000	6
Over 4,000	8

**NEW SECTION**

**WAC 296-306A-45015 How must liquids used in dip tanks be stored and handled?** The storage of flammable and combustible liquids in connection with dipping operations shall meet the requirements of the National Fire Protection Association Standard for Drycleaning Plants, NFPA No. 32-1970; the National Fire Protection Association Standard for the Manufacture of Organic Coatings, NFPA No. 35-1970; the National Fire Protection Association Standard for Solvent Extraction Plants, NFPA No. 36-1967; and the National Fire Protection Association Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, NFPA No. 37-1970.

Where portable containers are used to replenish flammable and combustible liquids, you must ensure that both the container and tank are positively grounded and electrically bonded to prevent static electric sparks.

**NEW SECTION**

**WAC 296-306A-45017 What measures must an employer take to prevent hazards from electrical and other ignition sources?** (1) In vapor areas, there shall be no open flames, spark producing devices, or heated surfaces hot enough to ignite vapors. Electrical wiring and equipment in any vapor area shall be explosion proof as required in chapter 296-306A WAC Part T for Class I locations and shall meet the requirements of chapter 296-306A WAC Part T.

Exception: The requirements for electrostatic apparatus are in WAC 296-306A-45027.

(2) Electrical equipment is prohibited in the vicinity of dip tanks, drainboards, or drying operations that are subject to splashing or dripping of dip tank liquids, unless the

equipment is approved for locations containing deposits of readily ignitable residues and explosive vapors.

Exception: Wiring in rigid conduit or in threaded boxes or fittings containing no taps, splices, or terminal connections are permitted. Other exceptions are in WAC 296-306A-45027.

(3) In any floor space outside a vapor area but within 20 feet and not separated by tight partitions, open flames or spark producing devices are prohibited. Electrical wiring and equipment shall meet the requirements of chapter 296-306A WAC Part T.

Exception: Open flames are only allowed as specifically permitted in NFPA Standard No. 86A-1969, Ovens and Furnaces, paragraph 200-7.

**NEW SECTION**

**WAC 296-306A-45019 How must dip tanks be operated and maintained?** (1) The area around dip tanks shall be kept as clear of combustible stock as practical and shall be kept entirely free of combustible debris.

(2) When waste or rags are used in connection with dipping operations, approved metal waste cans shall be provided. All impregnated rags or waste shall be deposited in the cans immediately after use. The contents of waste cans shall be properly disposed of at least once daily at the end of each shift.

(3) You must periodically inspect or test all dip tank facilities, including covers, overflow pipe inlets and discharge, bottom drains and valves, electrical wiring and equipment and grounding connections, ventilating facilities, and all extinguishing equipment. Any defects found shall be promptly corrected.

(4) "No smoking" signs in large letters on contrasting color background shall be conspicuously posted in the vicinity of dip tanks.

**NEW SECTION**

**WAC 296-306A-45021 What requirements must fire extinguishing systems meet?** (1) Dip tank areas shall have portable fire extinguishers suitable for flammable and combustible liquid fires, and that meet the requirements of WAC 296-306A-085.

(2) Automatic water spray extinguishing systems shall meet the requirements of ANSI/NFPA No. 13, Sprinkler Systems, and NFPA No. 13, Sprinkler Systems Maintenance, and shall be arranged to protect tanks, drainboards, and stock over drainboards.

(3) Automatic foam extinguishing systems shall meet the requirements of ANSI/NFPA No. 11, Foam Extinguishing Systems.

(a) The foam-producing material shall be suitable for intended use, taking into account the characteristics of the dip tank liquid.

(b) The overflow pipe shall be arranged to prevent foam from floating away and clogging the overflow pipe. You may use either one of the following methods:

(i) The overflow pipe may be extended through tank wall and terminated in an ell pointing downward. The bottom of the overflow pipe at the point it enters the tank

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wall should be a maximum of 2 inches above the opening or the face of the ell.

(ii) The overflow pipe inlet may have a removable screen of 1/4-inch mesh with an area at least twice the cross-sectional area of overflow pipe. Screens that may be clogged by dip tank ingredients shall be inspected and cleaned periodically.

(4) Automatic carbon dioxide systems shall meet the requirements of ANSI/NFPA No. 12, Carbon Dioxide, and shall be arranged to protect dip tanks and drainboards. The system shall be arranged to protect stock over drainboards unless the stock is otherwise protected with automatic extinguishing facilities.

(5) Dry chemical extinguishing systems shall meet the requirements of ANSI/NFPA No. 17, Dry Chemical Systems, and shall be arranged to protect dip tanks and drainboards. The system shall be arranged to protect stock over drainboards unless the stock is otherwise protected with automatic extinguishing facilities.

(6) Dip tank covers shall meet the following requirements:

(a) Covers arranged to close automatically in the event of fire shall be actuated by approved automatic devices and shall also be designed for manual operation.

(b) Covers shall be of substantial noncombustible material or tin-clad with enclosing metal applied with locked joints.

(c) Chains or wire rope shall be used for the cover support or operating mechanism where a burnt cord would interfere with the device action.

(d) Covers shall be kept closed when tanks are not in use.

#### NEW SECTION

**WAC 296-306A-45023 What requirements apply to hardening and tempering tanks?** (1) Tanks shall be located as far as practical from furnaces and away from combustible floors.

(2) Tanks shall have a noncombustible hood and vent or other equivalent means of venting to the outside of the building that will serve as a vent in case of fire. All vent ducts shall be treated as flues and be kept away from combustible roofs or materials.

(3) Tanks shall be designed so that the maximum workload is incapable of raising the temperature of the cooling medium to within 50°F below its flashpoint, or tanks shall be equipped with circulating cooling systems that will provide equal protection.

(4) Tanks shall be equipped with a high temperature limit switch arranged to sound an alarm when the temperature of the quenching medium reaches within 50°F below the flashpoint. If practical from an operating standpoint, such limit switches shall also shut down conveying equipment supplying work to the tank.

(5) All hardening and tempering tanks exceeding 500 gallons liquid capacity or having a liquid surface area exceeding 25 square feet shall be protected with at least one of the automatic extinguishing facilities conforming to WAC 296-306A-45021 (2), (3), (4), (5) or (6).

(6) Using air under pressure to fill or to agitate oil tanks is prohibited.

(7) Bottom drains may be combined with the oil circulating system or arranged independently to drain the oil to a safe location. The drain valve shall be operated automatically with approved heat actuated devices or manually. The valve of a manual device shall be operated from a safe distance.

#### NEW SECTION

**WAC 296-306A-45025 What requirements apply to flow coat applications?** (1) All dip tank requirements shall apply to flow coat operations.

(2) All piping shall be strongly erected and rigidly supported.

(3) Paint shall be supplied by direct low-pressure pumping arranged to automatically shut down by an approved heat actuated device in the case of fire, or paint may be supplied by a gravity tank with a maximum capacity of 10 gallons.

(4) The sump area and any areas on which paint flows should be considered the area of dip tank.

#### NEW SECTION

**WAC 296-306A-45027 What requirements apply to electrostatic apparatus?** (1) All requirements of WAC 296-306A-450 apply to electrostatic detearing equipment unless otherwise specified.

(2) Electrostatic apparatus and devices used in connection with paint detearing operations shall be approved.

(3) Transformers, powerpacks, control apparatus, and all other electrical portions of the equipment shall be located outside the vapor area or shall meet the requirements of WAC 296-306A-45017.

Exception: This requirement does not apply to high voltage grids and their connections.

(4) Electrodes shall be substantially constructed, rigidly supported in permanent locations, and insulated from ground. Insulators shall be nonporous and noncombustible.

(5) High voltage leads to electrodes shall be permanently supported on suitable insulators, and guarded against accidental contact or grounding. An automatic means shall be provided for grounding and discharging any accumulated residual charge on the electrode assembly or the secondary circuit of the high voltage transformer when the transformer primary is disconnected from the supply source.

(6) Maintain space between goods being deteared and electrodes or conductors of at least twice the sparking distance. A sign stating the sparking distance shall be conspicuously posted near the assembly.

(7) Goods being deteared using the electrostatic process shall be supported on conveyors. The conveyors shall be arranged to maintain safe distances between the goods and the electrodes at all times. All goods shall be supported to prevent any swinging or movement that would reduce the clearance to less than twice the sparking distance.

Exception: The electrostatic process is prohibited where goods being deteared are manipulated by hand.

(8) Electrostatic apparatus shall be equipped with automatic controls that will operate immediately to discon-

nect the power supply to the high voltage transformer and to signal the operator under any of the following conditions:

(a) The ventilating fans stop or the ventilating equipment fails for any cause;

(b) The conveyor carrying goods past the high voltage grid stops;

(c) A ground or imminent ground at any point on the high voltage system occurs; or

(d) Clearance is reduced below twice the sparking distance.

(9) Adequate fencing, railings, or guards shall be placed so that they ensure that the process is safely isolated from plant storage or employees. Such railings, fencing and guards shall be of conducting material, adequately grounded, and should be at least 5 feet from processing equipment.

(10) Electrode insulators shall be kept clean and dry.

(11) The detearing area shall be ventilated according to WAC 296-306A-45007.

(12) All areas for detearing shall be protected by automatic sprinklers where this protection is available. Where this protection is not available, other approved automatic extinguishing equipment shall be provided.

(13) Drip plates and screens subject to paint deposits shall be removable and shall be taken to a safe place for cleaning.

#### NEW SECTION

**WAC 296-306A-45029 What requirements apply to roll coating applications?** Sparks from static electricity shall be prevented by electrically bonding and grounding all rotating metal and other machinery, and by the installation of static collectors or maintaining a conductive atmosphere such as a high relative humidity.

### **PART V WELDING**

#### NEW SECTION

**WAC 296-306A-475 Welding, cutting, and brazing.**

#### NEW SECTION

**WAC 296-306A-47501 What definitions apply to this part?** "Welder" and "welding operator" mean any operator of electric or gas welding and cutting equipment.

All other welding terms are defined according to American Welding Society, Terms and Definitions, A3.0-1969.

#### NEW SECTION

**WAC 296-306A-480 Installation and operation of oxygen fuel gas systems for welding and cutting.**

#### NEW SECTION

**WAC 296-306A-48001 What general requirements apply to oxygen fuel gas systems?** (1) Explosive mixtures of fuel gases and air or oxygen shall be guarded against. No accessory that allows air or oxygen to mix with flammable

gases prior to use shall be allowed unless approved for that purpose.

**Exception:** Air or oxygen may mix with flammable gases at the burner or in a standard torch.

(2) Acetylene shall never be generated, piped (except in approved cylinder manifolds) or used at a pressure in excess of 15 psi gauge pressure or 30 psi absolute pressure. (The 30 psi absolute pressure limit is intended to prevent unsafe use of acetylene in pressurized chambers such as caissons, underground excavations or tunnel construction.) Using liquid acetylene is prohibited.

**Exception:** This requirement does not apply to storage of acetylene dissolved in a suitable solvent in cylinders manufactured and maintained according to DOT requirements, or to acetylene for chemical use.

(3) Only approved apparatus such as torches, regulators or pressure-reducing valves, acetylene generators, and manifolds shall be used. Replacement tips may be used on approved torches, as long as the replacement tips are made to the same specifications as the original, or when replacements are used with convertor/adaptors that meet the same specifications.

(4) Before leaving any employee in charge of the oxygen or fuel-gas supply equipment, including generators, and oxygen or fuel-gas distribution piping systems, you must ensure that the employee has received proper instruction and is competent to do the work. 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.

#### NEW SECTION

**WAC 296-306A-48003 What requirements apply to portable cylinders?** All portable cylinders used for storing and shipping compressed gases shall be constructed and maintained according to DOT regulations.

(1) Compressed gas cylinders shall be legibly marked with either the chemical or the trade name of the gas. The marking shall be a permanent stencil, stamp, or label. Whenever practical, the marking shall be located on the shoulder of the cylinder.

(2) Compressed gas cylinders shall be equipped with connections that meet the requirements of the American National Standard Compressed Gas Cylinder Valve Outlet and Inlet Connections, ANSI B 57.1-1965.

(3) All cylinders with a water weight capacity greater than thirty pounds shall be equipped with means of connecting a valve protection cap or with a collar or recess to protect the valve.

#### NEW SECTION

**WAC 296-306A-48005 What general requirements apply to storing compressed gas cylinders?** (1) Cylinders shall be kept away from radiators and other sources of heat.

(2) Indoors, cylinders shall be stored in a well-protected, well-ventilated, dry area, at least twenty feet from highly combustible materials such as oil or excelsior. Cylinders should be stored in assigned places away from elevators, stairs, or gangways. Assigned storage spaces shall be located where cylinders will not be knocked over or dam-

aged by passing or falling objects, or subject to tampering. All cylinder enclosures shall be ventilated.

(3) Empty cylinders shall have their valves closed.

(4) Valve protection caps on cylinders designed to accept a cap, shall always be in place and hand-tight, except when cylinders are in use or connected for use.

#### NEW SECTION

**WAC 296-306A-48007 How must fuel-gas cylinders be stored?** Cylinders stored indoors, except those in use or attached ready for use, shall be limited to a total gas capacity of 2,000 cubic feet or 300 pounds of LP-gas.

(1) Cylinders in excess of 2,000 cubic feet total gas capacity or 300 pounds of LP-gas, shall be stored in a separate room or compartment that meets the requirements of 252 (a)(8) and (9) CFR, or cylinders shall be kept outside or in a special building. Special buildings, rooms or compartments shall be free from open flame for heating or lighting and shall be well ventilated. They may also be used for storage of a maximum of 600 pounds of calcium carbide, when contained in metal containers complying with 252 (a)(7)(a) and (b) CFR. Signs should be conspicuously posted in such rooms reading, "Danger—No smoking, matches or open lights," or other equivalent wording.

(2) Acetylene cylinders shall be stored valve end up.

#### NEW SECTION

**WAC 296-306A-48009 How must oxygen cylinders be stored?** (1) Oxygen cylinders shall not be stored near highly combustible material, especially oil and grease; or near reserve stocks of carbide and acetylene or other fuel-gas cylinders, or near any other substance likely to cause or accelerate fire; or in an acetylene generator compartment.

(2) Oxygen cylinders stored in outside generator houses shall be separated from the generator or carbide storage rooms by a noncombustible partition having a fire-resistance rating of at least one hour. This partition shall be without openings and shall be gastight.

(3) Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum of 20 feet or by a noncombustible barrier at least five feet high having a fire-resistance rating of at least one-half hour. (Cylinders "in-use," secured to a hand truck or structural member, with regulators, hoses, and torch temporarily removed for security purposes overnight or weekends, are not considered "in-storage.")

(4) Where a liquid oxygen system is to be used to supply gaseous oxygen for welding or cutting and the system has a storage capacity of more than 13,000 cubic feet of oxygen (measured at 14.7 psi(a) and 70°F), connected in service or ready for service, or more than 25,000 cubic feet of oxygen (measured at 14.7 psi(a) and 70°F), including unconnected reserves on hand at the site, it shall meet the requirements of the Standard for Bulk Oxygen Systems at Consumer Sites, NFPA No. 566-1965.

#### NEW SECTION

**WAC 296-306A-48011 What general operating procedures apply to working with cylinders and containers?** (1) The numbers and markings stamped into cylinders shall not be tampered with.

(2) Cylinders, cylinder valves, couplings, regulators, hose, and apparatus shall be kept free from oily or greasy substances. Oxygen cylinders or apparatus shall not be handled with oily hands or gloves. A jet of oxygen must never be permitted to strike an oily surface, greasy clothes, or enter a fuel oil or other storage tank.

(3) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them, or fire-resistant shields shall be provided.

(4) No person, other than the gas supplier, shall attempt to mix gases in a cylinder. No one, except the owner of the cylinder or person authorized by the owner, shall refill a cylinder.

(5) Cylinders shall not be placed where they might become part of an electric circuit. Contacts with third rails, trolley wires, etc., shall be avoided.

(6) Fuel-gas cylinders shall be placed with valve end up whenever they are in use. Liquefied gases shall be stored and shipped with the valve end up.

(7) A suitable cylinder truck, chain, or other steadying device shall be used to prevent cylinders from being knocked over while in use.

#### NEW SECTION

**WAC 296-306A-48013 What requirements apply to safety devices on cylinders?** (1) Valve-protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve-protection caps to pry cylinders loose when frozen to the ground or otherwise fixed; we recommend using warm (not boiling) water. Valve-protection caps are designed to protect cylinder valves from damage.

(2) Cylinders without fixed hand wheels shall have keys, handles, or nonadjustable wrenches on valve stems while these cylinders are in service. In multiple cylinder installations only one key or handle is required for each manifold.

(3) No one shall tamper with safety devices in cylinders or valves.

(4) Nothing shall be placed on top of an acetylene cylinder when in use that may damage the safety device or interfere with the quick closing of the valve.

(5) Where a special wrench is required it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel-gas flow can be quickly turned off in case of emergency. In the case of manifolded or coupled cylinders at least one such wrench shall always be available for immediate use.

(6) Cylinders with leaking fuse plugs or other leaking safety devices should be plainly marked with a warning not to approach them with a lighted cigarette or other source of ignition. You should notify the supplier promptly and follow the supplier's instructions as to their return.

NEW SECTION

**WAC 296-306A-48015 How must cylinders be transported?** (1) When transporting cylinders by a crane or derrick, a cradle, boat, or suitable platform shall be used. Slings or electric magnets are prohibited for this purpose. Valve-protection caps, where cylinder is designed to accept a cap, shall always be in place.

(2) Unless cylinders are secured on a special truck, regulators shall be removed and valve-protection caps, when provided for, shall be put in place before cylinders are moved.

(3) When cylinders are transported by powered vehicle they shall be secured in a vertical position.

NEW SECTION

**WAC 296-306A-48017 How must cylinders be handled?** (1) Cylinders shall not be dropped or struck or permitted to strike each other violently.

(2) Cylinders shall be handled carefully. Cylinders shall not be subjected to rough handling, knocks, or falls that are liable to damage the cylinder, valve or safety devices and cause leakage.

(3) Cylinders shall never be used as rollers or supports, whether full or empty.

NEW SECTION

**WAC 296-306A-48019 What requirements apply to cylinder valves?** (1) Cylinder valves shall be closed before moving cylinders.

(2) Cylinder valves shall be closed when work is finished.

(3) Valves of empty cylinders shall be closed.

(4) A hammer or wrench shall not be used to open cylinder valves. If valves cannot be opened by hand, the supplier shall be notified.

(5) Cylinder valves shall not be tampered with nor should any attempt be made to repair them. If you have trouble with a cylinder, you should send a report to the supplier indicating the character of the trouble and the cylinder's serial number. You must follow the supplier's instructions on what to do with the cylinder.

(6) Complete removal of the stem from a diaphragm-type cylinder valve shall be avoided.

(7) If cylinders are found to have leaky valves or fittings that cannot be stopped by closing of the valve, the cylinders shall be taken outdoors away from sources of ignition and slowly emptied.

(8) The cylinder valve shall always be opened slowly.

(9) An acetylene cylinder valve shall not be opened more than one and one-half turns of the spindle, and preferably no more than three-fourths of a turn.

NEW SECTION

**WAC 296-306A-48021 What requirements apply to cylinder regulators?** (1) Unless connected to a manifold, oxygen from a cylinder must first have an oxygen regulator attached to the cylinder valve.

(2) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. The valve shall be opened while standing to one side of the

outlet; never in front of it. Fuel-gas cylinder valves shall not be cracked near other welding work or near sparks, flame, or other possible sources of ignition.

(3) Before a regulator is removed from a cylinder valve, the cylinder valve shall be closed and the gas released from the regulator.

(4) Fuel-gas shall not be used from cylinders through torches or other devices equipped with shut-off valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

NEW SECTION

**WAC 296-306A-48023 What requirements apply to fuel-gas manifolds?** (1) Manifolds shall be approved either separately for each component part or as an assembled unit.

(2) Fuel-gas cylinders connected to one manifold inside a building shall be limited to a maximum total capacity of 300 pounds of LP-gas or 3,000 cubic feet of other fuel-gas. More than one such manifold with connected cylinders may be located in the same room as long as the manifolds are at least 50 feet apart or separated by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(3) Exception: Fuel-gas cylinders connected to one manifold having an aggregate capacity exceeding 300 pounds of LP-gas or 3,000 cubic feet of other fuel-gas shall be located outdoors, or in a separate building or room constructed according to 252 (a)(8) and (9) CFR.

(4) Separate manifold buildings or rooms may also be used for the storage of drums of calcium carbide and cylinders containing fuel gases as provided in WAC 296-306A-48007. Such buildings or rooms shall have no open flames for heating or lighting and shall be well ventilated.

(5) High-pressure fuel-gas manifolds shall have approved pressure regulating devices.

NEW SECTION

**WAC 296-306A-48025 What requirements apply to high pressure oxygen manifolds?** This section applies to cylinders with a DOT service pressure above 200 psig.

(1) Manifolds shall be approved either separately for each component or as an assembled unit.

(2) Oxygen manifolds shall not be located in an acetylene generator room. Oxygen manifolds shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(3) Oxygen cylinders connected to one manifold shall be limited to a total gas capacity of 6,000 cubic feet. More than one such manifold with connected cylinders may be located in the same room as long as the manifolds are at least 50 feet apart or separated by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(4) Exception: An oxygen manifold, to which cylinders having an aggregate capacity of more than 6,000 cubic feet of oxygen are connected, should be located outdoors or in a separate noncombustible building. Such a manifold, if located inside a building having other occupancy, shall be located in a separate room of noncombustible construction

having a fire-resistance rating of at least one-half hour or in an area with no combustible material within 20 feet of the manifold.

(5) An oxygen manifold or oxygen bulk supply system that has storage capacity of more than 13,000 cubic feet of oxygen (measured at 14.7 psia and 70°F), connected in service or ready for service, or more than 25,000 cubic feet of oxygen (measured at 14.7 psia and 70°F), including unconnected reserves on hand at the site, shall meet the requirements of the Standard for Bulk Oxygen Systems at Consumer Sites, NFPA No. 566-1965.

(6) High-pressure oxygen manifolds shall have approved pressure-regulating devices.

#### NEW SECTION

**WAC 296-306A-48027 What requirements apply to low pressure oxygen manifolds?** This section applies to cylinders with a maximum DOT service pressure of 200 psig.

(1) Manifolds shall be of substantial construction suitable for use with oxygen at a pressure of 250 psig. They shall have a minimum bursting pressure of 1,000 psig and shall be protected by a safety-relief device that will relieve at a maximum pressure of 500 psig.

Note: DOT-4L200 cylinders have safety devices that relieve at a maximum pressure of 250 psig (or 235 psig if vacuum insulation is used).

(2) Hose and hose connections subject to cylinder pressure shall meet the requirements of WAC 296-306A-48049. Hose shall have a minimum bursting pressure of 1,000 psig.

(3) The assembled manifold including leads shall be tested and proven gas-tight at a pressure of 300 psig. The fluid used for testing oxygen manifolds shall be oil-free and not combustible.

(4) The location of manifolds shall meet the requirements of WAC 296-306A-48025.

(5) The following sign shall be conspicuously posted at each manifold:

Low-Pressure Manifold  
Do Not Connect High-Pressure Cylinders  
Maximum Pressure—250 PSIG

#### NEW SECTION

**WAC 296-306A-48029 What requirements apply to manifolding portable outlet headers?** (1) Portable outlet headers shall not be used indoors except for temporary service where the conditions preclude a direct supply from outlets located on the service piping system.

(2) Each outlet on the service piping from which oxygen or fuel-gas is withdrawn to supply a portable outlet header shall be equipped with a readily accessible shut-off valve.

(3) Hose and hose connections used for connecting the portable outlet header to the service piping shall meet the requirements of WAC 296-306A-48051.

(4) Master shut-off valves for both oxygen and fuel-gas shall be provided at the entry end of the portable outlet header.

(5) Portable outlet headers for fuel-gas service shall have an approved hydraulic back-pressure valve installed at

the inlet and preceding the service outlets, unless an approved pressure-reducing regulator, an approved backflow check valve, or an approved hydraulic back-pressure valve is installed at each outlet. Outlets provided on headers for oxygen service may be fitted for use with pressure-reducing regulators or for direct hose connection.

(6) Each service outlet on portable outlet headers shall have a valve assembly that includes a detachable outlet seal cap, chained or otherwise attached to the body of the valve.

(7) Materials and fabrication procedures for portable outlet headers shall comply with WAC 296-306A-48033, 296-306A-48035, and 296-306A-48041.

(8) Portable outlet headers shall have frames that will support the equipment securely in the correct operating position and protect them from damage during handling and operation.

#### NEW SECTION

**WAC 296-306A-48031 What operating procedures apply to cylinder manifolds?** (1) Cylinder manifolds shall be installed under the supervision of someone familiar with the proper practices of construction and use.

(2) All component parts used in the methods of manifolding described in WAC 296-306A-48023 shall have the materials, design and construction approved either separately or as an assembled unit.

(3) All manifolds and parts used in methods of manifolding shall be used only for the gas or gases for which they are approved.

(4) When acetylene cylinders are coupled, approved flash arresters shall be installed between each cylinder and the coupler block. For outdoor use only, and when the number of cylinders coupled does not exceed three, one flash arrester installed between the coupler block and regulator is acceptable.

(5) Each fuel-gas cylinder lead should have a backflow check valve.

(6) The maximum aggregate capacity of fuel-gas cylinders connected to a portable manifold inside a building shall be 3,000 cubic feet of gas.

(7) Acetylene and liquefied fuel-gas cylinders shall be manifolded vertically.

(8) The pressure in the gas cylinders connected to and discharged simultaneously through a common manifold shall be approximately equal.

#### NEW SECTION

**WAC 296-306A-48033 How must service piping systems be designed?** (1) Piping and fittings shall comply with Section 2, Industrial Gas and Air Piping Systems, of the American National Standard Code for Pressure Piping, ANSI B 31.1-1967, as long as they do not conflict with subsections (2) and (3) of this section.

(2) Pipe shall be at least Schedule 40 and fittings shall be at least standard weight in sizes up to and including 6-inch nominal.

(3) Copper tubing shall be Types K or L according to the Standard Specification for Seamless Copper Water Tube, ASTM B88-66a.

(4) Piping shall be steel, wrought iron, brass or copper pipe, or seamless copper, brass or stainless steel tubing,

except as provided in subsections (5) through (9) of this section.

(5) Oxygen piping and fittings at pressures in excess of 700 psig, shall be stainless steel or copper alloys.

(6) Hose connections and hose complying with WAC 296-306A-48051 may be used to connect the outlet of a manifold pressure regulator to piping as long as the working pressure of the piping is 250 psig or less and the length of the hose is a maximum of 5 feet. Hose shall have a minimum bursting pressure of 1,000 psig.

(7) When oxygen is supplied to a service piping system from a low-pressure oxygen manifold without an intervening pressure regulating device, the piping system shall have a minimum design pressure of 250 psig. A pressure regulating device shall be used at each station outlet when the connected equipment is for use at pressures less than 250 psig.

(8) Piping for acetylene or acetylenic compounds shall be steel or wrought iron.

(9) Unalloyed copper shall only be used for acetylene or acetylenic compounds in listed equipment.

#### NEW SECTION

**WAC 296-306A-48035 What requirements apply to piping joints?** (1) Joints in steel or wrought iron piping shall be welded, threaded or flanged. Fittings, such as ells, tees, couplings, and unions, may be rolled, forged or cast steel, malleable iron or nodular iron. Gray or white cast iron fittings are prohibited.

(2) Joints in brass or copper pipe shall be welded, brazed, threaded, or flanged. Socket type joints shall be brazed with silver-brazing alloy or similar high melting point (not less than 800°F) filler metal.

(3) Joints in seamless copper, brass, or stainless steel tubing shall be approved gas tubing fittings or the joints shall be brazed. Socket type joints shall be brazed with silver-brazing alloy or similar high melting point (not less than 800°F) filler metal.

#### NEW SECTION

**WAC 296-306A-48037 How must service piping systems be installed?** (1) Distribution lines shall be installed and maintained in a safe operating condition.

(2) Piping may be above or below ground. All piping shall be run as directly as practical, protected against physical damage, with an allowance for expansion and contraction, jarring and vibration. Pipe laid underground in earth shall be below the frost line and protected against corrosion. After assembly, piping shall be thoroughly blown out with air or nitrogen to remove foreign materials. For oxygen piping, only oil-free air, oil-free nitrogen, or oil-free carbon dioxide shall be used.

(3) Only piping that has been welded or brazed shall be installed in tunnels, trenches or ducts. Shut-off valves shall be located outside such conduits. Oxygen piping may be placed in the same tunnel, trench or duct with fuel-gas pipelines, as long as there is good natural or forced ventilation.

(4) Low points in piping carrying moist gas shall be drained into drip pots constructed to permit pumping or draining out the condensate at necessary intervals. Drain valves shall be installed for this purpose having outlets

normally closed with screw caps or plugs. No open end valves or petcocks shall be used, except that in drips located outdoors, underground, and not readily accessible, valves may be used at such points if they are equipped with means to secure them in the closed position. Pipes leading to the surface of the ground shall be cased or jacketed where necessary to prevent loosening or breaking.

(5) Gas cocks or valves shall be provided for all buildings at points where they will be readily accessible for shutting off the gas supply to these buildings in any emergency. Underground valve boxes or manholes should be avoided wherever possible. There shall be a shut-off valve in the discharge line from the generator, gas holder, manifold or other source of supply.

(6) Shut-off valves shall not be installed in safety-relief lines in such a manner that the safety-relief device can be rendered ineffective.

(7) Fittings and lengths of pipe shall be examined internally before assembly and, if necessary, freed from scale or dirt. Oxygen piping and fittings shall be washed out with a suitable solution that will effectively remove grease and dirt but will not react with oxygen.

Note: Hot water solutions of caustic soda or trisodium phosphate are effective for this purpose.

(8) Piping shall be thoroughly blown out after assembly to remove foreign materials. For oxygen piping, oil-free air, oil-free nitrogen, or oil-free carbon dioxide shall be used. For other piping, air or inert gas may be used.

(9) When flammable gas lines or other parts of equipment are being purged of air or gas, open lights or other sources of ignition shall not be permitted near uncapped openings.

(10) No welding or cutting shall be performed on an acetylene or oxygen pipeline, including the attachment of hangers or supports, until the line has been purged. Only oil-free air, oil-free nitrogen, or oil-free carbon dioxide shall be used to purge oxygen lines.

#### NEW SECTION

**WAC 296-306A-48039 How must service piping systems be painted and marked?** (1) Underground pipe and tubing and outdoor ferrous pipe and tubing shall be covered or painted with a suitable material for protection against corrosion.

(2) Aboveground piping systems shall be marked according to the American National Standard Scheme for the Identification of Piping Systems, ANSI A 13.1-1956.

(3) Station outlets shall be marked to indicate the name of the gas.

#### NEW SECTION

**WAC 296-306A-48041 How must service piping systems be tested?** (1) Piping systems shall be tested and proved gastight at 1-1/2 times the maximum operating pressure, and shall be thoroughly purged of air before being placed in service. The material used for testing oxygen lines shall be oil free and noncombustible. Flames shall not be used to detect leaks.

(2) When flammable gas lines or other parts of equipment are being purged of air or gas, sources of ignition shall not be permitted near uncapped openings.

**NEW SECTION**

**WAC 296-306A-48043 How must equipment be installed?** Equipment shall be installed and used only in the service for which it is approved and as recommended by the manufacturer.

**NEW SECTION**

**WAC 296-306A-48045 How must service piping systems be protected?** Service piping systems shall be protected by pressure relief devices set to function at not more than the design pressure of the systems and discharging upwards to a safe location.

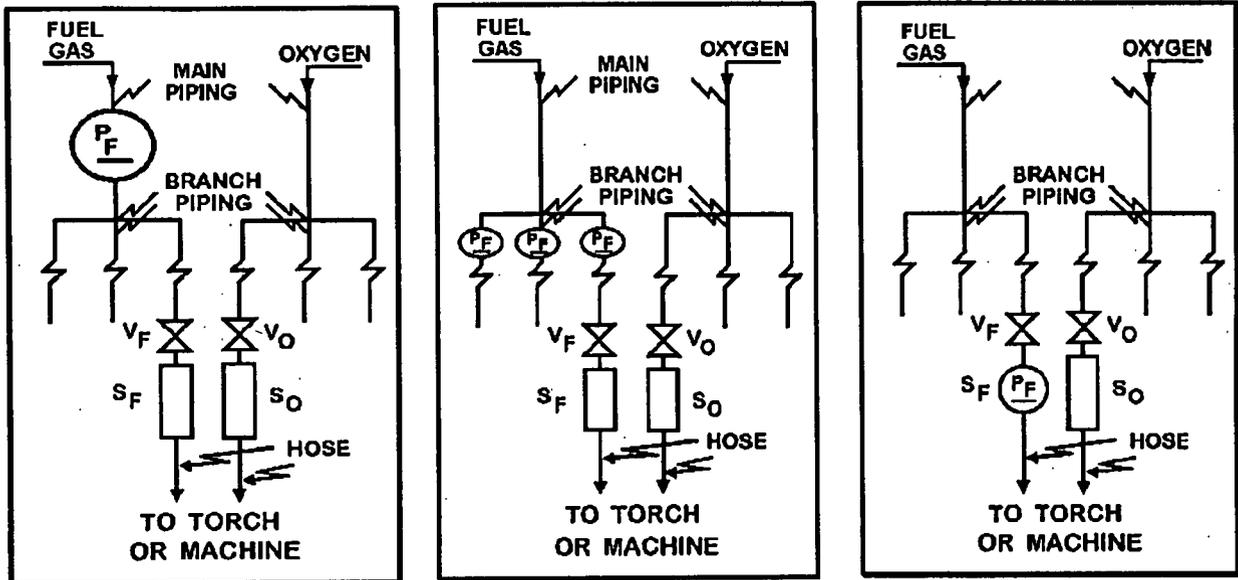
**NEW SECTION**

**WAC 296-306A-48047 What requirements apply to piping protective equipment?** (1) The fuel-gas and oxygen piping systems, including portable outlet headers shall incorporate the protective equipment shown in Figures V-1, V-2, and V-3.

When only a portion of a fuel-gas system is to be used with oxygen, only that portion must meet this requirement.

(2) Approved protective equipment (designated PF in Figs. V-1, V-2, and V-3) shall be installed in fuel-gas piping to prevent:

- (a) Backflow of oxygen into the fuel-gas supply system;
- (b) Passage of a flash back into the fuel-gas supply system; and
- (c) Excessive back pressure of oxygen in the fuel-gas supply system. The three functions of the protective equipment may be combined in one device or may be provided by separate devices.



- PF = Protective equipment in fuel-gas piping
- VF = Fuel-gas station outlet valve
- VO = Oxygen station outlet valve
- SF = Backflow prevention device(s) at fuel-gas station outlet
- SO = Backflow prevention device(s) at oxygen station outlet

(3) The protective equipment shall be located in the main supply line, as in Figure 1 or at the head of each branch line, as in Figure 2 or at each location where fuel-gas is withdrawn, as in Figure 3. Where branch lines are of 2-inch pipe size or larger or of substantial length, protective equipment (designated as PF) shall be located as shown in either 2 or 3.

(4) Backflow protection shall be provided by an approved device that will prevent oxygen from flowing into the fuel-gas system or fuel from flowing into the oxygen system (see SF, Figs. 1 and 2).

(5) Flash-back protection shall be provided by an approved device that will prevent flame from passing into the fuel-gas system.

(6) Back-pressure protection shall be provided by an approved pressure-relief device set at a pressure not greater than the pressure rating of the backflow or the flashback protection device, whichever is lower. The pressure-relief device shall be located on the downstream side of the backflow and flashback protection devices. The vent from the pressure-relief device shall be at least as large as the relief device inlet and shall be installed without low points that may collect moisture. If low points are unavoidable, drip pots with drains closed with screw plugs or caps shall be installed at the low points. The vent terminus shall not endanger personnel or property through gas discharge; shall be located away from ignition sources; and shall terminate in a hood or bend.

(7) If pipeline protective equipment incorporates a liquid, the liquid level shall be maintained, and a suitable antifreeze may be used to prevent freezing.

PROPOSED

(8) Fuel-gas for use with equipment not requiring oxygen shall be withdrawn upstream of the piping protective devices.

#### NEW SECTION

**WAC 296-306A-48049 What requirements apply to station outlet protective equipment?** (1) A check valve pressure regulator, hydraulic seal, or combination of these devices shall be provided at each station outlet, including those on portable headers, to prevent backflow, as shown in Figures 1, 2, and 3 and designated as SF and SO.

(2) When approved pipeline protective equipment (designated PF) is located at the station outlet as in Figure 3, no additional check valve, pressure regulator, or hydraulic seal is required.

(3) A shut-off valve (designated VF and VO) shall be installed at each station outlet and shall be located on the upstream side of other station outlet equipment.

(4) If the station outlet is equipped with a detachable regulator, the outlet shall terminate in a union connection that meets the requirements of the Regulator Connection Standards, 1958, Compressed Gas Association.

(5) If the station outlet is connected directly to a hose, the outlet shall terminate in a union connection that meets the requirements of the Standard Hose Connection Specifications, 1957, Compressed Gas Association.

(6) Station outlets may terminate in pipe threads to which permanent connections are to be made, such as to a machine.

(7) Station outlets shall be equipped with a detachable outlet seal cap secured in place. This cap shall be used to seal the outlet except when a hose, a regulator, or piping is attached.

(8) Where station outlets are equipped with approved backflow and flashback protective devices, as many as four torches may be supplied from one station outlet through rigid piping, as long as each outlet from such piping, is equipped with a shut-off valve and as long as the fuel-gas capacity of any one torch does not exceed 15 cubic feet per hour. This rule does not apply to machines.

#### NEW SECTION

**WAC 296-306A-48051 What requirements apply to hose and hose connections?** (1) Hose for oxy-fuel gas service shall meet the requirements of the Specification for Rubber Welding Hose, 1958, Compressed Gas Association and Rubber Manufacturers Association.

(2) The generally recognized colors are red for acetylene and other fuel-gas hose, green for oxygen hose, and black for inert-gas and air hose.

(3) When parallel lengths of oxygen and acetylene hose are taped together for convenience and to prevent tangling, a maximum of 4 inches out of 12 inches shall be covered by tape.

(4) Hose connections shall meet the requirements of the Standard Hose Connection Specifications, 1957, Compressed Gas Association.

(5) Hose connections shall be clamped or otherwise securely fastened so they will withstand, without leakage, twice the pressure to which they are normally subjected in

service, but never less than a pressure of 300 psi. Oil-free air or an oil-free inert gas shall be used for the test.

(6) Hose showing leaks, burns, worn places, or other defects rendering it unfit for service shall be repaired or replaced.

#### NEW SECTION

**WAC 296-306A-48053 What requirements apply to pressure-reducing regulators?** (1) Pressure-reducing regulators shall be used only for the gas and pressures for which they are intended. The regulator inlet connections shall meet the requirements of the Regulator Connection Standards, 1958, Compressed Gas Association.

(2) When regulators or parts of regulators, including gauges, need repair, the work shall be performed by skilled mechanics who have been properly instructed.

(3) Gauges on oxygen regulators shall be marked "USE NO OIL."

(4) Union nuts and connections on regulators shall be inspected before use to detect faulty seats that may cause leakage of gas when the regulators are attached to the cylinder valves. Damaged nuts or connections shall be destroyed.

#### NEW SECTION

**WAC 296-306A-485 Installation and operation of resistance welding equipment.**

#### NEW SECTION

**WAC 296-306A-48501 What general requirements apply to resistance welding equipment?** (1) All equipment shall be installed by a qualified electrician according to the requirements of chapter 296-306A WAC Part T. There shall be a safety-type disconnecting switch or a circuit breaker or circuit interrupter to open each power circuit to the machine, conveniently located at or near the machine, so that the power can be shut off when the machine or its controls are to be serviced.

(2) Ignitron tubes used in resistance welding equipment shall be equipped with a thermal protection switch.

(3) Employees designated to operate resistance welding equipment shall have been properly instructed and judged competent to operate such equipment.

(4) Controls of all automatic or air and hydraulic clamps shall be arranged or guarded to prevent the operator from accidentally activating them.

#### NEW SECTION

**WAC 296-306A-48503 What requirements apply to portable welding machines?** (1) All portable welding guns shall have suitable counter-balanced devices for supporting the guns, including cables, unless the design of the gun or fixture makes counterbalancing impractical or unnecessary.

(2) All portable welding guns, transformers, and related equipment that is suspended from overhead structures, eye beams, or trolleys shall be equipped with safety chains or cables. Safety chains or cables shall be able to support the total shock load in the event of failure of any component of the supporting system.

(3) When trolleys are used to support portable welding equipment, they shall be equipped with suitable forged steel clevis for the attachment of safety chains. Each clevis shall be able to support the total shock load of the suspended equipment in the event of trolley failure.

(4) All initiating switches, including retraction and dual schedule switches, located on the portable welding gun shall have suitable guards able to prevent accidental initiation through contact with fixturing, operator's clothing, etc. Initiating switch voltage shall be a maximum of 24 volts.

(5) The movable holder, where it enters the gun frame, shall have enough clearance to prevent the shearing an operator's fingers if placed on the operating movable holder.

(6) The secondary and case of all portable welding transformers shall be grounded. Secondary grounding may be by center tapped secondary or by a center tapped grounding reactor connected across the secondary.

#### NEW SECTION

**WAC 296-306A-48505 What requirements apply to flash welding equipment?** (1) Flash welding machines shall have a hood to control flying flash. In cases of high production, where materials may contain a film of oil and where toxic elements and metal fumes are given off, ventilation shall be provided according to WAC 296-306A-50009 through 296-306A-50029.

(2) For the protection of the operators of nearby equipment, fire-resistant curtains or suitable shields shall be set up around the machine and in such a manner that the operator's movements are not hampered.

(3) If the welding process cannot be isolated, anyone who may be exposed to the hazard of arc flash shall be properly protected.

#### NEW SECTION

**WAC 296-306A-48507 Who must perform a job hazard analysis?** A qualified person shall perform a job hazard analysis on the operations to be performed on each welding machine to determine the safeguards and personal protective equipment that shall be used for each job.

#### NEW SECTION

**WAC 296-306A-48509 What maintenance requirements apply to resistance welding equipment?** Qualified maintenance personnel shall periodically inspect the equipment and maintain records of the inspections. The operator shall be instructed to report any equipment defects to the supervisor and the use of the equipment shall be discontinued until safety repairs have been completed.

#### NEW SECTION

**WAC 296-306A-490 Application, installation, and operation of arc welding and cutting equipment.**

#### NEW SECTION

**WAC 296-306A-49001 What environmental conditions must be taken into account when selecting arc welding equipment?**

Note: You may ensure that your equipment is designed for safety by choosing equipment that complies with the Requirements for Electric Arc-Welding Apparatus, NEMA EW-1-1962, National Electrical Manufacturers Association or the Safety Standard for Transformer-Type Arc-Welding Machines, ANSI C33.2-1956, Underwriters' Laboratories.

(1) Standard machines for arc welding service shall be designed and constructed to carry their rated load with rated temperature rises where the temperature of the cooling air is a maximum of 40°C (104°F) and where the altitude is a maximum of 3,300 feet, and shall be suitable for operation in atmospheres containing gases, dust, and light rays produced by the welding arc.

(2) When exposed to the following or other conditions, machines shall be especially designed to safely meet the requirements of the service.

- Unusually corrosive fumes;
- Steam or excessive humidity;
- Excessive oil vapor;
- Flammable gases;
- Abnormal vibration or shock;
- Excessive dust;
- Weather;
- Unusual seacoast or shipboard conditions.

#### NEW SECTION

**WAC 296-306A-49003 What voltages must arc welding equipment use?** Open circuit (no load) voltages of arc welding and cutting machines should be as low as possible consistent with satisfactory welding or cutting being done. Following are the maximum limits:

(1) For alternating-current machines:

(a) Manual arc welding and cutting—80 volts.

(b) Automatic (machine or mechanized) arc welding and cutting—100 volts.

(2) For direct-current machines:

(a) Manual arc welding and cutting—100 volts.

(b) Automatic (machine or mechanized) arc welding and cutting—100 volts.

(3) When special welding and cutting processes require values of open circuit voltages higher than the above, means shall be provided to prevent the operator from making accidental contact with the high voltage by adequate insulation or other means.

Note: For a.c. welding under wet conditions or warm surroundings where perspiration is a factor, the use of reliable automatic controls for reducing no load voltage is recommended to reduce the shock hazard.

#### NEW SECTION

**WAC 296-306A-49005 How must arc welding equipment be designed?** (1) A controller integrally mounted in an electric motor driven welder shall be able to carry the rated motor current, shall be able to make and interrupt stalled rotor current of the motor, and may serve as the running overcurrent device if provided with the number of over-current units as specified by chapter 296-306A WAC Part T. Starters with magnetic undervoltage release should be used with machines installed more than one to a circuit to prevent circuit overload caused by simultaneously starting several motors upon return of voltage.

(2) On all types of arc welding machines, control apparatus shall be enclosed except for the operating wheels, levers, or handles.

Note: Control handles and wheels should be large enough to be easily grasped by a gloved hand.

(3) Input power terminals, tap change devices, and live metal parts connected to input circuits shall be completely enclosed and accessible only by tools.

(4) Terminals for welding leads should be protected from accidental electrical contact by employees or by metal objects i.e., vehicles, crane hooks, etc. You may provide protection with:

- Dead-front receptacles for plug connections;
- Recessed openings with nonremovable hinged covers;
- Heavy insulating sleeving or taping; or
- Other equivalent electrical and mechanical protection.

If a welding lead terminal that is intended to be used exclusively for connection to the work is connected to the grounded enclosure, it must be done by a conductor at least two AWG sizes smaller than the grounding conductor and the terminal shall be marked to indicate that it is grounded.

(5) No connections for portable control devices (such as push buttons to be carried by the operator) shall be connected to an a.c. circuit of higher than 120 volts. Exposed metal parts of portable control devices operating on circuits above 50 volts shall be grounded by a grounding conductor in the control cable.

(6) Auto transformers or a.c. reactors shall not be used to draw welding current directly from any a.c. power source having a voltage exceeding 80 volts.

#### NEW SECTION

**WAC 296-306A-49007 How must arc welding equipment be installed?** Arc welding equipment, including the power supply, shall be installed according to the requirements of chapter 296-306A WAC Part T.

#### NEW SECTION

**WAC 296-306A-49009 How must arc welding equipment be grounded?** (1) The frame or case of the welding machine (except engine-driven machines) shall be grounded according to the requirements of chapter 296-306A WAC Part T.

(2) Conduits containing electrical conductors shall not be used for completing a work-lead circuit. Pipelines shall not be used as a permanent part of a work-lead circuit, but may be used during construction, extension or repair as long as current is not carried through threaded joints, flanged bolted joints, or caulked joints and special precautions are used to avoid sparking at connection of the work-lead cable.

(3) Using chains, wire ropes, cranes, hoists, and elevators to carry welding current is prohibited.

(4) Where a structure, conveyor, or fixture is regularly used as a welding current return circuit, joints shall be bonded or provided with adequate current collecting devices and appropriate periodic inspection should be conducted to ensure that no electrocution, shock, or fire hazard exists.

(5) All ground connections shall be checked to determine that they are mechanically strong and electrically adequate for the required current.

#### NEW SECTION

**WAC 296-306A-49011 What requirements apply to supply connections and conductors?** (1) A disconnecting switch or controller shall be provided at or near each welding machine without a switch or controller mounted as an integral part of the machine. The switch shall meet the requirements of chapter 296-306A WAC Part T. Overcurrent protection shall be provided as specified in chapter 296-306A WAC Part T. A disconnect switch with overload protection or equivalent disconnect and protection means, permitted by chapter 296-306A WAC Part T shall be provided for each outlet intended for connection to a portable welding machine.

(2) For individual welding machines, the rated current-carrying capacity of the supply conductors shall be at least that of the rated primary current of the welding machines.

(3) For groups of welding machines, the rated current-carrying capacity of conductors may be less than the sum of the rated primary currents of the welding machines supplied. The conductor rating shall be determined according to the machine loading based on the use to be made of each welding machine and the allowance permissible in the event that all the welding machines supplied by the conductors will not be in use at the same time.

(4) In operations involving several welders on one structure, d.c. welding process requirements may require the use of both polarities; or supply circuit limitations for a.c. welding may require distribution of machines among the phases of the supply circuit. In such cases, no load voltages between electrode holders will be two times normal in d.c. or 1, 1.4, 1.73, or 2 times normal on a.c. machines. Similar voltage differences will exist if both a.c. and d.c. welding are done on the same structure.

(a) All d.c. machines shall be connected with the same polarity.

(b) All a.c. machines shall be connected to the same phase of the supply circuit and with the same instantaneous polarity.

#### NEW SECTION

**WAC 296-306A-49013 How must arc welding equipment be operated?** (1) Employees assigned to operate or maintain arc welding equipment shall be acquainted with the requirements of WAC 296-306A-490, 296-306A-495, and 296-306A-500; if doing gas-shielded arc welding, also Recommended Safe Practices for Gas-Shielded Arc Welding, A6.1-1966, American Welding Society.

(2) Before starting operations, all connections to the machine shall be checked to make certain they are properly made. The work lead shall be firmly attached to the work; magnetic work clamps shall be freed from adherent metal particles of spatter on contact surfaces. Coiled welding cable shall be spread out before use to avoid serious overheating and damage to insulation.

(3) You must ensure that the welding machine frame grounding is checked with special attention given to safety ground connections of portable machines.

(4) Cylinders shall be kept away from radiators, piping systems, layout tables, etc., that may be used for grounding electric circuits. Any practice such as the tapping of an

electrode against a cylinder to strike an arc shall be prohibited.

(5) There shall be no leaks of cooling water, shielding gas or engine fuel.

(6) You must ensure that the machine has proper switching equipment for shutting down.

(7) Printed rules and instructions covering operation of equipment supplied by the manufacturers shall be strictly followed.

(8) Electrode holders when not in use shall be placed so that they cannot make electrical contact with persons, conducting objects, fuel or compressed gas tanks.

(9) Cables with splices within 10 feet of the holder are prohibited. The welder should not coil or loop welding electrode cable around parts of the body.

#### NEW SECTION

**WAC 296-306A-49015 How must arc welding equipment be maintained?** (1) The operator should report any equipment defect or safety hazard to the supervisor and discontinue using the equipment until its safety is ensured. Repairs shall be made only by qualified persons.

(2) Machines that have become wet shall be thoroughly dried and tested before being used.

(3) Work and electrode lead cables should be frequently inspected for wear and damage. Cables with damaged insulation or exposed bare conductors shall be replaced. Lengths of work and electrode cables shall be joined by connecting means specifically intended for the purpose. The connecting means shall have insulation adequate for the service conditions.

#### NEW SECTION

**WAC 296-306A-495 Fire prevention and protection.**

#### NEW SECTION

**WAC 296-306A-49501 What basic fire prevention precautions must be taken?** For more information on these basic precautions and the special precautions of WAC 296-306A-49503, including fire protection and prevention responsibilities of welders, cutters, their supervisors (including outside contractors), and management, see the Standard for Fire Prevention in Use of Cutting and Welding Processes, NFPA Standard 51B, 1962.

The basic precautions for fire prevention in welding or cutting work are:

(1) If the object to be welded or cut cannot readily be moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(2) If the object to be welded or cut cannot be moved and if all the fire hazards cannot be removed, then guards shall be used to confine the heat, sparks, and slag, and to protect the fire hazards.

(3) If the requirements of this section cannot be met, then welding and cutting are prohibited.

#### NEW SECTION

**WAC 296-306A-49503 What special fire prevention precautions must be taken?** When the nature of the work to be performed falls within the scope of WAC 296-306A-49501(2) certain additional precautions may be necessary:

(1) Wherever there are floor openings or cracks in the flooring that cannot be closed, precautions shall be taken so that no readily combustible materials on the floor below will be exposed to sparks that drop through. The same precautions shall be observed with regard to cracks or holes in walls, open doorways, and open or broken windows.

(2) Suitable fire extinguishing equipment shall be maintained in a state of readiness for instant use. Such equipment may consist of pails of water, buckets of sand, hose, or portable extinguishers depending upon the nature and quantity of the combustible material exposed.

(3) The following requirements apply to fire watch:

(a) Fire watchers shall be required whenever welding or cutting is performed in locations where other than a minor fire might develop, or any of the following conditions exist:

(i) Appreciable combustible material, in building construction or contents, closer than 35 feet to the point of operation.

(ii) Appreciable combustibles are more than 35 feet away but are easily ignited by sparks.

(iii) Wall or floor openings within a 35-foot radius expose combustible material in adjacent areas including concealed spaces in walls or floors.

(iv) Combustible materials are adjacent to the opposite side of metal partitions, walls, ceilings, or roofs and are likely to be ignited by conduction or radiation.

(b) Fire watchers shall have fire extinguishing equipment readily available and be trained in its use. They shall be familiar with facilities for sounding an alarm in the event of a fire. They shall watch for fires in all exposed areas, try to extinguish them only when obviously within the capacity of the equipment available, or otherwise sound the alarm. A fire watch shall be maintained for at least a half hour after completion of welding or cutting operations to detect and extinguish possible smoldering fires.

(4) Before cutting or welding is permitted, the area shall be inspected by the individual responsible for authorizing cutting and welding operations. The responsible individual shall designate precautions to be followed in granting authorization to proceed, preferably in the form of a written permit.

(5) Where combustible materials such as paper clippings, wood shavings, or textile fibers are on the floor, the floor shall be swept clean for a radius of 35 feet. Combustible floors shall be kept wet, covered with damp sand, or protected by fire-resistant shields. Where floors have been wet down, employees operating arc welding or cutting equipment shall be protected from possible shock.

(6) Cutting or welding shall not be permitted in the following situations:

(a) In areas not authorized by management.

(b) In sprinklered buildings while such protection is impaired.

(c) In the presence of explosive atmospheres (mixtures of flammable gases, vapors, liquids, or dusts with air), or where explosive atmospheres may develop inside uncleaned

or improperly prepared tanks or equipment that have previously contained such materials, or that may develop in areas with an accumulation of combustible dusts.

(d) In areas near the storage of large quantities of exposed, readily ignitable materials such as bulk sulphur, baled paper, or cotton.

(7) Where practical, all combustibles shall be relocated at least 35 feet from the worksite. Where relocation is impractical, combustibles shall be protected with flameproofed covers or otherwise shielded with metal or asbestos guards or curtains. Edges of covers at the floor should be tight to prevent sparks from going under them. This precaution is also important at overlaps where several covers are used to protect a large pile.

(8) Ducts and conveyor systems that might carry sparks to distant combustibles shall be suitably protected or shut down.

(9) Where cutting or welding is done near walls, partitions, ceiling, or roof of combustible construction, fire-resistant shields or guards shall be provided to prevent ignition.

(10) If welding is to be done on a metal wall, partition, ceiling, or roof, precautions shall be taken to prevent ignition of combustibles on the other side, due to conduction or radiation, preferably by relocating combustibles. Where combustibles are not relocated, a fire watch on the opposite side from the work shall be provided.

(11) Welding shall not be attempted on a metal partition, wall, ceiling, or roof having a combustible covering nor on walls or partitions of combustible sandwich-type panel construction.

(12) Cutting or welding on pipes or other metal in contact with combustible walls, partitions, ceilings or roofs shall not be undertaken if the work is close enough to cause ignition by conduction.

(13) You are responsible for the safe use of cutting and welding equipment on your property and:

(a) Based on fire potentials of plant facilities, you must establish areas and procedures for cutting and welding;

(b) You must designate an individual responsible for authorizing cutting and welding operations in areas not specifically designed for such processes;

(c) You must insist that cutters or welders and their supervisors are suitably trained in the safe operation of their equipment and the safe use of the process; and

(d) You must advise all contractors about flammable materials or hazardous conditions of which they may not be aware.

(14) The supervisor:

(a) Shall be responsible for the safe handling of the cutting or welding equipment and the safe use of the cutting or welding process.

(b) Shall determine the combustible materials and hazardous areas present or likely to be present in the work location.

(c) Shall protect combustibles from ignition by the following:

(i) Have the work moved to a location free from dangerous combustibles;

(ii) If the work cannot be moved, have the combustibles moved to a safe distance from the work or have the combustibles properly shielded against ignition; and

(iii) See that cutting and welding are so scheduled that plant operations that might expose combustibles to ignition are not started during cutting or welding.

(d) Shall secure authorization for the cutting or welding operations from the designated management representative.

(i) Shall determine that the cutter or welder secures their approval that conditions are safe before going ahead;

(ii) Shall determine that fire protection and extinguishing equipment are properly located at the site; and

(iii) Shall ensure fire watches are available at the site when required.

(15) Cutting or welding shall be permitted only in areas that are or have been made fire safe. Within the confines of an operating plant or building, cutting and welding should preferably be done in a specific area designed for such work, such as a maintenance shop or a detached outside location. Such areas should be of noncombustible or fire-resistive construction, essentially free of combustible and flammable contents, and suitably segregated from adjacent areas. When work cannot be moved practically, as in most construction work, the area shall be made safe by removing combustibles or protecting combustibles from ignition sources.

#### NEW SECTION

**WAC 296-306A-49505 What precautions must be taken when welding or cutting containers?** (1) No welding, cutting, or other hot work shall be performed on used drums, barrels, tanks or other containers until they have been cleaned thoroughly enough to be certain that there are no flammable materials present or any substances such as greases, tars, acids, or other materials which when subjected to heat, might produce flammable or toxic vapors. Any pipe lines or connections to the drum or vessel shall be disconnected or blanked.

(2) All hollow spaces, cavities, or containers shall be vented to permit the escape of air or gases before preheating, cutting or welding. Purging with inert gas is recommended.

#### NEW SECTION

**WAC 296-306A-49507 What precautions must be taken when welding in confined spaces?** (1) When arc welding work is stopped for a substantial time, such as during lunch or overnight, all electrodes shall be removed from the holders and the holders carefully located so that accidental contact cannot occur and the machine be disconnected from the power source.

(2) In order to eliminate the possibility of gas escaping through leaks or improperly closed valves, when gas welding or cutting, the torch valves shall be closed and the gas supply to the torch positively shut off at some point outside the confined area whenever the torch is not to be used for a substantial period of time, such as during lunch hour or overnight. Where practical, the torch and hose shall also be removed from the confined space.

#### NEW SECTION

**WAC 296-306A-500 Protection of employees.**

**NEW SECTION**

**WAC 296-306A-50001 How must eye protection be selected?** (1) Helmets or hand shields shall be used during all arc welding or arc cutting operations, excluding submerged arc welding. Goggles should also be worn during arc welding or cutting operations to provide protection from injurious rays from adjacent work, and from flying objects. The goggles may have either clear or colored glass, depending on the amount of exposure to adjacent welding operations. Helpers or attendants shall have proper eye protection.

(2) Goggles or other suitable eye protection shall be used during all gas welding or oxygen cutting operations. Spectacles without side shields, with suitable filter lenses are permitted for use during gas welding operations on light work, for torch brazing, or for inspection.

(3) All operators and attendants of resistance welding or resistance brazing equipment shall use transparent face shields or goggles, depending on the job, to protect their faces or eyes as required.

(4) Suitable goggles shall be provided where needed for brazing operations not above.

**NEW SECTION**

**WAC 296-306A-50003 What specifications must eye protection meet?** (1) Helmets and hand shields shall be made of a material that is an insulator for heat and electricity. Helmets, shields and goggles shall be not readily flammable and shall be able to be sterilized.

(2) Helmets and hand shields shall be arranged to protect the face, neck and ears from direct radiant energy from the arc.

(3) Helmets shall have filter plates and cover plates designed for easy removal.

(4) All parts shall be constructed of a material that will not readily corrode or discolor the skin.

(5) Goggles shall be ventilated to prevent fogging of the lenses as much as practical.

(6) Cover lenses or plates should be provided to protect each helmet, hand shield, or goggle filter lens or plate.

(7) All glass for lenses shall be tempered, substantially free from scratches, air bubbles, waves and other flaws. Except when a lens is ground to provide proper optical correction for defective vision, the front and rear surfaces of lenses and windows shall be smooth and parallel.

(8) Lenses shall be marked with the source and shade.

(9) Following is a guide to select proper shade numbers. Individual needs may vary.

Welding Operation	Shade No.
Shielded metal-arc welding—1/16-, 3/32-, 1/8-, 5/32-inch electrodes	10
Gas-shielded arc welding (nonferrous)—1/16-, 3/32-, 1/8-, 5/32-inch electrodes	11
Gas-shielded arc welding (ferrous)—1/16-, 3/32-, 1/8-, 5/32-inch electrodes	12
Shielded metal-arc welding: 3/16-, 7/32-, 1/4-inch electrodes	12
5/16-, 3/8-inch electrodes	14
Atomic hydrogen welding	10-14
Carbon arc welding	14
Soldering	2
Torch brazing	3 or 4

Light cutting, up to 1 inch	3 or 4
Medium cutting, 1 inch to 6 inches	4 or 5
Heavy cutting, 6 inches and over	5 or 6
Gas welding (light) up to 1/8 inch	4 or 5
Gas welding (medium) 1/8 inch to 1/2 inch	5 or 6
Gas welding (heavy) 1/2 inch and over	6 or 8

Note: In gas welding or oxygen cutting where the torch produces a high yellow light it is desirable to use a filter or lens that absorbs the yellow or sodium line in the visible light of the operation.

(10) All filter lenses and plates shall meet the test for transmission of radiant energy prescribed in ANSI Z 87.1-1968—American National Standard Practice for Occupational and Educational Eye and Face Protection.

(11) Where the work permits, an arc welder should be enclosed in an individual booth painted with a finish of low-reflectivity such as zinc oxide (an important factor for absorbing ultraviolet radiations) and lamp black, or shall be enclosed with noncombustible screens similarly painted. Booths and screens shall permit circulation of air at floor level. Employees or other persons adjacent to the welding areas shall be protected from the rays by noncombustible or flameproof screens or shields or shall be required to wear appropriate goggles.

**NEW SECTION**

**WAC 296-306A-50005 What protective clothing must welders wear?** (1) Employees exposed to the hazards created by welding, cutting, or brazing operations shall be protected by personal protective equipment according to the requirements of chapter 296-306A WAC Part H. Appropriate protective clothing required for any welding operation will vary with the size, nature and location of the work to be performed.

(2) The following suggestions may be helpful when choosing protective clothing:

(a) Except when engaged in light work, all welders should wear flameproof gauntlet gloves.

(b) Flameproof aprons made of leather, asbestos, or other suitable material may help to protect against radiated heat and sparks.

(c) Woolen clothing is better than cotton because it is less easily ignited and helps to protect the welder from changes in temperature. Cotton clothing, if used, should be chemically treated to reduce its combustibility. All outer clothing such as jumpers or overalls should be reasonably free from oil or grease.

(d) Sparks may lodge in rolled-up sleeves, pockets, or cuffs. Therefore sleeves and collars should be buttoned, and clothing should have no front pockets. Trousers or overalls should be uncuffed.

(e) For heavy work, fire-resistant leggings, high boots, or other equivalent means should be used.

(f) In production work a sheet metal screen in front of the employee's legs can provide further protection against sparks and molten metal in cutting operations.

(g) Capes or shoulder covers made of leather or other suitable materials should be worn during overhead welding or cutting operations. Leather skull caps may be worn under helmets to prevent head burns.

(h) For welding and cutting overhead or in extremely confined spaces, ear protection is sometimes desirable.

PROPOSED

(i) Where there is exposure to sharp or heavy falling objects, or a hazard of bumping in confined spaces, hard hats or head protectors shall be used.

#### NEW SECTION

**WAC 296-306A-50007 What other requirements apply to employee protection?** (1) You must ensure that a welder or helper working on platforms, scaffolds, or runways is protected against falling by using railings, safety belts, life lines, or other equally effective safeguards.

(2) Welders shall place welding cable and other equipment so that it is clear of passageways, ladders, and stairways.

#### NEW SECTION

**WAC 296-306A-50009 What employee protection must be provided in confined spaces?** (1) "Confined space" means a relatively small or restricted space such as a tank, boiler, pressure vessel, or small compartment of a ship.

(2) Confined spaces must be ventilated. For ventilation requirements see WAC 296-306A-50011 through 296-306A-50029.

(3) When welding or cutting in a confined space, the gas cylinders and welding machines shall be left outside. Before operations are started, heavy portable equipment mounted on wheels shall be securely blocked to prevent accidental movement.

(4) Where a welder must enter a confined space through a manhole or other small opening, means shall be provided for quickly removing the welder in case of emergency. When safety belts and lifelines are used, they shall be attached so that the welder's body cannot be jammed in a small exit opening. An attendant with a preplanned rescue procedure shall be stationed outside to observe the welder at all times and be able to put rescue operations into effect.

(5) After welding operations are completed, the welder shall mark the hot metal or provide some other means of warning other employees.

#### NEW SECTION

**WAC 296-306A-50011 What general requirements apply to welding ventilation?** (1) The following three factors in arc and gas welding must be considered when determining the amount of contamination to which welders may be exposed:

(a) Dimensions of space in which welding is to be done (especially ceiling height);

(b) Number of welders; and

(c) The possibility of hazardous fumes, gases, or dust according to the metals involved.

(2) Other factors involved may require ventilation or respiratory protective devices as needed to meet the requirements of this section. Such factors include:

(a) Atmospheric conditions;

(b) Heat generated; and

(c) Presence of volatile solvents.

(3) When welding must be performed in a space entirely screened on all sides, the screens shall be so arranged that no serious restriction of ventilation exists. The screens

should be mounted so that they are about 2 feet above the floor unless the work is performed at so low a level that the screen must be extended nearer to the floor to protect nearby employees from the glare of welding.

(4) Local exhaust or general ventilating systems shall be provided and arranged to keep the amount of toxic fumes, gases, or dusts below the maximum allowable in chapter 296-62 WAC.

Note: A number of potentially hazardous materials are employed in fluxes, coatings, coverings, and filler metals used in welding and cutting or are released to the atmosphere during welding and cutting. These include but are not limited to the materials itemized in WAC 296-306A-50019 through 296-306A-50029.

(5) You must determine which potentially hazardous materials are associated with welding and cutting and inform employees through signs, labels or other appropriate means.

(a) Welding may produce fumes and gases hazardous to health. Avoid breathing these fumes and gases. Use adequate ventilation. See ANSI Z 49.1-1967, Safety in Welding and Cutting, published by the American Welding Society.

(b) Brazing (welding) filler metals containing cadmium in significant amounts shall carry the following notice on tags, boxes, or other containers:

#### WARNING

CONTAINS CADMIUM—POISONOUS FUMES MAY BE FORMED ON HEATING

- Do not breathe fumes. Use only with adequate ventilation such as fume collectors, exhaust ventilators, or air-supplied respirators. See ANSI Z 49.1-1967.

- If chest pain, cough, or fever develops after use call physician immediately.

- Keep children away when using.

(c) Brazing and gas welding fluxes containing fluorine compounds shall have a cautionary wording to indicate that they contain fluorine compounds. The American Welding Society recommends the following for brazing and gas welding fluxes:

#### CAUTION

CONTAINS FLUORIDES

This flux when heated gives off fumes that may irritate eyes, nose and throat.

- Avoid fumes. Use only in well-ventilated spaces.

- Avoid contact of flux with eyes or skin.

- Do not take internally.

#### NEW SECTION

**WAC 296-306A-50013 What ventilation must be provided for general welding and cutting?** (1) Mechanical ventilation shall be provided when welding or cutting is done on metals not covered in WAC 296-306A-50019 through 296-306A-50029 in the following locations:

(a) In a space of less than 10,000 cubic feet per welder.

(b) In a room with a ceiling height of less than 16 feet.

(c) In confined spaces or where the welding space contains partitions, balconies, or other structural barriers to the extent that they significantly obstruct cross-ventilation.

(2) Ventilation shall be at the minimum rate of 2,000 cubic feet per minute per welder.

Exception: This requirement does not apply where local exhaust hoods and booths that meet the requirements of WAC 296-306A-50015, or airline respirators approved by the Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) for such purposes are provided. Natural ventilation is considered sufficient for welding or cutting operations where the restrictions in subsection (1) of this section are not present.

**NEW SECTION**

**WAC 296-306A-50015 What requirements apply to local exhaust hoods and booths?** Mechanical local exhaust ventilation may be provided by either of the following:

(1) Freely movable hoods intended to be placed by the welder as near as practical to the work being welded and provided with a rate of airflow sufficient to maintain a velocity in the direction of the hood of 100 linear feet per minute in the zone of welding when the hood is at its most remote distance from the point of welding. The rates of ventilation required to accomplish this control velocity using a 3-inch wide flanged suction opening are shown in the following table:

Welding zone	Minimum air flow cubic feet/minutes	Duct diameter inches
4 to 6 inches from arc or torch	150	3
6 to 8 inches from arc or torch	275	3-1/2
8 to 10 inches from arc or torch	425	4-1/2
10 to 12 inches from arc or torch	600	5-1/2

- 1 When brazing with cadmium bearing materials or when cutting on such materials increased rates of ventilation may be required.
- 2 Nearest half-inch duct diameter based on 4,000 feet per minute velocity in pipe.

(2) A fixed enclosure with a top and at least two sides that surround the welding or cutting operations and with a rate of airflow sufficient to maintain a velocity away from the welder of not less than 100 linear feet per minute.

**NEW SECTION**

**WAC 296-306A-50017 What ventilation must be provided in confined spaces?** (1) All welding and cutting operations carried on in confined spaces shall be adequately ventilated to prevent the accumulation of toxic materials or possible oxygen deficiency. This applies not only to the welder but also to helpers and other employees in the immediate vicinity. All replacement air shall be clean and respirable.

(2) In circumstances where it is impossible to provide such ventilation, airline respirators or hose masks approved by the Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) for this purpose shall be used.

(3) In areas immediately hazardous to life, hose masks with blowers or self-contained breathing equipment shall be used. The breathing equipment shall be approved by the Mine Safety and Health Administration (MSHA) and the

National Institute for Occupational Safety and Health (NIOSH).

(4) Where welding operations are carried on in confined spaces and where welders and helpers are provided with hose masks, hose masks with blowers or self-contained breathing equipment approved by the Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH), an employee shall be stationed on the outside of such confined spaces to ensure the safety of those working within.

(5) Oxygen shall not be used for ventilation.

**NEW SECTION**

**WAC 296-306A-50019 What requirements apply to welding fluorine compounds?** In confined spaces, welding or cutting involving fluxes, coverings, or other materials that contain fluorine compounds shall be done according to WAC 296-306A-50017.

"Fluorine compound" means a compound that contains fluorine as an element in chemical combination, not as a free gas.

Note: The need for local exhaust ventilation or airline respirators for welding or cutting in other than confined spaces will depend on the circumstances. However, such protection is desirable for fixed-location production welding and for all production welding on stainless steels. Where air samples taken at the welding location indicate that the fluorides liberated are below the maximum allowable concentration, such protection is not necessary.

**NEW SECTION**

**WAC 296-306A-50021 What requirements apply to welding zinc?** (1) In confined spaces welding or cutting involving zinc-bearing base or filler metals or metals coated with zinc-bearing materials shall be done according to WAC 296-306A-50017.

(2) Indoors, welding or cutting involving zinc-bearing base or filler metals coated with zinc-bearing materials shall be done according to WAC 296-306A-50015.

**NEW SECTION**

**WAC 296-306A-50023 What requirements apply to welding lead?** (1) In confined spaces, welding involving lead-base metals (erroneously called lead-burning) shall be done according to WAC 296-306A-50017.

(2) Indoors, welding involving lead-base metals shall be done according to WAC 296-306A-50015.

(3) In confined spaces or indoors, welding or cutting involving metals containing lead, other than as an impurity, or involving metals coated with lead-bearing materials, including paint, shall be done using local exhaust ventilation or airline respirators. Outdoors, such operations shall be done using respiratory protective equipment approved by the Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) for such purposes. In all cases, employees in the immediate vicinity of the cutting operation shall be protected as necessary by local exhaust ventilation or airline respirators.

Note: See chapter 296-62 WAC for additional requirements on lead.

PROPOSED

NEW SECTION

**WAC 296-306A-50025 What requirements apply to welding beryllium?** Welding or cutting indoors, outdoors, or in confined spaces involving beryllium-containing base or filler metals shall be done using local exhaust ventilation and airline respirators unless atmospheric tests under the most adverse conditions have established that employee exposure is within the acceptable concentrations defined by chapter 296-62 WAC. In all cases, employees in the immediate vicinity of the welding or cutting operations shall be protected as necessary by local exhaust ventilation or airline respirators.

NEW SECTION

**WAC 296-306A-50027 What requirements apply to welding cadmium?** (1) Welding or cutting indoors or in confined spaces involving cadmium-bearing or cadmium-coated base metals shall be done using local exhaust ventilation or airline respirators unless atmospheric tests under the most adverse conditions have established that employee exposure is within the acceptable concentrations defined by chapter 296-62 WAC. Outdoors, such operations shall be done using respiratory protective equipment such as fume respirators approved by the Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) for such purposes.

(2) Welding (brazing) involving cadmium-bearing filler metals shall be done using ventilation as prescribed in WAC 296-306A-50015 or 296-306A-50017 if the work is to be done in a confined space.

Note: See chapter 296-62 WAC for additional requirements on cadmium.

NEW SECTION

**WAC 296-306A-50029 What requirements apply to welding mercury?** Welding or cutting indoors or in a confined space involving metals coated with mercury-bearing materials, including paint, shall be done using local exhaust ventilation or airline respirators unless atmospheric tests under the most adverse conditions have established that employee exposure is within the acceptable concentrations defined by chapter 296-62 WAC. Outdoors, such operations shall be done using respiratory protective equipment approved by the Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH) for such purposes.

**PART W****POWERED INDUSTRIAL TRUCKS (FORKLIFTS)**NEW SECTION

**WAC 296-306A-520 Powered industrial trucks (forklifts).**

NEW SECTION

**WAC 296-306A-52001 What does this section cover?** WAC 296-306A-520 applies to all powered industrial trucks used in agricultural operations.

NEW SECTION

**WAC 296-306A-52003 What is a "powered industrial truck"?** "Powered industrial truck" (or "truck") means a fork truck, industrial tractor, platform lift truck, motorized hand truck, or other specialized industrial trucks, powered by electric motors or internal combustion engines. The definition does not include compressed gas-operated industrial trucks, farm vehicles, or vehicles intended primarily for earth moving or over-the-road hauling.

NEW SECTION

**WAC 296-306A-52005 What manufacturer's requirements apply to powered industrial trucks?** (1) All powered industrial trucks shall meet the design and construction requirements for powered industrial trucks established in the ANSI B56.1-1969, "Powered Industrial Trucks."

(2) Approved trucks shall bear a label indicating approval by the testing laboratory as meeting the specifications and requirements of ANSI B56.1-1969.

(3) Modifications or additions may only be performed with the manufacturer's prior written approval. When modifications or additions are made, capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly.

(4) If the truck is equipped with front-end attachments other than factory installed attachments, it shall be marked to identify the attachments and show the approximate weight of the truck and attachment combination at maximum elevation with the load centered from side to side.

(5) The user shall ensure that all nameplates and markings are in place and legible.

NEW SECTION

**WAC 296-306A-52007 What are the classifications of powered industrial trucks?** Powered industrial trucks are identified according to the following classifications:

(1) "D" units are similar to G units except that they are diesel engine powered instead of gasoline engine powered.

(2) "DS" units are diesel powered units with additional safeguards to the exhaust, fuel, and electrical systems. They may be used in some locations where a D unit may not be considered suitable.

(3) "DY" units are diesel powered units that have all the safeguards of the DS units; in addition, they do not have any electrical equipment, including the ignition, and are equipped with temperature limitation features.

(4) "E" units are electrically powered units with minimum acceptable safeguards against inherent fire hazards.

(5) "ES" units are electrically powered units that, in addition to all of the requirements for the E units, are provided with additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures. They may be used in some locations where the use of an E unit may not be considered suitable.

(6) "EE" units are electrically powered units that have, in addition to all of the requirements for the ES units, electric motors and all other electrical equipment completely enclosed. The EE unit may be used where the use of an E or ES unit may not be considered suitable.

(7) "EX" units are electrically powered units that differ from E, ES, or EE units in that the electrical fittings and equipment are so designed, constructed, and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(8) "G" units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(9) "GS" units are gasoline powered units with additional safeguards to the exhaust, fuel, and electrical systems. They may be used in some locations where the use of a G unit may not be considered suitable.

(10) "LP" units are similar to G units except that LP-gas is used for fuel instead of gasoline.

(11) "LPS" units are LP-gas powered units with additional safeguards to the exhaust, fuel, and electrical systems. They may be used in some locations where the use of an LP unit may not be considered suitable.

#### NEW SECTION

**WAC 296-306A-52009 What must a user consider before choosing a powered industrial truck?** Before choosing the industrial truck to use, the user shall determine whether the atmosphere or location is hazardous or nonhazardous. The type of industrial truck shall be chosen according to the requirements of WAC 296-306A-52011.

#### NEW SECTION

**WAC 296-306A-52011 What requirements determine which trucks to use in specific hazardous environments?** Following are the minimum truck types required in specific hazardous environments. You may choose to use industrial trucks having greater safeguards.

(1) Powered industrial trucks shall not be used in atmospheres with a hazardous concentration of acetylene, butadiene, ethylene oxide, hydrogen (or gases or vapors equivalent in hazard to hydrogen, such as manufactured gas), propylene oxide, acetaldehyde, cyclopropane, diethyl ether, ethylene, isoprene, or unsymmetrical dimethyl hydrazine (UDMH).

(a) Only approved EX trucks may be used in atmospheres containing hazardous concentrations of metal dust, including aluminum, magnesium, and their commercial alloys; other metals of similarly hazardous characteristics; or in atmospheres containing carbon black, coal, or coke dust.

(b) In atmospheres where dust of magnesium, aluminum or aluminum bronze may be present, fuses, switches, motor controllers, and circuit breakers of trucks shall have enclosures specifically approved for such locations.

(2) Only approved EX trucks may be used in atmospheres containing acetone, acrylonitrile, alcohol, ammonia, benzene, bensol, butane, ethylene dichloride, gasoline, hexane, lacquer solvent vapors, naphtha, natural gas, propane, propylene, styrene, vinyl acetate, vinyl chloride, or xylenes in quantities sufficient to produce explosive or ignitable mixtures.

(3) Approved DY, EE, or EX trucks may be used in locations where volatile flammable liquids or flammable gases are handled, processed or used, as long as the hazardous liquids, vapors or gases are normally confined within closed containers or closed systems from which they can

escape only in case of accidental rupture or breakdown, or in case of abnormal equipment operation.

Approved DY, EE, or EX trucks may also be used in locations in which hazardous concentrations of gases or vapors are normally prevented by mechanical ventilation but that might become hazardous through failure or abnormal operation of the ventilating equipment.

(4) Approved DS, ES, GS, or LPS trucks designated as DS, ES, GS, or LPS may be used in locations used for the storage of hazardous liquids in sealed containers or liquefied or compressed gases in containers. This classification includes locations where volatile flammable liquids or flammable gases or vapors are used but are hazardous only in case of an accident or an unusual operation condition.

The quantity of hazardous material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the business's history of explosions or fires are all factors that should be considered in determining which truck has sufficient safeguards for the location.

(a) Only approved trucks designated as EX shall be used in atmospheres in which combustible dust is or may be suspended in quantities sufficient to produce explosive or ignitable mixtures, or where mechanical failure or abnormal operation of machinery or equipment might cause such mixtures to be produced.

(b) The EX classification usually includes the working areas of: Grain handling and storage plants, rooms containing grinders or pulverizers, cleaners, graders, scalpers, open conveyors or spouts, open bins or hoppers, mixers or blenders, automatic or hopper scales, packing machinery, elevator heads and boots, stock distributors, dust and stock collectors (except all-metal collectors vented to the outside), and all similar dust producing machinery and equipment in grain processing plants, starch plants, sugar pulverizing plants, malting plants, hay grinding plants, and other similar locations; and areas where combustible dust may, under normal operating conditions, be present in the air in quantities sufficient to produce explosive or ignitable mixtures.

(5) Only approved DY, EE, or EX trucks shall be used in atmospheres in which deposits or accumulations of combustible dust may be ignited by arcs or sparks from the truck, as long as combustible dust will not normally be suspended or thrown into suspension by the normal operation of equipment or apparatus in quantities sufficient to produce explosive or ignitable mixtures.

(6) Only approved DY, EE, or EX trucks shall be used in locations with easily ignitable fibers or flyings as long as the fibers or flyings are not likely to be suspended in quantities sufficient to produce ignitable mixtures.

(7) Only approved DS, DY, ES, EE, EX, GS, or LPS trucks shall be used in locations, including outside storage, where easily ignitable fibers are stored or handled, but are not processed or manufactured. E trucks that have been previously used in these locations may continue to be used.

(8) If storage warehouses and outside storage locations are hazardous, only the specified approved truck shall be used. If not classified as hazardous, any approved D, E, G, or LP truck may be used, or trucks meeting the requirements for these types may be used.

**The Uses of Industrial Trucks in Hazardous Locations  
Unclassified & Class I**

Classes	Unclassified	Class I locations			
Description of classes	Locations not possessing atmospheres as described in other columns	Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitable mixtures			
Groups in classes Examples of locations or atmospheres in classes and groups	None Piers and wharves, inside and outside general storage, general industrial or commercial properties	A Acetylene	B Hydrogen	C Ethyl ether	D Gasoline Naphtha Alcohols Acetone Lacquer solvent Benzene
		1		2	
Divisions (nature of hazardous conditions)	None	Above condition exists continuously, intermittently, or periodically under normal operating conditions		Above condition may occur accidentally due to a puncture of a storage drum	

**Class II & III**

Classes	Class II location			Class III locations	
Description of classes	Locations that are hazardous because of the presence of combustible dust			Locations where easily ignitable fibers or flyings are present but not likely to be in suspension in quantities sufficient to produce ignitable mixtures	
Groups in classes	E	F	G	None	
Examples of locations or atmospheres in classes and groups	Metal dust Coal dust Coke dust	Carbon black Starch dust Organic dust	Grain dust Flour dust	Baled waste, cocoa fiber, cotton, excelsior, hemp, istle, jute, kapok, oakum, sisal, Spanish moss, synthetic fibers, tow.	
	1		2		
Divisions (nature of hazardous conditions)	Explosive mixture may be present under normal operating conditions, or where failure of equipment may cause the condition to exist simultaneously with arcing or sparking of electrical equipment, or where dusts of an electrically conducting nature may be present		Explosive mixture not normally present, but where deposits of dust may cause heat rise in electrical equipment, or where such deposits may be ignited by arcs or sparks from electrical equipment		Locations in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used
					Locations in which easily ignitable fibers are stored or handled (except in the process of manufacture)

PROPOSED

PROPOSED

Groups in classes—None, A, B, C, and D

Groups in classes	None	A	B	C	D	A	B	C	D
Types of trucks authorized:									
Diesel:									
Type D	D*								
Type DS									DS
Type DY									DY
Electric:									
Type E	E*								
Type ES									ES
Type EE									EE
Type EX					EX				EX
Gasoline:									
Type G	G*								
Type GS									GS
LP-Gas:									
Type LP	LP*								
Type LPS									LPS

\*These types of trucks may also be used.

Groups in class—E, F, G, and None

Groups in classes	E	F	G	E	F	G	None	None
Types of trucks authorized:								
Diesel:								
Type D								
Type DS						DS		DS
Type DY						DY	DY	DY
Electric:								
Type E								E
Type ES						ES		ES
Type EE						EE	EE	EE
Type EX		EX	EX			EX	EX	EX
Gasoline:								
Type G								
Type GS						GS		GS
LP-Gas:								
Type LP								
Type LPS						LPS		LPS

**NEW SECTION**

**WAC 296-306A-52013** In what environments may converted trucks be used? When powered industrial trucks that were originally approved to use gasoline are converted to use LP-gas according to WAC 296-306A-52047(12), they

may be used in locations where G, GS or LP, and LPS trucks are specified.

NEW SECTION

**WAC 296-306A-52015 What requirements apply to overhead safety guards?** (1) High-lift rider trucks shall be fitted with an overhead guard manufactured according to WAC 296-306A-52005(1), unless operating conditions do not permit.

(2) An overhead guard shall be used as protection against falling objects. It should be noted that an overhead guard is intended to offer protection from the impact of small packages, boxes, bagged material, and other objects involved in the job, but not to withstand the impact of a falling capacity load.

NEW SECTION

**WAC 296-306A-52017 What requirements apply to load backrests?** (1) A load backrest extension shall be used whenever necessary to minimize the possibility of the load or part of it from falling rearward.

(2) If the type of load presents a hazard, the user shall equip fork trucks with a vertical load backrest extension manufactured according to WAC 296-306A-52005(1).

NEW SECTION

**WAC 296-306A-52019 What requirements apply to fuel handling and storage?** (1) You must ensure that liquid fuels such as gasoline and diesel fuel are stored and handled according to NFPA Flammable and Combustible Liquids Code (NFPA No. 30-1969).

(2) You must ensure that LP-gas fuel is stored and handled according to NFPA Storage and Handling of Liquefied Petroleum Gases (NFPA No. 58-1969).

NEW SECTION

**WAC 296-306A-52021 What requirements apply to lighting for operating areas?** (1) Adequate lighting should be provided in operating areas. (See ANSI Practice for Industrial Lighting, All.1-1965 (R1970).)

(2) Where general lighting is inadequate, directional lighting shall be provided on the truck.

NEW SECTION

**WAC 296-306A-52023 What level of carbon monoxide gas is allowed?** Concentration levels of carbon monoxide gas created by truck operations shall not exceed the levels specified in WAC 296-62-075 (general occupational health standards).

Questions concerning degree of concentration and methods of sampling should be referred to a qualified industrial hygienist.

NEW SECTION

**WAC 296-306A-52025 What requirements apply to dockboards (bridge plates)?** (1) Portable and powered dockboards shall be strong enough to support the load carried on them.

(2) Portable dockboards shall be secured in position, either by anchors or anti-slipping devices.

(3) Powered dockboards shall meet the design and construction requirements of Commercial Standard CS202-56 (1956) "Industrial Lifts and Hinged Loading Ramps" published by the U.S. Department of Commerce.

(4) Dockboard or bridge plates shall be driven over carefully and slowly and their rated capacity never exceeded.

(5) Portable dockboards shall have handholds for safe handling.

(6) Railroad cars shall be kept stationary while dockboards or bridge plates are in position.

NEW SECTION

**WAC 296-306A-52027 What rules apply to loading trucks, trailers, and railroad cars with powered industrial trucks?** (1) Wheel stops or other positive protection shall be provided to prevent railroad cars from moving during loading or unloading.

(2) Fixed jacks may be necessary to support a semi-trailer and prevent up-ending during loading or unloading if the trailer is not coupled to a tractor.

(3) Many truck-trailers are equipped with a rear-end protection device to prevent cars from wedging underneath during a collision. These protection devices may be used with equipment that secures the truck-trailer to the loading dock. Wheel chocks are not required under the following conditions:

(a) Trucks or trailers are secured to the loading dock with a mechanical system that prevents movement away from the dock during loading, unloading, and boarding.

(b) All of the mechanical equipment is installed, maintained, and used as recommended by the manufacturer.

(c) Any damaged mechanical equipment is removed from service immediately and is not used to secure trucks and trailers.

(4) The flooring of trucks, trailers, and railroad cars shall be checked for breaks and weakness before use.

NEW SECTION

**WAC 296-306A-52029 Who may operate powered industrial trucks?** You may only allow trained and authorized operators to operate powered industrial trucks. You must provide training in the safe operation of powered industrial trucks to employee-operators.

NEW SECTION

**WAC 296-306A-52031 What requirements apply to operating powered industrial trucks?** (1) No operator shall drive a truck up to anyone standing in front of a fixed object.

(2) No one may stand or pass under the elevated portion of any truck, whether loaded or empty.

(3) Only authorized personnel may ride on powered industrial trucks. The truck must have a safe place to ride when riding is authorized.

(4) You must prohibit employees from placing their arms or legs between the uprights of the mast or outside the running lines of the truck.

(5) When an operator leaves a powered industrial truck unattended:

(a) The load shall be fully lowered;

- (b) The controls shall be neutralized;
- (c) The power shall be shut off; and
- (d) The brakes shall be set.
- (e) If the truck is parked on an incline, the wheels shall be blocked.

A powered industrial truck is "unattended" when the operator is 25 feet or more away from the vehicle, which remains in view, or whenever the operator leaves the vehicle and it is not in view.

(6) When a truck operator is dismounted, within 25 feet of the truck, and still in view, the load shall be fully lowered, the controls shall be neutralized, and the brakes shall be set to prevent movement.

(7) The operator shall maintain a safe distance from the edge of ramps or platforms while operating on any elevated dock, or platform or freight car.

(8) There shall be sufficient headroom for trucks to operate under overhead installations, lights, pipes, sprinkler systems, or other overhead projections.

#### NEW SECTION

**WAC 296-306A-52033** **When may trucks be used to open or close freight car doors?** Trucks may only be used for opening or closing freight car doors with an approved device that meets the following requirements:

(1) The door opening or closing device requires that the force applied by the device to the door is parallel to the door travel.

(2) The truck operator is trained in the use of the door opening or closing device and keeps the operation in full view while opening and closing.

(3) The area is clear of people while the door is moved with a device.

#### NEW SECTION

**WAC 296-306A-52035** **What requirements apply to lifting employees on the forks of trucks?** Employees may be lifted on the lifting carriage or forks of a powered industrial truck under the following conditions:

(1) The truck is equipped with vertical only, or vertical and horizontal controls elevatable with the lifting carriage or forks.

(2) A safety platform is firmly secured to the lifting carriage and/or forks.

(3) Employees on the platform have a mechanism to shut off power to the truck.

(4) Employees on the platform are protected from falling objects according to the operating conditions.

#### NEW SECTION

**WAC 296-306A-52037** **What requirements apply to using platforms for hoisting employees?** A platform built specifically for hoisting people may be used to lift employees when:

(1) The platform is securely attached to the forks and has standard guardrails and toeboards installed on all sides.

(2) The hydraulic system is designed so that the lift mechanism will not drop faster than 135 feet per minute in the event of a failure in any part of the system. Forklifts

used for elevating work platforms are identified as meeting this requirement.

(3) A safety strap is installed or the control lever is locked to prevent the boom from tilting.

(4) An operator attends the lift equipment while employees are on the platform.

(5) The operator is in the normal operating position while raising or lowering the platform.

(6) The vehicle remains stationary while employees are on the platform.

Exception: Inching or maneuvering at very slow speed is permissible.

(7) The area between employees on the platform and the mast is adequately guarded to prevent contact with chains or other shear points.

#### NEW SECTION

**WAC 296-306A-52039** **What requirements apply to traveling in a powered industrial truck?** (1) The operator shall maintain a safe distance of approximately three truck lengths from the truck ahead. The truck shall be kept under control at all times.

(2) The operator shall yield the right of way to ambulances, fire trucks, or other vehicles in emergency situations.

(3) Passing other trucks traveling in the same direction at intersections, blind spots, or other dangerous locations is prohibited.

(4) Railroad tracks shall be crossed diagonally wherever possible. The operator shall not park closer than 8 feet from the center of railroad tracks.

(5) The operator shall look in the direction of, and keep a clear view of, the path of travel.

(6) Stunt driving and horseplay shall not be permitted.

(7) The operator shall approach elevators slowly, and then enter squarely after the elevator car is properly leveled. Once on the elevator, the operator shall neutralize controls, shut off power, and set the brakes.

(8) Motorized hand trucks must enter elevator or other confined areas with load end forward.

(9) The operator shall avoid running over loose objects on the roadway surface.

#### NEW SECTION

**WAC 296-306A-52041** **What requirements apply to traveling speeds of powered industrial trucks?** (1) The operator shall observe all traffic regulations, including authorized plant speed limits.

(2) The operator shall slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load obstructs a forward view, the driver shall travel with the load trailing.

Exception: If traveling with the load trailing creates new hazards, it is not required.

(3) The operator shall ascend and descend grades slowly.

(a) At grades over 10 percent, loaded trucks shall be driven with the load up grade.

(b) Unloaded trucks should be operated on all grades with the load carrier down grade.

(c) On all grades the load and load carrier shall be tilted back if applicable, and raised only as far as necessary to clear the road surface.

(4) Under all travel conditions, the truck shall be operated at a speed that will permit it to be stopped safely.

(5) The driver shall slow down for wet and slippery floors.

(6) While negotiating turns, the operator shall slow to a safe speed and turn the wheel in a smooth, sweeping motion.

#### NEW SECTION

**WAC 296-306A-52043 What requirements apply to loading powered industrial trucks?** (1) Only stable or safely arranged loads shall be handled. Exercise caution when handling off-center loads that cannot be centered.

(2) Only loads within the rated capacity of the truck shall be handled.

(3) Take care securing, manipulating, positioning, and transporting loads when attachments are used. Trucks with attachments shall be operated as partially loaded trucks when not handling a load.

(4) Place the load carrier under the load as far as possible. Tilt the mast backward to stabilize the load.

(5) Use extreme care when tilting the load forward or backward, particularly when high tiering. Avoid tilting the load forward with the load carrier elevated except to pick up a load, or when the load is in a deposit position over a rack or stack. When stacking or tiering, use only enough backward tilt to stabilize the load.

#### NEW SECTION

**WAC 296-306A-52045 What requirements apply to servicing powered industrial trucks?** (1) Powered industrial trucks that need repairs, are defective, or in any way unsafe shall be taken out of service until restored to safe operating condition.

(2) Stop the engine before filling fuel tanks. Avoid spilling fuel.

(3) When oil or fuel spills, wash the spill away carefully or evaporate the spill completely and replace the fuel tank cap before restarting engine.

(4) No truck shall be operated with a leak in the fuel system.

(5) Open flames are prohibited for checking electrolyte level in storage batteries or gasoline level in fuel tanks.

#### NEW SECTION

**WAC 296-306A-52047 What requirements apply to maintaining powered industrial trucks?** (1) Powered industrial trucks shall be removed from service when not in safe operating condition. All repairs shall be made by an authorized employee.

(2) No repairs shall be made in Class I, II, and III locations.

(3) When repairs to fuel and ignition systems of industrial trucks involve fire hazards, the repairs shall be conducted only in designated locations.

(4) Trucks in need of repairs to the electrical system shall have the battery disconnected prior to repair.

(5) Industrial truck parts shall be replaced only by parts of equivalent safety.

(6) Industrial trucks shall not be altered so that the relative positions of parts are different from when they were manufactured. Industrial trucks shall not have parts added or eliminated, except as provided in WAC 296-306A-52005. Fork trucks shall not have additional counterweighting added unless approved by the truck manufacturer.

(7) Industrial trucks shall be examined at least daily before being placed in service. Industrial trucks shall not be placed in service if the examination shows any unsafe condition.

Where industrial trucks are used on a round-the-clock basis, they shall be examined after each shift. Defects shall be immediately reported and corrected.

(8) Water mufflers shall be filled daily or as frequently as necessary to prevent the water supply from dropping below 75 percent. Vehicles shall not be operated if muffler screens or other parts are clogged. Any vehicle that emits hazardous sparks or flames from the exhaust system shall immediately be removed from service until the emission of such sparks and flames has been eliminated.

(9) When the temperature of any part of any truck exceeds its normal operating temperature, the vehicle shall be removed from service until the cause for overheating has been eliminated.

(10) Industrial trucks shall be kept clean and free of excess accumulations of combustible materials, oil, and grease. Noncombustible agents should be used for cleaning trucks. Low flash point (below 100°F) solvents shall not be used. High flash point (at or above 100°F) solvents may be used. Take precautions regarding toxicity, ventilation, and fire hazard according to the agent or solvent used.

(11) Only glycol base antifreeze may be used in the engine cooling system.

(12) Industrial trucks originally approved for the use of gasoline for fuel may be converted to LP-gas fuel as long as the converted truck has the features specified for LP or LPS designated trucks. Such converted equipment must be approved. You may find a description of the conversion system and the recommended method of installation in the "listed by report" of a nationally recognized testing laboratory.

### **PART X RIM WHEEL SERVICING**

#### NEW SECTION

**WAC 296-306A-530 Rim wheel servicing.**

#### NEW SECTION

**WAC 296-306A-53001 What does this section cover?** WAC 296-306A-530 applies to the servicing of multipiece and single-piece rim wheels used on large vehicles such as trucks, tractors, trailers, buses and off-road machines. It does not apply to servicing rim wheels used on automobiles, or on pickup trucks and vans with automobile tires or truck tires designated "LT."

**NEW SECTION**

**WAC 296-306A-53003 What definitions apply to rim wheel servicing?** "Barrier" means a fence, wall, or structure 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.

"Charts" means the United States Department of Labor, Occupational Safety and Health Administration (OSHA) 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 "Demounting and Mounting Procedures for Truck/Bus Tires" and "Multi-Piece Rim Matching Chart," or any other poster that contains at least the same instructions, safety precautions and other information contained in the charts that is applicable to the types of wheels being serviced.

"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.

"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.

"Multi-piece rim wheel" means the assembly of a multi-piece wheel with the tire tube and other components.

"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.

"Restraining device" means a cage, rack, assembly of bars, or 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.

"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.

"Rim wheel" means an assembly of tire, tube and liner (where appropriate), and wheel components.

"Service" or "servicing" means the mounting and demounting of rim wheels, and related activities such as inflating, deflating, installing, removing, and handling.

"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.

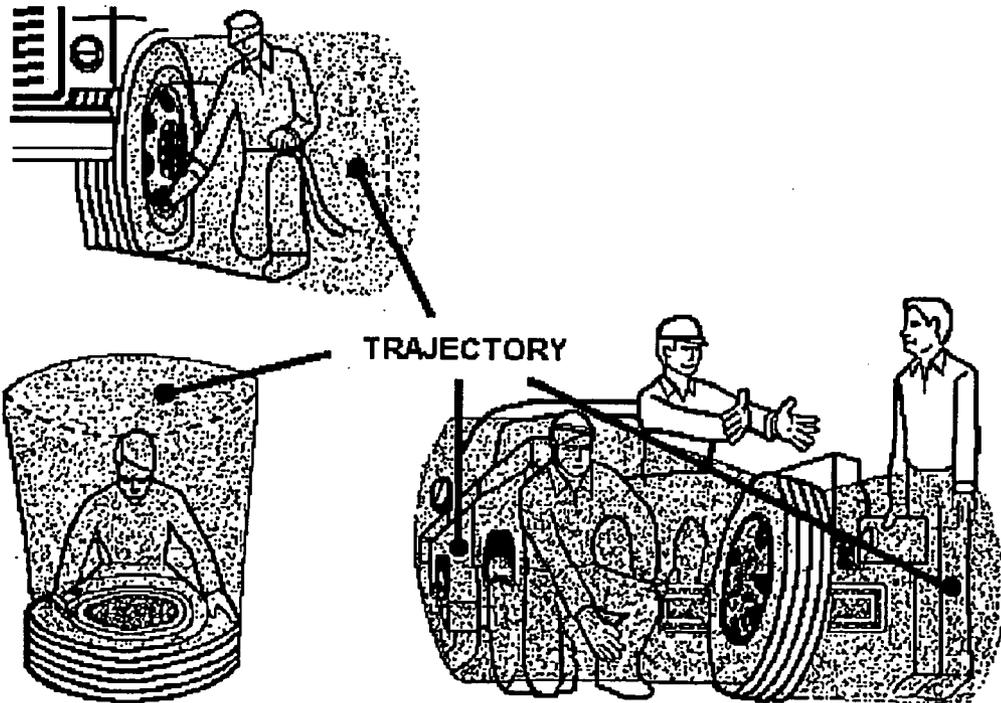
"Single-piece rim wheel" means the assembly of single-piece rim wheel with the tire and other components.

"Single-piece wheel" means a vehicle wheel consisting of one part, designed to hold the tire on the wheel when the tire is inflated.

"Trajectory" means:

- Any potential path 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 air blast from a single-piece rim wheel may be released.

The trajectory may deviate from paths that are perpendicular to the assembled position of the rim wheel. (See Figure for examples of trajectories.)



"Wheel" means the part of a rim wheel that 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).

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**NEW SECTION****WAC 296-306A-53005 What training must an employer provide for employees who service rim wheels?**

(1) You must implement a training program that covers at least the following:

- (a) The hazards involved in servicing rim wheels;
  - (b) The safe operating procedures for the types of wheel serviced, described in WAC 296-306A-53013 and 296-306A-53015; and
  - (c) The applicable data contained in the charts (rim manuals) and the contents of this standard.
- (2) You must ensure that each employee demonstrates and maintains the ability to service rim wheels safely, including the following:
- (a) Demounting tires (including deflation);
  - (b) Inspecting and identifying the rim wheel components;
  - (c) Mounting tires (including inflation with a restraining device or other safeguard required by this section);
  - (d) Using the restraining device and other equipment required by this section;
  - (e) Handling rim wheels;
  - (f) Inflating the tire when a single-piece rim wheel is mounted on a vehicle;
  - (g) Understanding the necessity of standing outside the trajectory both during inflation of the tire and during inspection of the rim wheel following inflation; and
  - (h) Installing and removing rim wheels.
- (3) If you believe that any employee is unable to read and understand the charts or rim manual, you must instruct the employee in the contents of the charts and rim manual in a manner that the employee can understand.
- (4) You must evaluate each employee's ability to perform these tasks safely, and provide additional training as necessary to ensure that each employee maintains proficiency.

**NEW SECTION****WAC 296-306A-53007 What requirements apply to restraining devices?** (1) You must furnish a restraining device for inflating tires on multipiece wheels.

(2) You must provide a restraining device for inflating tires on single-piece wheels unless the rim wheel will be bolted onto a vehicle during inflation.

- (3) Restraining devices must:
- (a) Withstand the force of a rim wheel separation occurring at 150% of the maximum tire pressure for the rim wheel being serviced.
  - (b) Prevent the rim wheel components from being thrown out of the device.
  - (c) The restraining device is visually inspected before each day's use and after any rim wheel separation or sudden release of contained air. Any damaged restraining device is immediately removed from service.
  - (d) If the restraining device is removed from service, it is not returned to service until repaired and reinspected. If the restraining device requires structural repair, it is not returned to service until certified by either the manufacturer or a registered professional engineer to meet the strength requirements of (a) of this subsection.

**NEW SECTION****WAC 296-306A-53009 What other equipment must an employer provide for rim wheel servicing?** (1) You must furnish an air line assembly and ensure that employees use it for inflating tire.

(2) The air line assembly must contain the following components:

- (a) A clip-on chuck;
  - (b) An in-line valve with a pressure gauge or a presettable regulator; and
  - (c) Enough hose between the clip-on chuck and the in-line valve (if one is used) to allow the employee to stand outside the trajectory.
- (3) Current charts or rim manuals for the types of wheels being serviced shall be available in the service area.
- (4) You must furnish the tools recommended in the rim manual for the type of wheel being serviced and ensure that they are the only tools used to service rim wheels.

**NEW SECTION****WAC 296-306A-53011 What requirements apply to wheel component assembly?** (1) You must ensure that multipiece wheel components are not interchanged except as provided in the charts or rim manual.

(2) Multipiece wheel components and single-piece wheels shall be inspected prior to assembly. Any wheel or wheel component that is bent out of shape, pitted from corrosion, broken, or cracked shall not be used. Mark damaged wheels or components "unserviceable" and remove from the service area. Replace damaged or leaky valves.

(3) Rim flanges, rim gutters, rings, bead seating surfaces and the bead areas of tires shall be free of any dirt, surface rust, scale or loose or flaked rubber build-up prior to mounting and inflation.

(4) The size (bead diameter and tire/wheel widths) and type of both the tire and the wheel shall be checked for compatibility before assembly.

**NEW SECTION****WAC 296-306A-53013 What are the safe operating procedures for servicing multipiece rim wheels?** You must establish safe operating procedures for servicing multipiece rim wheels, and ensure that employees are instructed in and follow the procedures. Your procedures must include at least the following:

- (1) Before demounting, remove the valve core to completely deflate the tire.
- (2) Remove the valve core to completely deflate the tire before removing a rim wheel from the axle whenever:
  - (a) The tire has been driven on underinflated at eighty percent or less of its recommended pressure; or
  - (b) There is obvious or suspected damage to the tire or wheel components.
- (3) Apply rubber lubricant to bead and rim mating surfaces during wheel assembly and tire inflation, unless the tire or wheel manufacturer recommends against it.
- (4) A tire on a vehicle underinflated at more than eighty percent of the recommended pressure may be inflated while the rim wheel is on the vehicle, only if remote control

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inflation equipment is used and no employees remain in the trajectory during inflation.

(5) Tires may be inflated outside a restraining device only to pressure sufficient to force the tire bead onto the rim ledge and to create an airtight seal with the tire and bead.

(6) Whenever a rim wheel is in a restraining device, the employee shall not rest any part of the body or equipment on the restraining device.

(7) After tire inflation, inspect the tire and wheel components while still within the restraining device. Ensure that they are properly seated and locked. If further adjustment to the tire or wheel components is necessary, deflate the tire by removing the valve core before making adjustments.

(8) Never correct the seating of side and lock rings by hammering, striking, or forcing the components while the tire is pressurized.

(9) Cracked, broken, bent, or otherwise damaged rim components shall not be reworked, welded, brazed, or otherwise heated.

(10) When handling multipiece rim wheels, employees shall stay out of the trajectory unless the performance of the servicing makes the employee's presence in the trajectory necessary.

(11) Do not apply heat to a multipiece wheel or wheel component.

#### NEW SECTION

**WAC 296-306A-53015 What are the safe operating procedures for servicing single-piece rim wheels?** You must establish safe operating procedures for servicing single-piece rim wheels, and ensure that employees are instructed in and follow the procedures. Your procedures must include at least the following:

(1) Before demounting, remove the valve core to completely deflate the tire.

(2) Mount and demount tires only from the narrow ledge side of the wheel. Take care to avoid damaging the tire beads while mounting. Only mount tires on compatible wheels of matching bead diameter and width.

(3) Apply nonflammable rubber lubricant to bead and wheel mating surfaces before rim wheel assembly, unless the tire or wheel manufacturer recommends against it.

(4) When using a tire changing machine, inflate tires only to the minimum pressure necessary to force the tire bead onto the rim ledge while on the tire changing machine.

(5) When using a bead expander, remove the bead expander before the valve core is installed and as soon as the rim wheel becomes airtight (the tire bead slips onto the bead seat).

(6) Always inflate tires within a restraining device, positioned behind a barrier, or bolted on the vehicle with the lug nuts fully tightened.

(7) Inflate tires only when the trajectory area is clear of flat, solid objects.

(8) Employees 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.

#### NEW SECTION

**WAC 396-306A-53017 How can an employer order the OSHA charts?** OSHA charts are available through OSHA area offices. You may find the address and telephone number of the nearest OSHA office 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.

If you want multiple copies of these charts, you may order them from the Publications Office, U.S. Department of Labor, Room N3101, Washington, D.C. 20210. Telephone: (202) 523-9667.

**Reviser's note:** The section above was filed by the agency as WAC 396-306A-53017. However, the other rules for the Department of Labor and Industries are found in Title 296 WAC. The section above appears to be WAC 296-306A-53017, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

**WSR 96-14-122**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
[Filed July 3, 1996, 11:02 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Internal reference correction, Division of Credit Unions.

Purpose: To correct internal references errors caused by recodification and to make minor editorial changes, such as changing the term "supervisor" to "director."

Statutory Authority for Adoption: RCW 42.320.040 [43.320.040].

Statute Being Implemented: Chapter 31.12 RCW.

Summary: These rule amendments change the internal references within the rules so they correspond with the current WAC numbers. In addition, outdated terms, such as "supervisor" and "division of savings and loan," have been corrected, as well as minor editorial changes.

Reasons Supporting Proposal: To make the rules easier to use and reference.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: J. Parker Cann, 300 General Administration Building, Olympia, (360) 902-8778.

Name of Proponent: Department of Financial Institutions, Division of Credit Unions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: When the Division of Credit Unions recodified its rules, the internal references were not updated. The pro-

posed changes update the internal references. In addition, the changes update the rules so they refer to the Department of Financial Institutions, the Division of Credit Unions and the director instead of the Division of Savings and Loan and the supervisor.

**Proposal Changes the Following Existing Rules:** These rules correct internal references within existing rules and outdated terms, such as "supervisor" and "division of savings and loan."

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes will impose no costs on businesses in the industry, since it merely updates references.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201 is not applicable to the rules of the Department of Financial Institutions, pursuant to section 201 (5)(a).

**Hearing Location:** Washington Interactive Television studio sites at: 710 Sleater-Kinney Road S.E., Suite Q, Lacey, WA; at 2000 200 Place S.W., Lynnwood, WA; at ESD #105 Building, 33 South 2nd Avenue, Yakima, WA; at 4022 East Broadway, Spokane, WA; and at ESD #112 Building, 2500 N.E. 65th Avenue, Vancouver, WA, on August 14, 1996, at 9-10 a.m.

**Assistance for Persons with Disabilities:** Contact Tina Philippsen at 902-8718, by July 31, 1996, TDD (360) 664-8126.

**Submit Written Comments to:** FAX (360) 586-5068, by August 13, 1996.

**Date of Intended Adoption:** August 15, 1996.

July 3, 1996  
J. Parker Cann  
Assistant Director  
Division of Credit Unions

**AMENDATORY SECTION** (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-010 Application to make investments not otherwise permitted by law.** If any credit union wishes to deposit or invest its capital, deposits, or surplus funds in a manner not specifically permitted to credit unions by chapter 31.12 RCW, the credit union shall, before engaging in the proposed investment practice, make written application to the ~~((supervisor of savings and loan associations))~~ director for authority to make the proposed investment. The application shall contain at least the following information:

- (a) The name of the credit union;
- (b) The proposed source or sources of the funds to be deposited or invested;
- (c) A detailed description of the type of deposit or investment the credit union proposes to make, including the names of any natural persons, corporations, financial institutions or government agencies serving as banker, trustee, management agent, broker, guarantor, seller of securities, or purchaser of securities;
- (d) References, if known to the applicant, showing that other state chartered credit unions have been permitted to make the same type of investment or deposit;
- (e) Copies of statutes, regulations, rulings, official correspondence or other information showing that federally chartered credit unions ~~((doing business within the state of~~

~~Washington))~~ are permitted to make the type of investment or deposit proposed in the application;

(f) Such other information as the applicant credit union wishes to offer in evidence that the proposed investment or deposit would be a safe and prudent one for the applicant credit union to engage in.

**AMENDATORY SECTION** (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-020 Supplementary application information.** Upon receiving an application from a credit union to engage in an investment or deposit practice pursuant to this chapter, the ~~((supervisor))~~ director may request such additional information as he or she deems necessary for the informed disposition of the application. If supplementary application information is requested by the ~~((supervisor))~~ director, the application will not be deemed complete until the supplementary information is supplied.

**AMENDATORY SECTION** (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-030 Investments previously approved for other state chartered credit unions.** If the ~~((supervisor))~~ director finds that the applicant credit union proposes to make the same type of investment or deposit which one or more other state chartered credit unions have previously received permission to make, the ~~((supervisor))~~ director shall grant the application unless he or she finds that the financial position or the state of management of the applicant credit union is such that the proposed investments or deposits would not be sound or prudent investment practices for the applicant credit union, in which case the ~~((supervisor))~~ director may instead grant the application conditionally, grant it in modified form, or deny the application.

**AMENDATORY SECTION** (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-040 Investment practice permitted to federally chartered credit unions.** If the ~~((supervisor))~~ director finds that the applicant credit union proposes to make the same type of investment or deposit which one or more other federally chartered credit unions ~~((doing business in the state of Washington))~~ have previously received permission to make, the ~~((supervisor))~~ director shall grant the application unless he or she finds that the financial position or the state of management of the applicant credit union is such that the proposed investments or deposits would not be sound or prudent investment practices for the applicant credit union, in which case the ~~((supervisor))~~ director may instead grant the application conditionally, grant it in modified form, or deny the application.

**AMENDATORY SECTION** (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-050 Investment practice not previously permitted to any credit union.** If the ~~((supervisor shall))~~ director finds that the proposed investment or deposit practice has not previously been permitted to any state chartered or federally chartered credit union ~~((doing business in Washington, he))~~, the director shall make inquiry as to

whether the proposed investment or deposit practice would be consistent with Washington law and as to whether the proposed investment or deposit practice would be a sound and prudent practice for the applicant credit union. In connection with ~~((his))~~ this inquiry, the ~~((supervisor))~~ director may consider the general nature and functions of credit unions ~~((and he may also consider))~~, as well as the specific financial condition and management of the applicant credit union, as revealed in the application, ~~((the supervisor's periodic))~~ examinations, or such other information as ~~((he))~~ may ~~((have))~~ be at hand. If the ~~((supervisor))~~ director finds that the investment or deposit practice as proposed would be contrary to or inconsistent with the laws of the state of Washington, or would not be a sound investment practice, ~~((he))~~ the director shall deny the application. If the ~~((supervisor))~~ director finds that proposed investment or deposit practice would be a sound and prudent practice for the applicant credit union, ~~((he))~~ the director shall grant the application. Alternatively, the ~~((supervisor))~~ director may, for cause, grant the application conditionally, grant it in modified form, or deny it in whole or in part.

AMENDATORY SECTION (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-060 ((Supervisor)) Director action on application.** After receiving an application from a credit union to engage in an investment or deposit practice not otherwise permitted by law, and after having considered it as provided in this chapter, the ~~((supervisor))~~ director shall grant, grant conditionally, grant in modified form, or deny the application, and shall inform the applicant credit union in writing of ~~((his))~~ this action and of the reasons therefor. Any application not acted upon within six months after its receipt by the ~~((supervisor))~~ director shall be deemed denied unless the ~~((supervisor))~~ director, in writing, informs the applicant credit union that ~~((he is holding))~~ the application is being held for further review.

AMENDATORY SECTION (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-070 Engagement in unauthorized investment practice prohibited.** No state chartered credit union shall engage in any investment or deposit practice not authorized by a specific provision of Washington state law or by the ~~((supervisor))~~ director in accordance with this chapter. Unless the ~~((supervisor))~~ director, in writing, informs an applicant credit union that it may engage in an investment or deposit practice provisionally while ~~((he reviews))~~ the application is being reviewed, no credit union shall make deposits or investments pursuant to an application made under this chapter until it has received written authority to do so as provided herein. Failure of a credit union to comply with the terms of this chapter shall be deemed an unsound credit union practice and a wilful violation of an order of the ~~((supervisor))~~ director and may be grounds for appropriate supervisory action against the credit union, its directors or officers.

AMENDATORY SECTION (Amending Order 79-1, filed 6/7/79)

**WAC 208-436-080 Modification or revocation of investment practices previously authorized.** The ~~((supervisor))~~ director may find that an investment or deposit practice previously authorized ~~((by him))~~ is no longer a safe and prudent practice for credit unions generally to engage in, or has become inconsistent with applicable state or federal law, or has ceased to be a safe and prudent practice in one or more particular credit unions in light of their financial condition or management. Upon such a finding, the ~~((supervisor))~~ director may in writing inform the board of directors of any or all of the credit unions engaging in such a practice that the authority to engage in the practice has been revoked or modified. When the ~~((supervisor))~~ director so notifies any credit union, its directors and officers shall forthwith take steps to liquidate the investments in question (if authority to engage in the practice has been revoked) or to make such modifications as the ~~((supervisor))~~ director requires. The ~~((supervisor))~~ director may for cause shown grant a credit union some definite period of time in which to arrange its affairs to comply with the ~~((supervisor's))~~ director's orders. Credit unions which continue to engage in investment practices where their authority to do so has been revoked or modified will be treated as if the authority to engage in the practice had never been granted, and their actions may be deemed an unsound credit union practice and a wilful violation of an order of the ~~((supervisor))~~ director and may be grounds for appropriate supervisory action against the credit union, its directors or officers.

AMENDATORY SECTION (Amending Order 85-7, filed 2/5/86)

**WAC 208-436-090 Investment limitations—Other requirements.** The ~~((supervisor, division of savings and loan associations,))~~ director finds that investments in common trust funds under RCW 31.12.425 (1)(f) present potential serious risks to credit unions and that rules establishing specific procedures for those investments are necessary to protect the safety and soundness of credit unions. These rules are not intended to either endorse or encourage credit union investment in common trust funds. Credit unions investing in common trust funds as authorized by RCW 31.12.425 (1)(f) are therefore subject to the following limitations:

(1) Prior to making any investment in a common trust fund, the board of directors shall approve an investment policy detailing the maximum investment the credit union may have in common trust funds and specific investment guidelines. The policy shall also specify who is to authorize such investments.

(2) A credit union shall not invest an aggregate amount of greater than fifteen percent of its total assets in all such common trust funds.

(3) A credit union shall not invest an aggregate amount greater than five percent of its total assets in common trust funds without the ~~((supervisor's))~~ director's prior written approval of its investment policy.

(4) A credit union shall not invest an aggregate amount greater than ten percent of its total assets in common trust

funds without the ~~((supervisor's))~~ director's prior written approval to make such investment.

(5) A credit union whose aggregate investment in common trust funds exceeds ten percent of its total assets shall establish, by transfer from undivided earnings, a special investment valuation reserve in an amount equal to five percent of the aggregate investment in common trust funds exceeding ten percent of total assets. The special reserve shall be adjusted not less than quarterly based on the aggregate investment in common trust funds amount exceeding ten percent of total assets.

(6) Prior to making any investment in a common trust fund, a credit union shall obtain a prospectus for such fund and determine that all investments, investment activities and deposits of such common trust fund would be legal investments if held by the credit union.

(7) Prior to making any investment in a common trust fund, a credit union shall secure from the investment company marketing the fund a written statement, in addition to any prospectus, specifying that the fund is not engaged in and will not engage in any speculative marketing activity including but not limited to adjusted trading, futures contracts, short sales, and standby commitments, defined as follows:

(a) Adjusted trading means any method of transaction used to defer a loss by selling a security at a price above its current market price and simultaneously purchasing or committing to purchase from that same party another security at a price above its current market price, including interest rate swaps.

(b) Futures contract means a contract for the future delivery of commodities, including certain government securities, sold on commodities exchanges.

(c) Short sale means the sale of a security not owned by the seller.

(d) Standby commitment means a commitment to either buy or sell a security, on or before a future date, at a predetermined price. The seller of the commitment is the party receiving payment for assuming the risk associated with committing either to purchase a security in the future at a predetermined price, or to sell a security in the future at a predetermined price. The seller of the commitment is required to either accept delivery of a security (in the case of a commitment to buy) or make delivery of a security (in the case of a commitment to sell), in either case at the option of the buyer of the commitment.

(8) A credit union's directors, officials, committee members, and employees, and immediate family members of such persons, may not receive consideration in any form in connection with the making of an investment or deposit in a common trust fund by the credit union.

**AMENDATORY SECTION** (Amending Order 79-2, filed 7/19/79)

**WAC 208-440-010 Credit union financial interest in commercial enterprise.** No credit union shall have any direct financial interest in a commercial enterprise by way of stock or other ownership interest in a commercial corporation, by way of partnership interest or participation in a joint venture in a general business enterprise or by way of exchanging money or services for a share of the proceeds of

any commercial business enterprise except as provided below:

(1) Any credit union may make loans to commercial enterprises and investments in commercial enterprises to the extent permitted by statute;

(2) Any credit union may engage in the business of renting, leasing or subleasing portions of the land and building(s), in which the credit union carries on its business, to the extent that such land and buildings are not needed for credit union operations;

(3) The ~~((supervisor))~~ director may upon written application grant permission to a credit union to participate in a business enterprise not otherwise authorized by law or by this section, where the ~~((supervisor))~~ director is satisfied that the business enterprise is appropriate and adjunct to ordinary credit union operations and would not be contrary to law.

**AMENDATORY SECTION** (Amending Order 79-2, filed 7/19/79)

**WAC 208-440-030 Offering of gifts, prizes and premiums.** No credit union may offer any commercial product or service as an inducement to membership or other participation in credit union activities: *Provided*, That this section shall not be construed to prohibit a credit union from offering share accounts in nominal amounts or other items of nominal value to members or prospective members of the credit union, in connection with general promotional activities of the credit union or in connection with the opening of a new credit union, a new credit union office, or the relocation of a credit union office. The ~~((supervisor))~~ director may from time to time issue written guidelines defining the terms "nominal amounts" and "nominal value" as used in this section.

**AMENDATORY SECTION** (Amending Order 83-1, filed 2/9/83)

**WAC 208-440-010 State chartered credit unions—Acceptance of audit instead of examination.** (1) RCW ~~((31.12.320))~~ 31.12.545 authorizes the acceptance, in the ~~((supervisor's))~~ director's discretion, of independent audit reports ~~((prepared pursuant to RCW 31.12.200))~~ in lieu of the examination required thereunder. In order to be considered for acceptance in lieu of an examination ~~((by the supervisor's staff))~~, an audit must meet the following conditions:

(a) The audit was performed by accountants who have demonstrated to the ~~((supervisor))~~ director extensive knowledge of the examination procedures and techniques utilized by the division of ~~((savings and loan))~~ credit unions;

(b) The scope of the audit follow, but is not limited to, the scope of examinations conducted by the division ~~((of savings and loan))~~, including a compliance review;

(c) The audit includes a verification of loan and share accounts ~~((performed in accordance with WAC 419-44-020))~~;

(d) The audit includes a cash reconciliation, including an adequately documented physical cash count, and also includes an affirmative verification of investments and deposits made by the audited credit union;

(e) Verification of the status of funds borrowed by the audited credit union, including promissory notes and certificates;

(f) The audit sets forth such comments as are appropriate in a positive format specifying corrective action recommended and schedule for completing such corrective action;

(g) The audit was performed not less than nine months after and not more than fifteen months after the last examination by the division (~~(of savings and loan)~~) or an audit which was accepted in lieu thereof.

(h) All working papers as well as the accountant's report, internal control report, and any other documents associated with the audit are made available to the (~~(supervisor)~~) director.

(2) Select portions of an audit may be utilized by division (~~(of savings and loan)~~) examiners in conducting a particular examination if:

(a) The date of the audit corresponds reasonably with the date of the examination; and

(b) That portion of the audit being utilized is supported by working papers which substantially correspond to examination work papers utilized (~~(in)~~) by the (~~(conduct of)~~) division (~~(of savings and loan examinations)~~).

AMENDATORY SECTION (Amending Order 89-1, filed 2/1/89)

**WAC 208-464-010 Purpose.** This chapter is adopted by the (~~(supervisor)~~) director for the purpose of setting guidelines for credit unions to make member business loans. The objective of this chapter is to ensure that member business loans are made in such a way as to minimize the risk inherent in this type of lending. The (~~(supervisor's)~~) director's goal is to provide the basis for a system of member business lending that is consistent with safe and sound credit union practices. (~~(This chapter does not change the restrictions on loans to nonpersons outlined in RCW 31.12.406(1).))~~

AMENDATORY SECTION (Amending Order 89-1, filed 2/1/89)

**WAC 208-464-030 Policy requirements.** A credit union may make member business loans only in accordance with the following requirements unless prior written approval is obtained from the (~~(supervisor)~~) director:

(1) Written commercial lending policies. Credit unions presently involved in member business loans must adopt specific commercial loan policies within sixty days of the effective date of this chapter and must review them at least once every twelve months and certify in the minutes of the board meeting that the review occurred. Amendments to these policies also must be approved by the board. Other credit unions must adopt similar policies in accordance with this chapter prior to implementing a member business loan program.

These policies and any amendments thereto must be submitted to the (~~(supervisor)~~) director for review at least thirty days prior to the proposed date of implementation of the member business loan program or the amendment. These formal written policies shall at a minimum appropriately address the following:

(1) The types of business loans that will be made.

(2) The credit union's market area for business loans.

(3) The maximum amount of the credit union's assets in relationship to reserves that will be invested in member business loans. In no case will this ratio exceed three hundred percent.

(4) The maximum amount of the credit union's assets in relationship to reserves that will be loaned under this program to any one member, not to exceed the amount set in WAC (~~(419-64-050)~~) 208-464-050.

(5) The qualifications and experience of personnel involved in making and administering member business loans.

(6) Collateral requirements for these loans which shall include loan-to-value ratios based on type of loan and type of security, title and casualty insurance requirements, and valuation cycles to regularly determine marketability of collateral.

(7) Schedules of interest rates and terms for each category of member business loan and on what basis these will be adjusted.

(8) Procedures for loan monitoring, servicing, and follow-up procedures, including collection activities.

AMENDATORY SECTION (Amending Order 89-1, filed 2/1/89)

**WAC 208-464-050 Loans to one borrower.** The aggregate amount of outstanding member business loans to any one borrower shall not exceed twenty percent of the credit union's reserves. If any portion of a member business loan is fully secured by shares in the credit union or a perfected security interest in deposits in another financial institution, such portion shall not be calculated in determining the twenty percent limitation. The (~~(supervisor)~~) director may waive this limitation upon application in writing from a credit union prior to the making of the loan in question. The application for waiver must include the total amount sought, the reason for the waiver request, and other such information as the (~~(supervisor)~~) director may require to evaluate the request.

AMENDATORY SECTION (Amending Order 89-1, filed 2/1/89)

**WAC 208-464-060 Allowance for loan losses.** Under RCW 31.12.475, the (~~(supervisor)~~) director may require the write-off of losses or the establishment of such reserves for weak assets as is deemed appropriate by the (~~(supervisor)~~) director. Member business loans may be classified as performing, substandard, doubtful, or loss, depending on various factors not limited to the delinquency of the loan. Insufficient collateral or unreasonable collateral appraisals, inadequate documentation, and uncertain source of repayment are among the primary weaknesses that will be considered grounds for asset classification. Member business loans adversely classified (substandard, doubtful, or loss) shall be reserved as follow:

(1) Loss loans shall be charged off or reserved at one hundred per cent of the outstanding principal balance.

(2) Doubtful loans shall be reserved at fifty per cent of the outstanding principal balance.

(3) Substandard loans shall be reserved at ten per cent of the outstanding principal balance.

The ~~((supervisor))~~ director may require establishment of reserves of greater or lesser amounts.

**AMENDATORY SECTION** (Amending Order 89-1, filed 2/1/89)

**WAC 208-464-070 Minimum reserves-to-assets ratio.** Because of the higher risk associated with member business loans, a credit union must have a reserves-to-assets ratio of not lower than four percent to make such loans. The ~~((supervisor))~~ director may waive the requirements of this section in writing.

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-020 Inclusion of a group with a common bond of occupation.** Except as permitted by WAC ~~((419-72-041))~~ 208-472-041, if a credit union wants to include a separate group with a common bond of occupation in its field of membership, it must make application to the director to amend its bylaws in accordance with RCW 31.12.115. The application must be submitted to the director in duplicate and must include the information as required by WAC ~~((419-72-025))~~ 208-472-025.

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-025 Application to include a separate occupational group.** (1) The application to include a separate group with a common bond of occupation must include at least the following information:

(a) The name of the applicant credit union;  
 (b) Evidence that the applicant's board of directors has complied with the notice and voting requirements of RCW 31.12.115;

(c) A description of the enterprise including its name, number of employees, and the geographic location of those employees. The categories of persons specified in WAC ~~((419-72-015(2)))~~ 208-472-015(2) that are included in the group must be separately identified;

(d) A statement from an officer of the enterprise:

(i) That the enterprise desires membership for its employees in the applicant; and

(ii) Whether its employees are currently eligible for membership, based upon such employment, in another state or federally chartered credit union. If the employees of the enterprise are eligible for membership in another credit union based upon such employment, the applicant must make best efforts to provide a statement of nonobjection from the other credit union.

(2) In addition, the application must also include the following information if applicable:

(a) If the number of potential members of the applicant exceeds one hundred twenty percent of the number of its actual members, then the following information must also be submitted:

(i) A copy of the applicant's most recent monthly financial statement;

(ii) A copy of the applicant's plan or other document demonstrating its ability and intent to provide service to the

new group and specific plans relating anticipated growth to capital levels.

(b) If the number of employees of the enterprise exceeds five hundred, then the following must also be submitted:

(i) An analysis whether the group has sufficient size and resources to form a credit union of its own;

(ii) Documentation concerning compliance with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's field of membership;

(iii) Documentation that the applicant has given written notice to all other credit unions headquartered in this state, both state and federally chartered, that have a staffed office in any county in which the offices of the enterprise are located. Credit unions entitled to receive the notice will be given twenty days following receipt of the notice to submit to the department any comments on the application.

(3) If the applicant cannot obtain the letter of nonobjection described in subsection (1)(d) of this section, after having made a best efforts attempt to do so, it must submit documentation that:

(a) The required number of employees of the enterprise desire membership in the applicant; or

(b) The other credit union has failed to adequately serve the group after a reasonable period of time, and how the applicant plans to improve this service.

The applicant must supply a copy of the information required in (a) and (b) of this subsection to the other credit union, which will be given sixty days following receipt of such information to submit to the department any comments on the overlap.

This subsection (3) does not apply to overlaps arising out of merger-type transactions between enterprises.

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-041 Streamlined procedure for small occupational groups.** (1) Credit unions may apply to the director for approval of an enabling bylaw amendment ("enabling amendment") that enables them to use the streamlined procedure set forth in this section ("SOG procedure") to include small groups with a common bond of occupation ("small occupational groups" or "SOGs") in their field of membership.

(2) The credit union must first apply to the director for approval of an enabling amendment that satisfies the requirements of this section and which complies with RCW 31.12.115. The director shall approve or deny the application in accordance with WAC ~~((419-72-075))~~ 208-472-075. Once the application has been approved by the director, the credit union may immediately begin serving SOGs in compliance with this section and the enabling amendment. The enabling amendment may not be amended without the prior approval of the director.

(3) The enabling amendment will in substance permit a credit union to add a SOG to its field of membership if:

(a) The enterprise is located within twenty-five miles from one of the credit union's service facilities;

(b) The enterprise has provided a written request to the credit union for service;

(c) The employees of the enterprise do not have credit union service available based on such employment;

(d) The number of employees of the enterprise do not exceed one hundred or any larger maximum number as authorized by the director; and

(e) The group is included in the credit union's field of membership as specifically identified in amendments to the credit union's bylaws. Such amendments do not require the director's approval.

(4) The credit union must maintain a control log of SOGs included in its field of membership. The control log must include the board approval of the group, the date of the board approval, the name and location of the enterprise, the number of employees included, and the number of miles to the nearest main or branch office of the enterprise.

(5) The size limit of a SOG is based on the number of employees of the enterprise at the time the bylaws are amended to include the SOG; the size limit does not apply to family members of employees or categories of persons that it may be permissible to include in the group pursuant to the definition of a common bond of occupation in WAC ((419-72-015(2))) 208-472-015(2). Several groups may be included simultaneously using the SOG procedure, however the number of employees in each SOG must be within the SOG size limit.

(6) The director may revoke the ability of a credit union to use the SOG procedure if the director determines that it is being used to circumvent the regular procedure for inclusion of occupational groups in the credit union's field of membership.

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-045 Inclusion 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 in its field of membership it must make application to the director to amend its bylaws in accordance with RCW 31.12.115. The application must be submitted to the director in duplicate and must include the information as required by WAC ((419-72-050)) 208-472-050.

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-060 Inclusion of a community group.** If a credit union wants to include in its field of membership a separate group which constitutes a community, it must make application to the director to amend its bylaws in accordance with RCW 31.12.115. The application must be submitted to the director in duplicate and must include the information as required by WAC ((419-72-065)) 208-472-065.

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-065 Application to include a separate community group.** The application to include a community must include at least the following information:

(1) The name of the applicant credit union;

(2) Evidence that the applicant's board of directors 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 its geographic boundaries and its current population;

(4) A detailed description of how the proposed community meets the definition set forth in WAC ((419-72-015(3))) 208-472-015(3);

(5) Letters of support from community organizations and/or residents of the area demonstrating their desire to be associated with the applicant and their willingness to support its objectives;

(6) Any other information that demonstrates the community's desire to have the services of a credit union;

(7) A copy of the applicant's most recent monthly financial statement;

(8) A copy of the applicant's plan or other document demonstrating its ability and intent to provide service to the new group and specific plans relating anticipated growth to capital levels. Among other provisions, the plan or other document must include a provision that the applicant will not conduct direct marketing aimed at any occupational or associational group with an office in the community if the group is included in the field of membership of another state or federally chartered credit union. In addition, applicants are encouraged to include provision in the plan or other document for active participation in community activities;

(9) Evidence that the applicant has given written notice to all other credit unions headquartered in the state, both state and federally chartered, that have staffed offices in or within five miles of the boundaries of the community. Credit unions entitled to receive the notice will be given twenty days following receipt of the notice to submit to the department any comments on the application; and

(10) Documentation concerning compliance with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's field of membership.

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-070 Application deemed complete.** An application filed pursuant to this chapter is deemed complete when:

(1) The director has received all of the information required by this chapter;

(2) If the applicant credit union is required to provide notice to other credit unions pursuant to WAC ((419-72-025(2), 419-72-050(2) or 419-72-065(9))) 208-472-025(2), 208-472-050(2) or 208-472-065(9), at least twenty days have passed since the applicant gave the notice to other credit unions; and

(3) If the applicant is required to supply certain information to another credit union pursuant to WAC ((419-72-025(3) or 419-72-050(3))) 208-472-025(3) or 208-472-050(3), at least sixty days have passed since the applicant supplied the required information to the other credit union.

If an incomplete application is received, the director will give written notice to the applicant no later than thirty days from the date the original application was received that

further information is necessary. The applicant will be allowed thirty days after receipt of the notice to provide the requested information.

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-075 Approval of application.** The director shall give written approval or denial of an application made in conformance with this chapter within thirty days from the date it is deemed complete. The director's decision will take into consideration the following general criteria and other issues or facts that may be relevant to the application:

- (1) Whether the application is consistent with the provisions of chapter 31.12 RCW and this chapter;
- (2) Whether the applicant credit union is currently operating in conformance with the provisions of chapter 31.12 RCW, applicable rules in Title ((419)) 208 WAC, and written supervisory orders, directives and agreements;
- (3) Whether the proposed new group possesses a common bond of occupation or association, or constitutes a community, as defined in WAC ((419-72-015)) 208-472-015;
- (4) If the application involves the inclusion of a group based on a common bond of occupation or association, whether the proposed new group has sufficient size and resources to form a credit union of its own;
- (5) Whether the applicant is in a safe and sound condition and possesses the financial and managerial capability to provide credit union service to the proposed group in a safe and sound manner;
- (6) Whether the applicant has complied with plans on penetration and service submitted with previously approved applications for inclusion of a group in the applicant's field of membership;
- (7) Whether approval of the application might reasonably threaten the viability of another credit union;
- (8) Whether the applicant is using the inclusion of the group as a marketing strategy to preempt expansion by other credit unions; and
- (9) Whether approval of the application will adversely impact the safety and soundness of the applicant.

The approval of a credit union's application for inclusion of a community group in its field of membership will not preclude approval of another credit union's application to include the same or a portion of the same community group in its field of membership.

**AMENDATORY SECTION** (Amending WSR 92-24-053, filed 11/30/92, effective 12/31/92)

**WAC 208-480-030 Transactions for which a state-certified appraiser is required.** The following transactions require a state-certified appraiser:

- (1) All transactions having a transaction value of one million dollars or more.
- (2) All transactions having a transaction value of more than fifty thousand dollars, other than those involving appraisals of one-to-four family residential properties, shall require an appraisal prepared by a state-certified appraiser.
- (3) All complex one-to-four family residential property appraisals rendered in conjunction with transactions shall require a state-certified appraiser if the transaction value is

two hundred fifty thousand dollars or more. A regulated institution may presume that appraisals of one-to-four family residential properties are not complex, unless the institution has readily available information that a given appraisal will be complex. The regulated institution shall be responsible for making the final determination of whether the appraisal is complex. If, during the course of the appraisal, a licensed appraiser identifies factors that would result in the property, form of ownership, or market conditions being considered atypical, then either:

- (a) The regulated institution may ask the licensed appraiser to complete the appraisal and have a certified appraiser approve and co-sign the appraisal; or
- (b) The institution may engage a certified appraiser to complete the appraisal.

(4) Valuation requirement. Secured transactions exempted from appraisal requirements pursuant to WAC ((419-80-020(1))) 208-480-020(1) and not otherwise exempted from this chapter shall be supported by a written estimate of market value, as defined in this chapter, performed by an individual having no direct or indirect interest in the property, and qualified and experienced to perform such estimates of value for the type and amount of credit being considered.

**AMENDATORY SECTION** (Amending WSR 92-24-053, filed 11/30/92, effective 12/31/92)

**WAC 208-480-050 Appraisal standards.** (1) Minimum standards. Where appraisals are required pursuant to this chapter, all such appraisals shall, at a minimum:

(a) Conform to the uniform standards of professional appraisal practice ("USPAP") adopted by the appraisal standards board of the Appraisal Foundation (the complete text of the USPAP is available from the Appraisal Foundation, 1029 Vermont Ave., N.W. Suite 900, Washington, D.C. 20005), except that the departure provision of the USPAP shall not apply;

(b) Be based upon the definition of market value as set forth in WAC ((419-80-010)) 208-480-010;

(c)(i) Be written and presented in a narrative format, or on forms, that satisfy all the requirements of this section; (ii) be sufficiently descriptive to enable the reader to ascertain the estimated market value and the rationale for the estimate; and (iii) provide detail and depth of analysis that shall reflect the complexity of the real estate appraised;

(d) Analyze and report in reasonable detail any prior sales of the property being appraised that occurred within the following time periods:

(i) For one-to-four family residential property, one year preceding the date when the appraisal was prepared; and

(ii) For all other property, three years preceding the date when the appraisal was prepared;

(e) Analyze and report data on current revenues, expenses, and vacancies for the property if it is and will continue to be incoming-producing;

(f) Analyze and report a reasonable marketing period for the subject property;

(g) Analyze and report on current market conditions and trends that will affect projected income or the absorption period, to the extent they affect the value of the subject property;

(h) Analyze and report appropriate deductions and discounts for any proposed construction, or any completed properties that are partially leased, any properties that are partially leased or leased at other than market rents, as of the date of the appraisal, or any tract developments with unsold units;

(i) Include in the certification required by the USPAP an additional statement that the appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan;

(j) Contain sufficient supporting documentation with all pertinent information reported so that the appraiser's logic, reasoning, judgment, and analysis in arriving at a conclusion indicates to the reader the reasonableness of the market value reported;

(k) Include a legal description of the real estate being appraised, in addition to the description required by the USPAP;

(l) Identify and separately value any personal property, fixtures, or intangible items that are not real property but are included in the appraisal, and discuss the impact of their inclusion, or exclusion, on the estimate of market value; and

(m) Follow a reasonable valuation method that addresses the direct sales comparison, income, and cost approaches to market value, reconciles those approaches, and explains the elimination of each approach not used.

(2) Unavailability of information. If information required or deemed pertinent to the completion of an appraisal is unavailable, that fact shall be disclosed and explained in the appraisal.

(3) Additional standards. Nothing contained herein shall prevent a regulated institution from requiring additional appraisal standards if deemed appropriate.

**WSR 96-14-123  
PROPOSED RULES  
DEPARTMENT OF  
FINANCIAL INSTITUTIONS**

[Filed July 3, 1996, 11:05 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-09-005.

Title of Rule: Deleting senior provision.

Purpose: To delete the provision that retired persons and persons at least fifty years of age are deemed to have a common bond of association (senior provision).

Statutory Authority for Adoption: RCW 31.12.045(1) and [31.12].535.

Statute Being Implemented: RCW 31.12.045.

Summary: The proposed rule deletes the senior provision from the definition of "common bond of association" set forth in WAC 208-472-015(2).

Reasons Supporting Proposal: Parity with federally-chartered credit unions.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Parker Cann, P.O. Box 41200, Olympia, WA, (360) 902-8778.

Name of Proponent: Division of Credit Unions (DCU) of the Department of Financial Institutions, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In May 1995, the division adopted amendments to WAC 418-72-015 (recodified as WAC 208-472-015) which provided (in part) that groups of retired persons and persons at least age fifty were deemed to have a common bond of association (DCU senior provision). The DCU senior provision was based primarily on RCW 31.12.136, known as the parity provision, which grants state credit unions all the powers and authorities that federal credit unions possessed on December 31, 1993. At that time, federal credit unions enjoyed authority under an NCUA provision (NCUA senior provision) similar to the DCU senior provision. The purpose of the DCU senior provision was to keep state credit union powers on an equal footing with federal credit union powers. It should also be noted that the director has the authority by rule to update state credit union powers based on powers of federal credit unions adopted after December 31, 1993. RCW 31.12.136(2). After the DCU senior provision was adopted, the NCUA senior provision was invalidated by a federal court. In response to this decision, which the NCUA did not appeal, the NCUA has withdrawn its senior provision. Because the DCU senior provision was based on the credit union parity provision, and federal credit unions have since lost authority under the NCUA senior provision, the DCU has decided to repeal its senior provision in order to maintain parity. (However, the DCU does not believe that it is required under the parity provision to repeal the senior provision.)

Proposal Changes the Following Existing Rules:  
Deletes senior provision from WAC 208-472-015(2).

A small business economic impact statement has been prepared under chapter 19.85 RCW.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

Regarding rule proposed by the Division of Credit Unions ("division") to delete the provision that deems groups of retired persons and persons at least fifty years of age to have a common bond of association ("proposed rule").

The division has prepared this small business economic impact statement in compliance with chapter 19.85 RCW, the Regulatory Fairness Act ("RFA"). The Preproposal Statement of Inquiry (form CR-101) in connection with the proposed rule was filed at WSR 96-09-005.

Background for Proposed Rule: In May 1995, the division adopted a set of rules in regard to requirements for approval of field of membership (FOM) applications. In part, the amendments to WAC 418-72-015(2) (now codified as WAC 208-472-015(2)) provide that groups of retired persons and persons at least age fifty were deemed to have a common bond of association (DCU senior provision). The result was that credit unions could add groups of these persons to their FOM even though they were not bona fide associations and they were formed for the purpose of gaining membership eligibility in the credit union.

The legal authority for the DCU senior provision was primarily RCW 31.12.136(1). This section, known as the parity provision, grants state credit unions all of the powers and authorities possessed by federally-chartered credit unions as of December 31, 1993. At the time of the adoption of the DCU senior provision, federal credit unions enjoyed a

provision (NCUA senior provision) similar to the DCU senior provision. It should also be noted that the director has the authority by rule to update state credit union powers based on powers of federal credit unions adopted after December 31, 1993. RCW 31.12.136(2).

Since the DCU senior provision was adopted, only a handful of state credit unions have applied to add groups under the provision to their FOMs.

After the DCU senior provision was adopted, the NCUA senior provision was invalidated by a federal court in the Communicators FCU decision. In response to this decision, which the NCUA did not appeal, the NCUA has withdrawn its senior provision. Because the DCU senior provision was based on the credit union parity provision, and federal credit unions have since lost the authority set forth in the NCUA senior provision, the DCU has decided to repeal its senior provision.

**Description of Proposed Rule:** The proposed rule amends WAC 208-472-015(2) to delete the DCU senior provision. That is, the proposed rule revises the second unnumbered paragraph of WAC 208-472-015(2) by deleting the words "Persons aged fifty or over, retired persons, and ... ." The sentence will therefore begin with the words: "Matriculating students ... ."

The effect of this change is that only bona fide associations of retired persons and persons at least age fifty will be eligible to be added to a credit union's FOM. No longer will a credit union be able to create a group of these persons, for the purpose of making them eligible for membership in the credit union's FOM. If the proposed rule is adopted, a credit union could add a group of retired persons or persons at least fifty years of age only if the standard requirements for an associational group are met. This returns the application process for these groups to the situation which existed prior to May 1995 when the DCU senior provision was adopted.

Each credit union that added a group under the DCU senior provision prior to the adoption of a final rule in this rulemaking will be required to effectively delete the group from its FOM, but will be allowed to keep any members added before the effective date of the final rule.

**Required Elements of Small Business Economic Impact Statement:** The elements of the small business economic impact statement required by the RFA are set forth below.

**ELEMENT 1. A brief description of the reporting, record-keeping, and other compliance requirements of the proposed rule and the kinds of professional services that a small business is likely to need in order to comply with the requirements.**

**RESPONSE:** A senior group that would have been admitted to a credit union's FOM only by virtue of the DCU senior provision will not be eligible under the standard associational group requirements for inclusion in a credit union's FOM. Therefore, there are no reporting, record-keeping, or other such compliance requirements associated with the proposed rule.

**ELEMENT 2. An analysis of the costs of compliance for identified industries, including costs of equipment, supplies, labor and increased administrative costs.**

**RESPONSE:** Because of the nature of the proposed rule, as noted in Element 1 above, we were not able to identify any compliance costs with the proposed rule.

**ELEMENT 3. Whether compliance with the proposed rule will cause business to lose sales or revenue.**

**RESPONSE:** Only a few state credit unions added groups under the DCU senior provision. Adoption of the proposed rule in final form will put state and federal credit unions on an equal footing in regard to these groups. It is highly doubtful that the financial impact of the proposed rule will make these credit unions materially less competitive in the marketplace to the degree that they will lose sales or revenue to their competitors inside or outside of the credit union movement.

**ELEMENT 4. A comparison of the compliance costs for the small business segment and large business segment of the affected industry(ies).**

**RESPONSE:** Because of the nature of the proposed rule, as noted in Element 1 above, we were not able to identify any compliance costs with the proposed rule.

**ELEMENT 5. Steps taken by the agency to reduce the costs of the proposed rule on small businesses, or reasonable justification for not doing so, addressing the specified mitigation steps.**

**RESPONSE:** Because of the nature of the proposed rule, as noted in Element 1 above, we were not able to identify any compliance costs with the proposed rule.

**ELEMENT 6. A description of how the agency will involve small business in the development of the proposed rule.**

**RESPONSE:** All credit unions, including smaller credit unions, will be provided with a copy of the proposed rule and an opportunity to provide comment on the proposed rule. Credit unions are encouraged to contact the division to comment on the rule.

**ELEMENT 7. A list of the industry(ies) affected by the proposed rule.**

**RESPONSE:** The industry affected by the proposed rule is state credit unions, Standard Industrial Classification 6062.

A copy of the statement may be obtained by writing to Tina Philippsen, Department of Financial Institutions, Credit Unions Division, P.O. Box 41200, Olympia, WA 98504-1200, phone (360) 902-8718, or FAX (360) 902-8800.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201 does not apply by virtue of section 201(5).

**Hearing Location:** Washington Interactive Television studio sites at: 710 Sleater-Kinney Road S.E., Suite Q, Lacey, WA; at 2000 200 Place S.W., Lynnwood, WA; at ESD #105 Building, 33 South 2nd Avenue, Yakima, WA; at 4022 East Broadway, Spokane, WA; and at ESD #112 Building, 2500 N.E. 65th Avenue, Vancouver, WA, on August 14, 1996, at 11:00 a.m. - 12:00 p.m.

**Assistance for Persons with Disabilities:** Contact Tina Philippsen by July 31, 1996, TDD (360) 664-8126.

**Submit Written Comments to:** FAX (360) 902-8800, by August 13, 1996.

**Date of Intended Adoption:** August 15, 1996.

July 3, 1996  
J. Parker Cann  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 95-09-049, filed 4/17/95, effective 5/18/95)

**WAC 208-472-015 Definitions.** Unless the context clearly requires otherwise, as used in this chapter:

(1) "Affiliate" of an enterprise means a person that controls, is controlled by, or is under common control with, the enterprise. "Control" means twenty-five percent or greater stock ownership.

(2) "Common bond of association" means a current, unifying factor among a group of natural persons, that is based on membership in a bona fide organization whose primary purpose is other than providing eligibility for credit union services. Such an organization must be primarily composed of natural persons who are eligible to participate in the organization's activities. Such an organization also must have clearly defined membership eligibility and must hold regular meetings at least once each year.

~~((Persons aged fifty or over, retired persons, and))~~  
Matriculating students of an accredited college or university, who are members of an identified organization, other than general members of the applicant's credit union, are deemed to have a common bond of association. The organization need not satisfy the requirements set forth in the prior paragraph.

(3) "Common bond of occupation" means a current, unifying factor among a group of natural persons that is based on employment by or a work-related relationship with an enterprise. The group may include only the following categories of persons:

(a) Employees of the enterprise, and their family members;

(b) Employees of any subsidiaries of the enterprise, and their family members;

(c) Employees of the affiliates of the enterprise, and their family members;

(d) Nonemployee officials of the enterprise, and their family members; and

(e) Natural persons under contract to work regularly for the enterprise, and their family members.

Each of these categories may be included if they are separately identified in the credit union's bylaws.

(4) "Community" means a current unifying factor among a group of natural persons, that is based on residence or employment within a well-defined and relatively limited geographic area, with a relatively limited population, that is recognized by those who live or work there as a neighborhood, community, or rural district.

For example, the city of Seattle and King County do not constitute a community for this purpose, because they do not have a relatively limited population. On the other hand, the city of Chelan and Chelan school district are within a well-defined and relatively limited geographic area, with a relatively limited population, and may constitute a community if they are recognized by those who live or work there as a neighborhood, community or rural district. (These examples are based on circumstances existing on December 1, 1994.)

(5) "Credit union" means a credit union organized and operating under chapter 31.12 RCW.

(6) "Director" means the director of the Washington state department of financial institutions.

(7) "Number of potential members" means the sum of:

(a) The number of actual members of the applicant credit union; and

(b) The number of employees or members (as appropriate) of the group applied for.

(8) "Required number" means:

(a) If the number of employees or members (as appropriate) of the specified group is two thousand one or more, the required number is at least five percent of the number of these individuals (rounded up to the nearest whole number).

(b) If the number of employees or members (as appropriate) of the specified group is from three hundred thirty to two thousand, the required number is at least one hundred of these individuals.

(c) If the number of employees or members (as appropriate) of the specified group is three hundred twenty-nine or less, the required number is at least thirty percent of the number of these individuals (rounded up to the nearest whole number).

**WSR 96-14-124**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed July 3, 1996, 11:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-068.

Title of Rule: To adopt WAC 232-28-420 1996-97 Migratory waterfowl seasons and regulations.

Purpose: To adopt WAC 232-28-420 1996-97 Migratory waterfowl seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The rule establishes season dates, bag limits, and special regulations for the 1996-97 waterfowl, coot, and snipe seasons.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to provide recreational hunting opportunity within acceptable biological parameters, without impacts to the stability of waterfowl populations.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

July 2, 1996  
Brad Young  
for Evan Jacoby  
Legal Counsel

## NEW SECTION

### **WAC 232-28-420 1996-97 Migratory waterfowl seasons and regulations**

#### **DUCKS**

##### **Western Washington**

8:00 a.m. Oct. 12, 1996 - Jan. 12, 1997

Daily bag limit: 7 ducks—to include not more than 1 hen mallard, not more than 2 pintails, not more than 2 redheads, and not more than 1 canvasback.

Possession limit: 14 ducks—to include not more than 2 hen mallards, not more than 4 pintails, not more than 4 redheads, and not more than 2 canvasbacks.

**SPECIAL YOUTH HUNTING DAY OPEN ONLY TO HUNTERS 16 YEARS OF AGE OR UNDER (MUST BE ACCOMPANIED BY AN ADULT AT LEAST 18 YEARS OLD WHO IS NOT HUNTING)**

Oct. 5, 1996

Bag limit: 4 ducks—to include not more than 1 hen mallard, not more than 2 pintails, not more than 2 redheads, and not more than 1 canvasback.

##### **Eastern Washington**

Noon Oct. 12, 1996 - Jan. 19, 1997

Daily bag limit: 7 ducks—to include not more than 1 hen mallard, not more than 2 pintails, not more than 2 redheads, and not more than 1 canvasback.

Possession limit: 14 ducks—to include not more than 2 hen mallards, not more than 4 pintails, not more than 4 redheads, and not more than 2 canvasbacks.

**SPECIAL YOUTH HUNTING DAY OPEN ONLY TO HUNTERS 16 YEARS OF AGE OR UNDER (MUST BE ACCOMPANIED BY AN ADULT AT LEAST 18 YEARS OLD WHO IS NOT HUNTING)**

Oct. 5, 1996

Bag limit: 4 ducks—to include not more than 1 hen mallard, not more than 2 pintails, not more than 2 redheads, and not more than 1 canvasback.

##### **COOT (Mudhen)**

Same areas, dates, and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

##### **COMMON SNIPE**

Same areas, dates, and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

**GEESE (except Brant and Aleutian Canada Geese)**

##### **WESTERN WASHINGTON**

##### **Western Washington Goose Management Area 1** Island, Skagit, Snohomish counties

The Skagit-Fraser population of lesser snow geese had consecutive breeding failures in 1994 and 1995 on Wrangel Island, Russia. If the 1996 wintering population is below 35,000 and the percentage of juveniles in the wintering flock is below 10 percent, the snow goose season will be closed early.

8 a.m. Oct. 12 - Dec. 29, 1996

Daily bag limit: 3 geese.

Possession limit: 6 geese.

**WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE.** All persons hunting snow geese in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1995 authorization and returned the Harvest Report prior to the deadline will be mailed a 1996 authorization in early October. Hunters who did not possess a 1995 authorization must fill out an application (available at Washington Department of Fish and Wildlife Olympia and regional offices). **Application forms must be delivered to a Department office no later than September 25 or postmarked on or before September 25, in order for applicants to be mailed a 1996 authorization before the season starts. No applications will be accepted after October 31, 1996.** Immediately after taking a snow goose into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 15, 1997, will be ineligible to participate in the 1997 snow goose season.

##### **Western Washington Goose Management Area 2** Clark, Cowlitz, Pacific, and Wahkiakum counties

Open in Cowlitz County south of the Kalama River and Clark County on the following dates from 8:00 a.m. to 4:00 p.m.:

Nov. 23, 25, 27, 1996

Dec. 1, 3, 5, 7, 9, 11, 15, 17, 19, 21, 23, 26, 28, 30, 1996

Jan. 2, 4, 6, 8, 12, 14, 16, 18, 1997

Open in Cowlitz County north of the Kalama River, Pacific, and Wahkiakum counties on the following dates from 8:00 a.m. to 4:00 p.m.:

Mondays, Wednesdays, and Saturdays only, Nov. 23, 1996-Jan. 18, 1997, except closed Dec. 25, 1996 and Jan. 1, 1997.

Bag limits for all of Western Washington Goose Management Area 2:

Daily bag limit: 4 geese, to include not more than 3 Canada geese, not more than 1 dusky Canada goose, not more than

2 cackling Canada geese, and not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 Canada geese, not more than 1 dusky Canada goose, and not more than 4 cackling Canada geese, and not more than 6 white geese (snow, Ross', blue).

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose with a culmen (bill) length of 40-50 mm.

Actual dusky harvest quota levels will be set during state and federal regulations meetings in July and August 1996. The following quota allocations have been developed based on 1995 quota distributions, and shift more quota to damage areas. The Canada goose season for Clark, Cowlitz, Pacific, and Wahkiakum counties will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 67 geese. The Fish and Wildlife Commission has authorized the Director to implement emergency area closures in accordance with the following quotas: a total of 67 dusky, to be distributed 18 for Clark County private lands, 10 for Ridgefield NWR, 19 for Cowlitz County south of the Kalama River, 10 for Cowlitz County north of the Kalama River and Wahkiakum County, and 10 for Pacific County.

Hunting only by written authorization from the Washington Department of Fish and Wildlife. All hunters participating in the season must successfully complete a new goose identification training class (including adequate performance on a test covering training materials) to receive written authorization. Information on class requirements will be available at the Olympia and Regional offices, and mailed to all hunters holding 1995 hunting authorizations. **Goose identification classes will be offered only through October 31, 1996.**

With written authorization, hunters will receive a Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the Harvest Report, written authorization will be revoked and the hunter will not be able to hunt in Western Washington Goose Management Area 2 for the remainder of the season and the Special Late Canada Goose Season.

#### **Western Washington Goose Management Area 2 Special Late Canada Goose Season**

OPEN TO WASHINGTON DEPARTMENT OF FISH AND WILDLIFE ADVANCED HUNTER EDUCATION PROGRAM GRADUATES POSSESSING A VALID 1996 SOUTHWEST WASHINGTON CANADA GOOSE HUNTING AUTHORIZATION. HUNTERS QUALIFYING FOR THE SEASON WILL BE NOTIFIED OF AVAILABLE HUNTING DATES AND SELECTED AT RANDOM FOR PARTICIPATION.

Agricultural Goose Damage Areas in Clark, Cowlitz, Pacific, and Wahkiakum County

Open in designated agricultural goose damage areas in Clark, Cowlitz, Pacific, and Wahkiakum Counties on selected dates within the following period from 7:00 a.m. to 4:00 p.m.:

February 5 - March 10, 1997

Daily bag limit: 4 geese, to include not more than 3 Canada geese, not more than 1 dusky Canada goose, not more than 2 cackling Canada geese, and not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 Canada geese, not more than 1 dusky Canada goose, not more than 4 cackling Canada geese and not more than 6 white geese (snow, Ross', blue).

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose with a culmen (bill) length of 40-50 mm.

The Special Late Canada Goose Season will be closed by emergency action if the harvest of dusky Canada geese exceeds 5. Hunting only by written authorization from the Washington Department of Fish and Wildlife. Hunting only by written authorization from the Washington Department of Fish and Wildlife. All hunters participating in the season must successfully complete a new goose identification training class (including adequate performance on a test covering training materials) to receive written authorization. With written authorization, hunters will receive a Special Late Canada Goose Season authorization card and Harvest Report. Hunters must carry the authorization card and Harvest Report while hunting.

Immediately after taking a Canada goose (dusky, lesser/Taverner, or other subspecies) into possession, hunters must record in ink the information required on the Harvest Report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the Harvest Report, written authorization will be revoked and the hunter will not be able to hunt in the Special Late Canada Goose Season for the remainder of the season.

#### **Western Washington Goose Management Area 3**

Includes all parts of western Washington not included in Western Washington Goose Management Areas 1 and 2.

8 a.m. Oct. 12, 1996-Jan. 19, 1997

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue)

#### **EASTERN WASHINGTON**

#### **Eastern Washington Goose Management Area 1**

Okanogan, Douglas, Kittitas, Grant, Adams, Franklin, Benton, Lincoln, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only, from noon Oct. 12, 1996-Jan. 12, 1997;

Nov. 11, 28, 29, and every day Jan. 13-19, 1997.

#### **Eastern Washington Goose Management Area 2**

Includes all other parts of eastern Washington not included in Eastern Washington Goose Management Area 1.

Every day, from noon Oct. 12, 1996-Jan. 19, 1997.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 white geese (snow, Ross', blue).

Possession limit: 8 geese, to include not more than 6 white geese (snow, Ross', blue).

#### BRANT

In 1996, the brant wintering population in northern Puget Sound declined 76 percent from 1995. If the 1996 pre-season wintering population in Skagit County is below 6,000, the brant season in Skagit County will not open or will be closed early.

Open in Skagit and Pacific counties only, on the following dates:

Dec. 7, 8, 9, 11, 13, 14, 15, 17, 19, 21, 22, 1996.

**WRITTEN AUTHORIZATION REQUIRED:** All hunters participating in this season are required to obtain a written authorization and Harvest Report from the Washington Department of Fish and Wildlife. Hunters who held a 1995 authorization and returned the Harvest Report prior to the deadline will be mailed a 1996 authorization in early December. Hunters who did not possess a 1995 authorization must fill out an application (available at Washington Department of Fish and Wildlife regional offices). Application forms must be delivered to a Department office no later than 5:00 p.m. on November 10 or postmarked on or before November 10, after which applicants will be mailed a 1996 authorization in early December. **Late applications will not be accepted.** Immediately after taking a brant into possession, hunters must record in ink the information required on the Harvest Report. Return of the Harvest Report is mandatory. Those hunters not returning the Harvest Report to the Washington Department of Fish and Wildlife by January 15, 1997, will be ineligible to participate in the 1997 brant season.

Daily bag limit: 2 brant.

Possession limit: 4 brant.

#### ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

#### FALCONRY SEASONS

A falconry license and a current hunting license are required for hunting with a raptor. In addition, an Eastern Washington Upland Bird Permit or a Western Washington Upland Bird Permit is required to hunt pheasant, quail, and partridge; and federal and state waterfowl stamps for hunting waterfowl are required. A 1997 hunting license, 1997 falconry license, and a 1997 Eastern or Western Washington Upland Bird Permit are required to hunt pheasant, partridge, and grouse after December 31.

#### Ducks and Coots (Falconry)

(Bag limits include geese, snipe, and mourning doves.)

Western Washington

Oct. 12, 1996-Jan. 12, 1997; Jan. 24-Feb. 6, 1997

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

#### Eastern Washington

Oct. 12, 1996-Jan. 19, 1997; Mar. 4-10, 1997

Daily bag limit: 3, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese, snipe, and mourning doves during established seasons.

#### Geese (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves)

Oct. 12, 1996-Jan. 26, 1997, statewide, except:

Oct. 12, 1996-Jan. 19, 1997 in Asotin, Columbia, Garfield counties, those parts of Whitman County south of State Highway 26 and U.S. Highway 195, those parts of Benton County within one-half mile of the Columbia River downstream from the Interstate 82 bridge, and those parts of Klickitat County within one-half mile of the Columbia River.

Nov. 23, 1996- Jan. 18, 1997 in Clark, Cowlitz, Pacific, and Wahkiakum counties.

Daily bag limit: 3, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

#### Snipe (Falconry)

(Bag limits include ducks, coots, geese, and mourning doves)

Oct. 5, 1996-Jan. 19, 1997, statewide

Daily bag limit: 3, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coots, geese and mourning doves during established seasons.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 96-14-125**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed July 3, 1996, 11:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-068.

Title of Rule: To adopt WAC 232-16-750 Belfair, Hood Canal hunting area restriction.

Purpose: To adopt WAC 232-16-750 Belfair, Hood Canal hunting area restriction.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The rule describes hunting area restrictions for waterfowl, coot, and snipe hunting in Lynch Cove and the Union River, and requires hunting in designated hunting blinds.

PROPOSED

Reasons Supporting Proposal: Provide improved hunting quality and multiple recreational use of adjacent lands.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to regulate hunting access in Lynch Cove and the Union River near Belfair, by requiring hunting in designated blinds. This requirement has provided improved hunting quality and provided multiple recreational use of adjacent lands.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

July 2, 1996  
Brad Young  
for Evan Jacoby  
Legal Counsel

Title of Rule: To repeal WAC 232-16-080 Columbia and Snake River Game Reserve.

Purpose: To repeal WAC 232-16-080 Columbia and Snake River Game Reserve.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The rule is being replaced with new WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

July 2, 1996  
Brad Young  
for Evan Jacoby  
Legal Counsel

NEW SECTION

**WAC 232-16-750 Belfair, Hood Canal hunting area restriction** It is unlawful to hunt waterfowl, coot, or snipe in Lynch Cove and the Union River except in designated blinds. The western and southern boundaries of this closure are posted with red steel markers. (This includes all of the Washington Department of Fish and Wildlife and Thelar Wetlands lands.)

**WSR 96-14-126  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed July 3, 1996, 11:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-068.

REPEALER

WAC 232-16-080 Columbia and Snake River Game Reserve.

**WSR 96-14-127  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed July 3, 1996, 11:13 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-072.

Title of Rule: To amend WAC 232-12-114 Permits required for capture of raptors.

Purpose: To amend WAC 232-12-114 Permits required for capture of raptors. Subsection (2) would facilitate "reciprocity agreements" with other states that provide for

falconers from one state to capture raptors in other participating states. Delete current subsection (3). Regarding subsection (4), for some species of raptors subject to capture by falconers, it may be necessary to provide to the state the pertinent biological and physical information regarding the capture. A "capture report form" will be developed to make sure all appropriate information is gathered. Subsection (4) sets seasons for the capture of raptors for falconry purposes. Subsection (5) regulates who may capture gyrfalcons and sets a maximum number that can be taken in a year. Subsection (6) regulates where prairie falcons may be taken. Subsection (7) regulates where gyrfalcons may be taken. Subsection (8) regulates the transfer of wild caught raptors to out-of-state recipients.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Subsection (3) is a housekeeping change without substantive effect. This is no longer a necessity since the federal regulations have deleted this requirement. The proposed rule in subsection (4) would require falconers to report certain biological information regarding their captures of species of raptors for which the department needs to monitor their populations. The department would develop the forms to ensure that all the needed information is included. Subsection (4) provides the calendar periods when Apprentice, General and Master falconers may capture raptors from the wild. Subsection (5) restricts the take of gyrfalcons to a maximum of five per year and only by Master falconers. Subsections (6) and (7) proscribe where prairie falcons and gyrfalcons may legally be taken in the state. Subsection (8) restricts when a wild caught raptor may be transferred to another falconer out-of-state.

Reasons Supporting Proposal: Subsection (3) federal falconry regulations were modified, resulting in the deletion of this requirement. Since the federal regulations no longer require a capture permit, it is no longer necessary for the state to require it. For species for which the state needs additional biological information, a capture report is required. In subsection (4), to ensure that populations of raptor species remain healthy, it is necessary to gather biological information regarding the nesting success and physical qualities of the nesting raptors. By requiring the falconers to report the information they observe while conducting their captures of birds for falconry, they can assist the state in monitoring the health of the raptor populations affected. These have been the operating conditions imposed upon the joint federal/state falconry permit for many years. To ensure that they have the authority of full regulation, they are being proposed in WAC form. The only substantive change is in subsection (8), where historically, wild caught raptors could not be transferred to out-of-state falconers at any time. The reason for imposing a one-year requirement is to ensure that Washington falconers are not involved in capturing Washington raptors for falconers out of state.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In subsection (3) the current rules require that a falconer must receive a raptor capture permit prior to taking a wild raptor. Because it has been shown that the take by falconers is insignificant for most common raptor species, this permit is no longer needed to maintain tight control on these activities. In subsection (4), as stated above, this rule would allow the state to better monitor the health of raptor populations that are subjected to take by falconers, by requiring them to report the information they get when they conduct the capture operation. As stated above, these proposed additions to the rule have previously been conditions written into the falconry permits. It is the agency's desire to ensure that all affected persons understand that these requirements are based upon regulations as passed by the Fish and Wildlife Commission. The agency does not believe there will be any changes in the administration and enforcement of falconry as a result of these proposed changes, with the exception of the restriction upon the transfer of raptors to out-of-state falconers is being relaxed. This state regulation is still more restrictive than the corresponding federal regulation, which has no restriction on time a bird must be kept in state prior to being transferred to another falconer in a different state.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending Order 470, filed 11/5/90)]

**WAC 232-12-114 Permit required for capture of raptors.** (1) It is unlawful for any persons to capture from the wild, any state or federal endangered or threatened species for the purpose of falconry.

(2) It is unlawful for any persons to take a raptor for the purpose of falconry, without first having in their possession and on their person, a valid Washington state "falconry ((permit)) license."

(3) ~~(It is unlawful for any persons to take from the wild for the purpose of falconry, those raptor species listed on the Washington state falconry permit, without first having in possession and on their person, a valid "raptor capture permit."~~

~~(4) "Raptor capture permits" may be issued by the director to holders of valid falconry permits. Additional requirements of each permit shall be stated on the permit. Additional limitation on the use of each permit shall be stated on each permit.))~~ "Raptor capture report forms" may be issued by the director to holders of valid falconry licenses. Forms will be designed by the agency to require information pertaining to location, timing, and other biological elements of the capture.

(4) It is unlawful to capture raptors at times other than the following times: for Apprentice falconers - January 1 through January 31, and September 1 through December 31; for General and Master falconers - January 1 through January 31, weekends and holidays from May 15 through June 30, weekends and holidays from July 1 through July 31, September 1 through December 31, and great horned owls can also be taken on weekends and holidays from February 15 through March 31.

(5) It is unlawful to capture a gyrfalcon without having attained the class of Master falconer. Up to five (5) gyrfalcons will be allowed to be taken by Master falconers who must apply for and receive a gyrfalcon capture permit from the department before capturing a gyrfalcon. The actual number of the gyrfalcon quota each year will be determined by the director after evaluating gyrfalcon production for the year in their arctic breeding grounds.

(6) It is unlawful to capture prairie falcons in western Washington, and in that part of Yakima County which includes the area within one (1) mile of the Yakima River Canyon Road between Ellensburg and Yakima; that part of Klickitat County west of the Klickitat River, and in that part of Grant County which includes the Lower Crab Creek drainage and tributaries (Saddle Mountains area) between Beverly and Othello. In addition, the director may restrict areas temporarily from raptor capture to accommodate short term research or other biological needs.

(7) It is unlawful to capture gyrfalcons in western Washington and in Grant County.

(8) It is unlawful to transfer a wild caught raptor to out of state recipients for one (1) year from date of capture.

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

**WSR 96-14-128**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed July 3, 1996, 11:14 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-10-072.

Title of Rule: To amend WAC 232-12-124 Methods of capture and prohibitions in taking raptors.

Purpose: To amend WAC 232-12-124 Methods of capture and prohibitions in taking raptors. To delete subsections (1) and (6) of the regulation. In subsection (2) allow the capture of kestrels and great horned owls after they

attain adult plumage. This would bring the state regulation in line with the federal regulation.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: In subsection (1) this would remove the restriction that prohibits a falconer from taking more than one eyass (nestling raptor) from a nest. In subsection (2) this is a housekeeping change without substantive effect. It reflects existing practice because of the difficulty in discerning the ages of the birds with these species. In subsection (6) this proposed change would remove the prohibition of trapping a marked falconry bird which has been reported as lost by another falconer, unless prior permission has been authorized by the director.

Reasons Supporting Proposal: Subsection (3) of this regulation requires that one or more eyass be left in the nest after removal of one for falconry purposes. Since this restriction already exists, subsection (1) is redundant, inasmuch as the intent of this section was to ensure that nest is not left empty after removal of an eyass. In subsection (2) to bring in line with the federal regulation, and to reflect the actual practice as it exists today. Subsection (6) was originally developed to ensure that falconers did not deliberately trap and keep a bird that another falconer had trained and lost. At the time it was initially created, the competition for falconry birds was intense and there was concern that people would take advantage of lost birds. Now that captive bred birds are so readily available, this is no longer a concern. There is also such a close comradery among falconers, that it would be socially unacceptable to operate in that fashion.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In subsection (1) the effect of the current rule is that the person who actually climbs the tree to remove the eyass cannot legally take another of the eyasses for another falconer who may be eligible. This is not a biological issue, but rather one of ethics about who should collect the bird for the wild, the person who will be training the bird or his/her proxy. The current rule in subsection (2) is designed to prevent the taking of adult birds for falconry purposes. But it does not recognize that for kestrels and great horned owls, it does not work. There is no biological concern, however, because the numbers of these species that may be taken is less than five each year. For subsection (6), as stated above, there is no need to maintain subsection (6) in the rule. The possibility that a falconer would deliberately take advantage of another's lost bird is quite remote. The change will allow a falconer to capture a lost bird for his/her fellow falconer without first getting permission from the department.

Proposal Changes the Following Existing Rules: See above.

PROPOSED

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending Order 177, filed 1/28/82)]

**WAC 232-12-124 Methods of capture and prohibitions in taking raptors.** (~~((1) It is unlawful for a person to remove more than one immature raptor from a nest.))~~

(1) ~~(2)~~ It is unlawful to trap a raptor originally taken after it attains adult plumage at any time of the year except ~~((as provided in subsection (6) of this section))~~ for kestrels and great horned owls.

(2) ~~(3)~~ It is unlawful to remove any immature raptor from a nest unless one or more live, immature raptors remain in the nest after such removal.

(3) ~~(4)~~ It is unlawful to possess or use a trap, snare, net, harnessed bait bird or other implement that is employed in an attempt to capture a raptor without said equipment being legibly marked with the name and address of the user.

(4) ~~(5)~~ It is unlawful for a person to leave unattended a trap, snare, harnessed bait bird, or other implement that is set for the purpose of capturing a raptor, except for the Swedish goshawk-type trap.

~~((6) It is unlawful for a person, other than the permittee, to retrap a marked raptor, which has been reported as lost, unless prior permission has been authorized by the director.))~~

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

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

**WSR 96-14-129**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed July 3, 1996, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-072.

Title of Rule: To amend WAC 232-12-101 Falconry and captive propagation of raptors permitted.

Purpose: To amend WAC 232-12-101 Falconry and captive propagation of raptors permitted. In subsection (1) to allow participation by Washington falconers in "reciprocity agreements" with other states that provide for falconers from one state to capture raptors in other participating states. In subsection (2) to allow falconers to keep infertile eggs of the falconry birds they possess.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: In subsection (1) this would remove residency requirements for capture of red-tail hawks and kestrels for falconry purposes and in subsection (2) would allow infertile eggs produced by falconry birds to be kept by the falconer.

Reasons Supporting Proposal: In subsection (1) to participate in "reciprocity agreements" with other states. In subsection (2) this brings the state regulation in line with the federal regulation. Falconers may wish to keep the infertile eggs produced by their falconry birds as mementos.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In subsection (1) this regulation provides for the capture of wildlife raptors for purposes of falconry by persons with joint federal/state falconry permits. In subsection (2) the current rule is to ensure that eggs from wild raptors are not taken from nests and used for falconry. Legally possessed falconry birds frequently lay infertile eggs which, under the present rule, must be destroyed. This modification would allow falconers to keep these infertile eggs as mementos.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending Order 177, filed 1/28/82)]

**WAC 232-12-101 Falconry and captive propagation of raptors permitted.** (1) The director may issue permits for the taking and possession of a raptor for the purpose of falconry, captive live propagation, and for the possession, transfer, use and disposition of adult birds and progeny thereof, except for those species restricted by the state or that appear on the federal endangered species list. The director may issue a permit under WAC 232-12-274 for the taking or possession of raptor eggs. However, a federally threatened or endangered raptor held legally before November 10, 1978, and their progeny that have not been intentionally released to the wild may be retained for falconry use under these regulations. ~~((Such permits will be restricted to residents of the state of Washington.))~~ Non-resident falconers may only capture red-tailed hawks or kestrels.

(2) It is unlawful to take or possess a raptor or fertile raptor eggs without a permit from the director. It is unlawful to violate the conditions of a permit issued under this rule.

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

**WSR 96-14-130  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed July 3, 1996, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-072.

Title of Rule: To amend WAC 232-12-104 Falconry definitions.

Purpose: To amend WAC 232-12-104 Falconry definitions. To simplify and bring in line with federal regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This is a housekeeping effort without substantive effect. It provides a definition in keeping with the federal regulations.

Reasons Supporting Proposal: To simplify and bring in line with federal regulations.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines what is included in the term "raptor," which is then used in subsequent rules regarding falconry. The effect will be to simplify the rule without

changing the meaning. It will bring the state definition in line with the federal regulation.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

Evan Jacoby  
Legal Counsel

**AMENDATORY SECTION** [(Amending Order 177, filed 1/28/82)]

**WAC 232-12-104 Falconry definitions.** (1) (~~"Raptor" means a migratory bird of the family Accipitridae other than the bald eagle (*Haliaeetus leucocephalus*), or the family Falconidae, or the great horned owl (*Bubo virginianus*), of the family Strigidae.~~) "Raptor" means a live migratory bird of the Order Falconiformes or the Order Strigiformes, other than a bald eagle (*Haliaeetus leucocephalus*) or a golden eagle (*Aquila chrysaetos*).

(2) "Captive-bred raptor" means the progeny of a mating of raptors in captivity.

(3) "Take" means to trap or capture or attempt to trap or capture a raptor from the wild.

(4) "Falconry" means the possession and use of raptors for the purpose of hunting or free flight training.

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

**WSR 96-14-131  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed July 3, 1996, 11:18 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-072.

Title of Rule: To amend WAC 232-12-064 Live wildlife.

Purpose: To amend WAC 232-12-064 Live wildlife. To exempt raptors used for falconry or propagation purposes from the need for a health certificate being presented to the Department of Fish and Wildlife before bringing these species into the state and to allow the capture and possession of live starlings and house sparrows for training purposes.

Statutory Authority for Adoption: RCW 77.12.040.

PROPOSED

Statute Being Implemented: RCW 77.12.040.

Summary: The proposed change in subsection (3) would exempt falcons and raptor propagators from the requirement of presenting a health certificate to the department before bringing raptors into the state for the purposes of falconry or propagation. The proposed change in subsection (1) allows persons to capture and hold in possession live starlings and house sparrows.

Reasons Supporting Proposal: In subsection (3) the requirement for a health certificate was developed to protect wildlife from diseases that could be transported into the state by large mammals that would be used for game farming purposes. The wording in the regulation inadvertently included raptors used for falconry and propagation. The inclusion of falconry birds in this regulation is unnecessarily onerous in that, (a) raptors used for falconry and propagation are very carefully protected from disease by the people who possess them, and (b) raptors used for these purposes are very frequently moved in and out of state, so this regulation imposes considerable inconvenience and expense on falconers. Subsection (1) — Starlings and house sparrows are exotic and are listed as "predatory birds" by the Washington Fish and Wildlife Commission. The Washington Falconers Association has asked to allow the capture and possession of live starlings and house sparrows for falconers to use these species in training their falconry birds.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In subsection (3) the rule as presently worded inadvertently includes raptors used for falconry and propagation purposes. This proposed change would exempt people who wish to bring a bird into the state from getting a health certificate prior to bringing it in. All birds would still need to have documentation that an accredited veterinarian has certified that the bird is disease free. The proposed change to subsection (1) would also allow people to capture and hold live starlings and house sparrows for falconry training.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

Evan Jacoby  
Legal Counsel

AMENDATORY SECTION [(Amending Order 581, filed 1/27/93)]

**WAC 232-12-064 Live wildlife.** Taking from the wild, importation, possession, transfer, holding in captivity.

(1) It is unlawful to take live wild animals, wild birds (except starlings and house sparrows), or game fish from the wild without a permit provided for by rule of the commission.

(2) Notwithstanding the provisions of WAC 232-12-027(1), 232-12-067 and subsections (3) and (4) herein, it is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of wildlife listed in this subsection, their gametes and/or embryo, except as provided under subsections (7), (8), (9) or (10) below:

In the family Cervidae, all of the following species:

Roosevelt and Rocky Mountain elk	Cervus elaphus
Mule deer and Black-tailed deer	Odocoileus hemionus
White-tailed deer	Odocoileus virginianus
Moose	Alces alces
Caribou	Rangifer tarandus caribou

(3) It is unlawful to import into the state or to hold live wildlife which were taken, held, possessed or transported contrary to federal or state law, local ordinance or department rule. Live wild animals, wild birds or game fish shall not be brought into the state without first presenting licensed, accredited veterinarian or fish pathologist certification to the department that the wildlife is disease free and that the area from which acquired has no history of wildlife disease which may pose a risk to wildlife in this state. Raptors used for falconry or propagation purposes do not require a health certificate from the department prior to bringing these raptors into the state, but must have certification from an accredited veterinarian at the time of transport. Proof of lawful importation must be produced for inspection on request of a department employee.

(4) It is unlawful to possess or hold in captivity live wild animals, wild birds, or game fish unless lawfully acquired and possessed. Proof of lawful acquisition and possession must be produced for inspection on request of a department employee. Such proof shall contain: (1) Species; (2) age and sex of animal; (3) origin of animal; (4) name of receiving party; (5) source-name and address; (6) invoice/statement date; and (7) documentation of prior transfers.

(5) Live wild animals, wild birds or game fish held in captivity or their progeny or parts thereof may not be sold or otherwise commercialized on except as provided by rule of the commission.

(6) No wildlife shall be released from captivity except as provided in WAC 232-12-271, except that it is lawful to return to the waters from which caught, game fish caught and subsequently kept alive on stringers, in live wells or other containers while fishing. The release of fish into any waters of the state, including private, natural or man-made ponds requires a fish planting permit.

PROPOSED

(7) Scientific research or display: The director may authorize, by written approval, a person to import into the state, hold, possess and propagate live specimens of wildlife listed in subsection (2) for scientific research or for display by zoos or aquariums who are accredited institutional members of the American Association of Zoological Parks and Aquariums (AAZPA) provided:

(a) The specimens are confined to a secure facility,

(b) The specimens will not be transferred to any other location within the state, except to other AAZPA accredited facilities and transported by AAZPA accredited institutional members or their authorized agents with written approval of the director or as otherwise authorized in writing by the director,

(c) The specimens will not be sold or otherwise disposed of within the state without written approval of the director,

(d) The person will keep such records on the specimens and make such reports as the director may require, and

(e) The person complies with the other requirements of this section.

(8) Retention or disposal of existing specimens lawfully in captivity prior to June 20, 1992: A person holding live specimens of wildlife listed in subsection (2) by operation of emergency rule filed June 19, 1992 [in the family Cervidae, all of the following species: Roosevelt and Rocky Mountain elk (*Cervus elaphus*); Mule Deer and Black-tailed deer (*Odocoileus hemionus*); White-tailed deer (*Odocoileus virginianus*); and Moose (*Alces alces*)] may retain the specimens of such wildlife such person lawfully possessed prior to June 20, 1992 and the lawful progeny thereof provided such person complies with subsections (8)(a) through (8)(f) hereunder and the other requirements of this section.

(a) The person reported to the director in writing the species, number and location of the specimens as required.

(b) The specimens are confined to a secure facility at the location reported,

(c) Live specimens are not propagated except at AAZPA accredited facilities with the written permission of the director or as otherwise authorized in writing by the director;

(d) Live specimens are not released, except with written permission of the director,

(e) Live specimens are not sold or transferred except:

(I) Live specimens in lawful possession prior to June 20, 1992 and lawful progeny may be permanently removed from the state of Washington or transported directly to slaughter where in accordance with other applicable law,

(ii) Federally listed endangered or threatened species may be transferred to AAZPA accredited facilities where in compliance with federal law,

(iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided all other requirements of this section are satisfied and the total number of locations where animals are held is not increased;

(iv) AAZPA facilities may sell and/or transfer live specimens within the state with the written permission of the director.

(f) Live specimens shall be neutered, physically separated by sex, and/or rendered infertile by means of contracep-

tion, except at AAZPA accredited facilities with the written permission of the director.

(9) Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993: A person holding live specimens of wildlife newly listed in subsection (2) by operation of this rule [Caribou (*Rangifer tarandus caribou*)], may retain the specimens of such wildlife the person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens,

(b) The person complies with subsections (8)(b) through (8)(f) herein and the other requirements of this section.

(10) The provisions of this section shall not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes and/or embryo, where in compliance with federal law.

(11) Escaped wildlife:

(a) Escaped wildlife will be considered a public nuisance. The department or any peace officer may seize, capture, or destroy wildlife that have escaped the possessor's control. The former possessor shall be responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Escapes of wildlife must be reported immediately to the department,

(c) The recapture or death of escaped wildlife must be reported immediately to the department.

(12) Secure facility:

(a) All captive wildlife will be held in a secure facility. For the purpose of this rule, a secure facility is an enclosure so constructed as to prevent danger to the environment or wildlife of the state, including escape of live wildlife specimens in captivity or ingress of resident wildlife ungulates (hoofed animals).

(b) For wildlife listed in subsection (2), the secure facility must comply with the fencing requirements in subsection (13) herein.

(13) Fencing requirements

(a) Perimeter fences must be, at a minimum, eight feet above ground level for their entire length. The bottom six feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and captive wildlife from escaping. Supplemental wire required to attain a height of eight feet may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of eight feet.

(c) Perimeter fences must be at least 12-1/2 gauge woven wire, 14-1/2 gauge high-tensile woven wire, chain link, non-climbable woven fence, or other fence approved by the director.

(I) If the wire used is not a full eight feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with two locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of captive wildlife.

(f) Posts used in the perimeter fences must be:

(I) Wood (pressure treated), five-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than twenty-four feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least eight feet above ground level;

(iv) Corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent captive wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If such animals do pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing wildlife must immediately supplement the fence to prevent continued passage.

(h) For any fence existing prior to February 13, 1993, a person may petition the director in writing for a variance from the above fencing requirements. Any such petition must be filed no later than May 31, 1993 and must identify all aspects in which the existing fence does not meet the fencing requirements contained herein. On approval of the director, such person may maintain such existing fence with normal repair. However, any extension or relocation of existing fence must meet the fencing requirements contained herein.

(14) Marking requirements

(a) All live specimens of wildlife identified in subsection (2) must be individually identified by the methods specified below:

(I) All live specimens of such wildlife shall be marked with USDA official ear tags or with ear tags supplied or approved by the department. Tags shall be applied in sequential order, and

(ii) All live specimens of such wildlife shall be marked with a tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) Where allowed, all lawful progeny of wildlife identified in subsection (2) must be tagged and tattooed by December 31 of the year of birth or upon leaving the holding facility, whichever is earlier.

(d) Where allowed, if wildlife identified in subsection (2) is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor shall not renumber the animal.

(e) Where allowed, live specimens of wildlife identified in subsection (2) shall be marked prior to importation.

(f) No unmarked wildlife identified in subsection (2) may be sold or otherwise transferred from the holding facility.

(15) Testing of specimens.

(a) Where allowed, prior to entry into the state of Washington, persons importing any member of the Genus Cervus which is identified in subsection (2) herein, must submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex Cervus elaphus not indigenous to the state of Washington. Such testing shall be at the possessor's expense. Animals which are deemed by department of wildlife biologists upon examination to exhibit either: behavioral (vocalization), morphological (size, rump patch, color) or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) A person currently holding any member of the genus Cervus elaphus identified in subsection (2) herein must submit records of genetic tests, conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex Cervus elaphus not indigenous to the state of Washington), for each individual cervid to the director within 90 days of passage of this rule. Such testing shall be at the possessor's expense. Any animals identified as red deer or having non-indigenous genetic influence must be destroyed, removed from the state, or neutered within 180 days of passage of this rule.

(c) The director may require that specimens listed in subsection (2) lawfully in captivity be tested for brucellosis (brucella abortus), tuberculosis (mycobacterium bovis and mycobacterium tuberculosis), meningeal worm (Paralophostromylus tenuis), and muscle worm (Elaphostromylus cervis) in accordance with the procedures specified in department of agriculture WAC 16-54-035 as now or hereafter amended, and/or for other diseases or parasites determined to pose a risk to wildlife. The results of such tests shall be filed with the director as required.

(16) Reporting

(a) A person holding wildlife listed in subsection (2) in captivity shall submit a completed report no later than March 30, 1993 and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing wildlife listed in subsection (2) must notify the director within ten days of any change of such persons' address and/or location of the holding facility.

(17) Inspection

(a) All holding facilities for captive wildlife located in the state are subject to inspection for compliance with the provisions of this section.

(b) Such inspections may take place without warrant or prior notice but shall be conducted at reasonable times and locations.

(18) Notification and disposition of diseased animals.

(a) Any person who has reason to believe that wildlife being held pursuant to this rule have or have been exposed to a dangerous or communicable disease or parasite shall notify the department immediately.

(b) Upon having reason to believe that wildlife held pursuant to this rule have been exposed to or contracted a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited

veterinarian, certified fish pathologist, or inspection agent. Inspection shall be at the expense of the possessor.

(c) The director shall determine when destruction of wildlife, quarantine, disinfection, or sterilization of facilities is required at any facility holding wildlife pursuant to this rule. If the director determines that destruction of wildlife, quarantine, disinfection, or sterilization of facilities is required, a written order shall be issued to the possessor describing the procedure to be followed and the time period for carrying out such actions. Such activities shall be at the expense of the possessor.

(19) Quarantine area

(a) Any facility holding wildlife listed in subsection (2) must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(I) An approved quarantine facility is one that meets criteria set by the Washington state department of agriculture.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) Should the imposition of a quarantine become necessary, the possessor of any wildlife must provide an on-site quarantine facility or make arrangements at such possessor's expense to transport such wildlife to an approved quarantine facility.

(20) Seizure

(a) The department of wildlife may seize any unlawfully possessed wildlife.

(b) The cost of any seizure and/or holding of wildlife may be charged to the possessor of such animals.

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

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

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

**WSR 96-14-132**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
**(Wildlife)**

[Filed July 3, 1996, 11:20 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-069.

Title of Rule: To amend WAC 232-28-260 Special hunting season permit drawings.

Purpose: To amend WAC 232-28-260 Special hunting seasons. This WAC outlines the procedures to enact the mandate of the legislature in SSB 6533 to allow raffling certain hunting opportunities. It provides hunters a unique

hunting opportunity that previously was reserved only for those buying the auction permit. It gives the average hunter a chance to participate in the drawing and raises revenue for the species raffled.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This WAC outlines the procedures to allow raffling of hunting opportunities for wild turkey and big game.

Reasons Supporting Proposal: This WAC enables the hunter with modest means to apply for a chance in a lifetime hunt. In this way it provides additional opportunity for hunting. From an agency perspective, this WAC will generate funding for the species being raffled. With dedicated funding for the species we will be able to devote more resources into management programs.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will provide for raffles in addition to the auctions already authorized.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

Evan Jacoby  
Legal Counsel

AMENDATORY SECTION [(Amending WSR 96-04-027, filed 2/1/96)]

**WAC 232-28-260 Special hunting seasons ((permit drawings)).** (1) The Commission establishes the following types of special hunting seasons, called permit hunts, for purposes of taking specified wildlife:

(a) General Permit Hunts;

(b) Persons of Disability Permit Hunts;

(c) Youth Permit Hunts;

(d) Senior Citizen Permit Hunts;

(e) Advanced Hunter Education Permit Hunts;

(2) The Commission may establish special hunting seasons limited to species and/or weapon type.

(3) In addition to the requirements for general permit hunts, the following are hunt requirements for:

(a) Disabled Permit Hunts: Only applicants with a Washington disabled hunter permit are eligible to apply for any permit hunts for disabled, blind or visually impaired.

(b) Youth Permit Hunts: Only applicants sixteen years old or younger on opening day of the permit hunt will be eligible to apply for the youth permit.

(c) Senior Citizen Permit Hunts: Only applicants sixty-five years of age or older on opening day of the permit hunt will be eligible to apply for senior citizen permit hunts.

(d) Advanced Hunter Education Permit Hunts: Only applicants who have successfully completed the Washington department of fish and wildlife advanced hunter education (AHE) course will be eligible to apply for AHE permit hunts. A certification card will be issued to all AHE graduates which must be in the hunter's possession while hunting during these seasons.

(4) ~~((H))~~ Deer and elk ~~((special hunting season))~~ permit hunts application:

(a) To apply for ~~((a special hunting season))~~ permit hunts for deer, applicants must have a valid Washington hunting license and a valid deer transport tag. Each applicant must have the proper transport tag as identified in the current ~~((special))~~ deer hunting permit tables.

(b) To apply for ~~((a special hunting season))~~ permit hunts for elk, applicants must have a valid Washington hunting license and a valid elk transport tag. Each applicant must have the proper transport tag as identified in the current ~~((special))~~ elk hunting permit tables.

~~(c) Only applicants with a Washington Disabled Hunter Permit will be eligible to apply for special hunts for Persons of Disability.~~

~~(d) Only applicants 16 years old or younger on opening day of the special hunting season will be eligible to apply for special hunting season permits for youth.~~

~~(e) Only applicants 65 years of age or older on opening day of the special hunting season will be eligible to apply for special hunting season permits for seniors.~~

~~(f) Only applicants who have successfully completed the Washington Department of Fish and Wildlife Advanced Hunter Education (AHE) course will be eligible to apply for special hunting season permits for AHE course graduates. A certification card will be issued to all AHE graduates which must be in the hunter's possession while hunting during these seasons.~~

~~(c) ~~((g))~~ No refunds or exchanges for deer or elk transport tags will be made for persons applying for ~~((special hunting season))~~ permit~~((s))~~ hunts.~~

~~(d) ~~((h))~~ Holders of deer or elk ~~((special hunting season))~~ permit~~((s))~~ hunts may hunt only with a weapon in compliance with their transport tag during the ~~((special hunting season))~~ permit hunts.~~

~~(5) ~~((2))~~ Mountain goat, moose, mountain sheep, and cougar ~~((special hunting season))~~ permit hunts applications:~~

~~(a) To apply for ~~((a special hunting season))~~ permit hunts for mountain goat, moose, mountain sheep, or cougar applicants must have a valid Washington hunting license. Those who have previously drawn a Washington mountain sheep or moose permit are ineligible to apply for that species.~~

(b) No refunds or exchanges for mountain goat, moose, mountain sheep, or cougar transport tags will be made for persons drawing for ~~((special hunting season))~~ permit~~((s))~~ hunts.

(c) Permit ~~((H))~~ hunting ~~((R))~~ report: A hunter report will be sent to each mountain goat, moose, mountain sheep, and cougar ~~((special hunting season))~~ permit hunts holder and must be returned to the ~~((D))~~ department of ~~((F))~~ fish and ~~((W))~~ wildlife within ten days after the close of the ~~((special hunting season))~~ permit hunts.

~~(6) ~~((3))~~ General ~~((special hunting season))~~ permit hunts application:~~

(a) Partnership applications will be accepted for any species. A partnership consists of two hunters. If a partnership application is drawn, both hunters will receive a permit and both hunters can take an animal.

(b) Application deadline: To qualify for the drawing all applications must be postmarked no later than the first Friday of May or received at a ~~((D))~~ department of ~~((F))~~ fish and ~~((W))~~ wildlife office no later than 5:00 p.m. on the first Friday of May of the year of the drawing.

(c) An applicant's name may appear on only one single special permit application or one partnership application for each species. If an applicant's name appears on more than one application for a species, the application will be made ineligible for the drawing and no points will be accrued for that year for that species.

(d) For partnership applications that are ineligible because one of the partners has his/her name on more than one application for that species, both applicants will be made ineligible for the drawing and no points will be accrued for that year for that species.

(e) Permits will be drawn by computer selection using a weighted point selection system.

(f) Incomplete Applications:

(i) To be eligible for the ~~((special))~~ deer or elk ~~((special hunting season))~~ permit hunts drawing, each application must include a valid hunt number, complete name, correct mailing address, date of birth, a marked species check box, a valid Washington hunting license number, and a valid deer or elk transport tag number for each applicant.

(ii) To be eligible for the special mountain goat, moose, mountain sheep, or cougar ~~((special hunting season))~~ permit hunts drawing, each application must include a valid hunt number, complete name, correct mailing address, date of birth, a marked species check box, and a valid Washington hunting license number for each applicant.

(iii) To be eligible to accrue points, each application must include either a valid social security number, driver's license number, or a state-issued identification number for each applicant. Applicants choosing not to submit one of the above-listed numbers will be eligible for the drawing, but will not accrue points. The same identification number must be used each year to accrue points. If a different number is used (i.e., driver's license number instead of social security number), point accrual will begin anew for the applicant while maintaining the point accrual under the former identification number.

(g) Inaccurate Applications:

(i) If an applicant makes a mistake, applies for the wrong hunt, and is drawn, the permit can be returned to the ~~((D))~~ department of ~~((F))~~ fish and ~~((W))~~ wildlife Olympia

headquarters before the opening day of the hunt. The applicant's points will be restored to the condition they were in prior to the drawing.

(ii) If an applicant inaccurately submits his/her identification number on an application, no points will be accrued for that year for that species under the correct identification number.

(7) The Commission establishes auction and raffle Private Land Wildlife Management Areas (PLWMA) permit hunts:

(a) The Commission may authorize, by agreement with Private Land Wildlife Management Area, the sale, auction, or raffle of permit hunts for hunting on private lands wildlife management areas.

(b) Private lands wildlife management area auction/raffle hunts are awarded to hunt big game or wild turkey. Raffle permits will be drawn from the raffle tickets sold by the private lands wildlife area authority for not more than \$25.00 each.

(8) The Commission establishes raffle permit hunts:

(a) The Commission may authorize big game and wild turkey raffle permit hunts. The director may conduct the raffle or may contract to a nonprofit conservation organization for marketing. The organization may retain up to 10 percent of the revenue generated from the raffle to cover expenses incurred.

(b) There is no limit on the number of tickets a person may purchase. Raffle tickets cost \$5.00 with a 50-cent license agent fee included in the price. All raffle permits are void on January 1 following date of issuance.

(c) Raffle tickets will be available to the public through authorized license agents and department offices or alternatively through representatives of a nonprofit conservation organization. (1) Residents and nonresidents shall be eligible to purchase raffle tickets. (2) There shall be no refunds for any raffle purchases. (3) Tickets purchased through license agents and submitted for the drawing by mail must be received at the department's Olympia office headquarters on the last business day prior to the public drawing. (4) Additional tickets may be purchased at the raffle site prior to the drawing. (5) One winner and two alternates shall be drawn at the drawing. (6) Time and location of the drawing to be determined by the department or conservation organization conducting the raffle. (7) The department will notify the winner and two alternates by mail. The winner must claim the permit during regular business hours, within 30 days of the drawing, or he/she shall be disqualified and the department will offer the permit to the first alternate. The first alternate must claim the permit within 10 business days of notification or he/she shall be disqualified and the department will notify the second alternate. The second alternate must claim the permit within 10 business days of notification or he/she shall be disqualified and the department will not offer the raffle permit. (8) The raffle permit winners must purchase a valid hunting license and appropriate species tag prior to issuance of the special permit. (9) The department will issue the permit to the person whose name appears on the winning ticket. The permit may be transferred to one hunter with a valid hunting license and appropriate tags.

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

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

**Reviser's note:** RCW 34.05.395 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 96-14-133**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
**(Wildlife)**

[Filed July 3, 1996, 11:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-068.

Title of Rule: Adopt WAC 232-28-263 1997 Raffle permits.

Purpose: To adopt WAC 232-28-263 1997 Raffle permits. This WAC lists what species, the number of animals will be raffled. It also states when, where and how the animal may be harvested. This WAC is a step to enacting the mandate of the legislature in SSB 6533. It provides hunters a unique hunting opportunity that previously was reserved only for those buying the auction permit. It gives the average hunter a chance to participate in the drawing and raises revenue for the species raffled.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This WAC provides special raffle permits for deer, elk, bighorn sheep, and moose. The WAC identifies certain areas, dates, permits, and any other restrictions for the raffle permits.

Reasons Supporting Proposal: This WAC enables the hunter with modest means to apply for a chance in a lifetime hunt. In this way it provides additional opportunity for hunting. From an agency perspective, this WAC will generate funding for the species being raffled. With dedicated funding for the species we will be able to devote more resources into management programs.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will provide for raffles in addition to the auctions already authorized.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

Evan Jacoby  
Legal Counsel

## NEW SECTION

### **WAC 232-28-263 1997 Raffle permits**

#### **RAFFLE PERMIT HUNTS**

The following raffle permits will be issued to individuals selected through a drawing:

(1) Deer/Elk Combination Hunt

(a) Bag limit: One additional any bull elk and one additional any buck deer.

(b) Open area: Statewide in all open areas except GMUs 157 and 485.

(c) Open season: Hunter may hunt in any general archery, muzzleloader, or modern firearm season.

(d) Weapon: Hunter may use only archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons and any legal weapon during modern firearm seasons.

(e) Number of permits: 1

(2) Bighorn Sheep Hunt

(a) Bag limit: One bighorn ram

(b) Open area: Any sheep unit south of interstate 90 in eastern Washington.

(c) Open season: September 1-October 31, 1997.

(d) Weapon: Hunter may use any legal weapon.

(e) Number of permits: 1

(3) Moose Hunt

(a) Bag limit: One moose of either sex

(b) Open area: Hunter may hunt in any open moose unit.

(c) Open season: October 1-November 30, 1997.

(d) Weapon: Hunter may use any legal weapon.

(e) Number of permits: 1

**WSR 96-14-134**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed July 3, 1996, 11:22 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-072.

Title of Rule: To amend WAC 232-12-107 Falconry permits required.

Purpose: To amend WAC 232-12-107 Falconry permits required. To facilitate the "reciprocity agreements" with other states that provide for falconers from one state to capture raptors in other participating states. It also allows a falconer to carry only a small wallet sized card containing the state license, rather than the more awkward and sizeable falconry permit. To clarify that federal falconry regulations not otherwise specifically included in state regulations are included as conditions of the federal/state falconry permit.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Would allow a falconer to practice falconry possessing only the state falconry license, rather than also requiring the falconry permit in possession. This proposed change would make it clear that the conditions on the permit are backed by regulation.

Reasons Supporting Proposal: To participate in "reciprocity agreements" with other states, and to reduce the amount of paperwork that a falconer must carry on his/her person when transporting or flying a falconry bird. A falconer cannot receive a Washington falconry license without already possessing a falconry permit. There have been questions as to the validity of the conditions that have been historically included on the joint federal/state falconry permit. This proposed change would make it clear that the permit conditions are part of the regulatory framework.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current rule requires that a falconer carry proof that he/she has fulfilled all requirements to practice falconry in the state. The proposed change would allow nonresident falconers to participate in falconry in the state, thus fulfilling the requirements of other state "reciprocity agreements." The change would, in turn, allow Washington falconers to practice falconry in other participating states. This proposed change would also reduce the amount of paperwork that a falconer must carry on his/her person to practice falconry in Washington. This rule will clarify the validity of the conditions that are included on the joint federal/state falconry permit. Many of the federal falconry regulations historically included as conditions on the permit, rather than being spelled out in parallel state regulations. This proposed change would make it clear that the conditions on the permit are part of the regulatory framework.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

Evan Jacoby  
Legal Counsel

AMENDATORY SECTION [(Amending Order 472, filed 11/5/90)]

**WAC 232-12-107 Falconry permit(s)/license required.** (1) It is unlawful for any persons to take, possess, transport, import, export, sell, purchase, barter, offer to sell, purchase or barter raptors for falconry purposes, or to engage in the practice of falconry without first obtaining and having upon their person a valid Washington state "falconry (~~permit~~) license."

(2) The requirements for (~~each such~~) a falconry permit shall be stated on each permit application. The limitations on the use of these permits shall be stated on each such permit. Federal falconry regulations not otherwise included in state regulations will be included as conditions on the federal/state falconry permit.

(3) Falconry permits shall be issued only to applicants who have successfully passed a supervised examination with a score of at least eighty percent and who have raptor housing facilities and falconry equipment approved by the director. The requirements for such facilities and equipment shall be stated on each falconry permit application.

(4) The department may periodically inspect the falconry facilities, equipment and raptors of a falconry permittee at reasonable times.

(5) It is unlawful for falconry permittees to have in their possession or under their control, or to capture or attempt to capture, a species or number of raptors specifically prohibited by the director.

(6) It is unlawful for any person(s) to possess a bald eagle, vulture, osprey, or owl (except the great horned owl) for falconry.

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

**Reviser's note:** RCW 34.05.395 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 96-14-135**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed July 3, 1996, 11:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-072.

Title of Rule: To amend WAC 232-12-121 Reporting requirements for capture, importation, exportation, transfer, or other disposal of raptors.

Purpose: To amend WAC 232-12-121 Reporting requirements for capture, importation, exportation, transfer, or other disposal of raptors. To bring state regulations in line with federal regulations for subsection (3) and to delete subsection (4) from the regulation.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: In subsection (3) we remove the requirement that when a falconry bird is being temporarily held by another falconer, the person that is caring for the other's bird must be a general or master falconer. It would still require that the person doing the temporary care be a permitted falconer. The proposed change in subsection (4) would remove the state requirement to report the loss of falconry birds and to deliver the carcass of the dead bird to the department, unless authorized by the department to be retained.

Reasons Supporting Proposal: For subsection (3), to make state regulations more similar to the federal regulations. Falconers are so very concerned about the well-being of the birds in their possession, they will entrust the birds only with people whom they know can do a good job of caring for the birds. It is not necessary for the state to ensure that adequate care is given in this situation. Subsection (4) was initially developed to ensure that birds reported to have died had actually died. Ostensibly, this was necessary to prevent the unlawful exchange of birds among falconers. In practice, however, the delivery of the carcasses became unnecessary because it soon became obvious that the concern of unlawful exchange was unfounded. Current federal regulations require that falconers report the loss or transfer of a bird within five dates, but do not require the delivery of the carcass to anyone. This proposed change would rely on the federal reporting mechanism to track bird possession by falconers.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current subsection (3) provides the opportunity for a falconer to entrust his/her falconry birds to the care of another falconer for up to thirty days for those times when the falconer must leave the birds for awhile. This change would allow the falconer to choose from among permitted

falconers, regardless of their falconry class, to care for the birds during his/her absence from the bird(s). As stated above, current state regulations in subsection (4) require reporting and carcass disposal of any dead or lost birds, in addition to the federal requirements. This proposed change would remove the state requirements and rely on the federal reporting system to track birds possessed by falconers.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

Evan Jacoby  
Legal Counsel

AMENDATORY SECTION [(Amending Order 469, filed 11/5/90)]

**WAC 232-12-121 Reporting requirements for capture, importation, exportation, transfer, or other disposal of raptors.** (1) It is unlawful to possess a raptor under the authority of a falconry permit unless the permittee has submitted a United States Fish and Wildlife Service form 3-186A (Migratory bird acquisition/disposition report), completed in accordance with instructions on the form, to the department within five calendar days of initial possession.

(2) It is unlawful for a falconry permittee to capture, transfer, import, export, or otherwise dispose of raptors unless such permittee submits a United States Fish and Wildlife Service form 3-186A (Migratory bird acquisition/disposition report), completed in accordance with the instructions on the form, to the department within five calendar days of any such transaction.

(3) A raptor possessed under the authority of a falconry permit may be temporarily held by another permittee (~~holding a general or masters permit~~, for maintenance and care for a period not to exceed thirty days. The raptor must be accompanied at all times by a properly completed United States Fish and Wildlife Service form 3-186A (Migratory bird acquisition/disposition report) designating the person caring for the raptor as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

~~((4) A person shall report to the department, the loss, death, or release of their raptor within five days of each loss, death or release. The carcass of any dead raptors shall be delivered to the nearest department office, unless authorized by the department to be retained by falconry permittee.))~~

(4) ~~((5))~~ It is unlawful for a falconry permittee to capture or take from the wild, any raptor species listed on

Washington state falconry permit unless such permittee submits a department of wildlife "Raptor capture report form," completed in accordance with the instructions on the form, to the department within five calendar days of any such capture or take.

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

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

**WSR 96-14-136**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed July 3, 1996, 11:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-072.

Title of Rule: To adopt WAC 232-12-128 No fault clause.

Purpose: To adopt WAC 232-12-128 No fault clause, to exempt a falconer from being in violation of hunting regulations if his/her hawk unintentionally takes a protected species.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: This proposed change would require a falconer to leave the prey if his/her hawk unintentionally takes a protected species or a species whose season is not open.

Reasons Supporting Proposal: To relieve the falconer from the liability of unintentionally taken species.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Since the falconry birds are not under the total control of the falconer when they are actually in the field, it is possible that the hawk may take a species which is not open for falconry hunting. This proposal would release them from liability as long as the prey is not reduced to possession by the falconer.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

Evan Jacoby  
Legal Counsel

## NEW SECTION

**WAC 232-12-128 No fault clause.** Any time a falconry bird unintentionally kills prey that is not to be taken under established regulations, seasons, bag limits or license requirements, the falconer must leave the dead quarry where it lies.

**WSR 96-14-137  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed July 3, 1996, 11:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-078.

Title of Rule: Amend WAC 232-28-514 1996-97 Trapping seasons and regulations.

Purpose: To amend WAC 232-28-514 1995-96 Trapping seasons and regulations. Trapping seasons and regulations for furbearing animals are established to provide recreational opportunity and to address nuisance and damage problems.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: WAC amendment establishes trapping seasons for the 1996-97 trapping season.

Reasons Supporting Proposal: Recreational opportunity and nuisance and damage response.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above. Seasons currently provide recreational opportunity for approximately 500-600 trappers statewide.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

July 2, 1996  
Brad Young  
for Evan Jacoby  
Legal Counsel

## AMENDATORY SECTION [(Amending Order 95-119, filed 9/1/95)]

### **WAC 232-28-514 ((1994-95 and 1995-96)) 1996-97 Trapping seasons and regulations**

#### TRAPPING REGULATIONS

IT SHALL BE UNLAWFUL TO: Trap for wild animals before October 1, and after

March 15, in western Washington; EXCEPTION: trapping of unclassified wild animals causing damage or predation on private property by the owner or person legally controlling said property (or his designee) is permitted.

IT SHALL BE UNLAWFUL TO: Place traps or establish drowning wire and weights prior to 7:00 a.m. on the opening of the trapping season.

The fox season is closed within the exterior boundaries of the Mount Baker, Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests; and closed in San Juan, Island, Skagit, and Whatcom counties.

Federal lands within the Ross Lake and Lake Chelan National Recreation Areas are CLOSED to trapping.

Licenses will be issued only to trappers who have submitted their mandatory Trappers Report of Catch postmarked on or before April 10 of the previous year.

Trappers who fail to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as no Report of Catch being filed.

To be issued a trapping license, new trappers must meet trapper education requirements.

Certain areas have extended, shortened, or closed seasons for listed species. Refer to the general season, then look for special seasons and exceptions in the trapping zone in which you wish to trap. All opening and closing dates are inclusive. Trapping season starts at 7 a.m. on opening dates.

#### EASTERN WASHINGTON

General Seasons For All Eastern Washington

For purposes of this regulation, all of Klickitat County will have the same general seasons as Eastern Washington.

~~((1995)) 1997 ((and Dec. 1, 1995- Jan. 31, 1996))~~

- Bobcat** . . . . . Dec. 15, ~~((1994)) 1996-Jan. 15, ((1995)) 1997 ((and Dec. 15, 1995-Jan. 15, 1996))~~
- Beaver, River Otter, Badger, Fox** . . . . . Nov. 8, ~~((1994)) 1996-Feb. 28, ((1995)) 1997 ((and Nov. 8, 1995-Feb. 28, 1996))~~
- Muskrat** . . . . . Nov. 8, ~~((1994)) 1996-Mar. 15, ((1995)) 1997 ((and Nov. 8, 1995-Mar. 15, 1996))~~
- River Otter** . . . . . Season bag limit is two (2)
- Northern Zone (Chelan, Ferry, Okanogan, Pend Oreille, Spokane, and Stevens counties)**
- Weasel, Raccoon, Mink** . . . . . Nov. 15, ~~((1994)) 1996-Jan. 31, ((1995)) 1997 ((and Nov. 15, 1995-Jan. 31, 1996))~~
- Marten** . . . . . Dec. 15, ~~((1994)) 1996-Jan. 15, ((1995)) 1997 ((and Dec. 15, 1995-Jan. 15, 1996))~~

A permit is required to trap on the Little Pend Oreille National Wildlife Refuge. Contact Little Pend Oreille Refuge Headquarters to obtain permits.

**EXCEPTIONS:**

**CHELAN**

- Beaver** . . . . . Closed in Swakane and Mudd Creek

**OKANOGAN**

- Marten** . . . . . Dec. 1, ~~((1994)) 1996-Jan. 31, ((1995)) 1997 ((and Dec. 1, 1995-Jan. 31, 1996))~~

**PEND OREILLE COUNTY**

- Marten** . . . . . Closed west of the Pend Oreille River

**SPOKANE COUNTY**

- River Otter, Marten** . . . . . CLOSED

**STEVENS COUNTY**

- Marten** . . . . . Closed east of the Columbia River
- Southern Zone (Adams, Asotin, Benton, Columbia, Douglas, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, Whitman, and Yakima counties)**
- River Otter** open only in Klickitat, Kittitas, and Yakima counties, as well as the Snake and Walla Walla Rivers and their tributaries (season bag limit 2 Otter).

**Weasel, Raccoon,**

- Mink** . . . . . Nov. 15, ~~((1994)) 1996-Feb. 28, ((1995)) 1997 ((and Nov. 15, 1995-Feb. 28, 1996))~~

- Marten** . . . . . Dec. 1, ~~((1994)) 1996-Jan. 31,~~

**EXCEPTIONS:**

**KITTITAS COUNTY**

**BEAVER** closed in the north fork of Tarpiscan Creek, and the Umtanum Creek drainage.

**WESTERN WASHINGTON**

Certain areas have extended, shortened, or closed seasons for listed species. Refer to the general season, then look for special seasons and exceptions. All opening and closing dates are inclusive. Trapping season starts at 7 a.m. on opening dates.

**General Seasons For All Western Washington**

- Beaver, Otter** . . . . . Dec. 8, ~~((1994)) 1996-Jan. 31, ((1995)) 1997 ((and Dec. 8, 1995-Jan. 31, 1996))~~

- Muskrat, Mink, Raccoon, Marten, Weasel** . . . . . Nov. 21, ~~((1994)) 1996-Jan. 31, ((1995)) 1997 ((and Nov. 21, 1995-Jan. 31, 1996))~~

- Bobcat, Fox** . . . . . Nov. 21, ~~((1994)) 1996-Feb. 15, ((1995)) 1997 ((and Nov. 21, 1995-Feb. 15, 1996))~~

**EXCEPTIONS:**

**COWLITZ COUNTY**

**Game Management Unit 522 (Loo-wit)** closed to all trapping.

**LEWIS COUNTY**

**Green River** closed to trapping above confluence of Elk Creek except bobcat and coyote. **Game Management Unit 522 (Loo-wit)** closed to all trapping.

**MASON COUNTY**

**Agate Peninsula (near Shelton)** west of the Grunert Road and Agate Loop Road to Campbell Creek are open for the use of cage traps only.

**SKAGIT COUNTY**

- Beaver** . . . . . Dec. 1, ~~((1994)) 1996-Feb. 28, ((1995)) 1997 ((and Dec. 1, 1995-Feb. 28, 1996))~~ in that part of Skagit County west of I-5.

Trappers should note that the Illabot Slough and Barnaby Slough posted areas, within the Skagit Bald Eagle Natural Area, are closed to trespass to protect eagle roosting sites.

**SKAMANIA COUNTY**

**Smith Creek, Bean Creek, Clearwater Creek,** above USFS 83 Road on Pine Creek, above the confluence of Bean Creek on the Muddy River, **CLOSED** to all trapping except for bobcat and coyote. **Game Management Unit 522 (Loo-wit)** **CLOSED** to all trapping.

PROPOSED

THURSTON COUNTY

Raccoon . . . . . Season extended for cage traps only. Feb. 1, ((1995)) 1996-Feb. 15, ((1995)) 1997 ((and Feb. 1, 1996-Feb. 15, 1996))

URBAN TRAPPING AREAS

Trap Restrictions

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of foot-hold, instant kill, or snare traps except muskrat and mink may be taken with a number ((one)) one and one-half foot-hold drowning set or a 110 instant kill trap during lawful trapping seasons as established by the Fish and Wildlife Commission.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties. Beginning at the confluence of the Snohomish River and the Puget Sound; then east up the Snohomish River to Interstate 5 (I-5); then south on I-5 to Interstate 405 (I-405); then south on I-405 to I-5; then south on I-5 to its junction with Pioneer Way; then east along Pioneer Way to Waller Road; then south along Waller Road to SR 512; then west along SR 512 to I-5; then north and west to Puget Sound; then north along the coast to the mouth of the Snohomish River and point of beginning.

In the described area Raccoon season is open (cage traps only) . . . . Nov. 21, ((1994)) 1996-Feb. 15, ((1995)) 1997 ((and Nov. 21, 1995-Feb. 15, 1996))

48 Hour Trap Check Time

In the following described areas all traps or devices, not capable of drowning the animal (land sets), must be checked and the animal removed within 48 hours.

Thurston County, within the established city limits (including county islands), of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties. Beginning at the mouth of the Snohomish River; then south and east up the Snohomish River to Highway 9; then south on Highway 9 to the Woodinville-Duvall Road; then east on Woodinville-Duvall Road to Avondale Road; then south on Avondale Road to Highway 202; then east on Highway 202 to Duthie Hill Road; then southwest on Duthie Hill Road to its junction with the Issaquah-Fall City Road; then southwest on Issaquah-Fall City Road to East Lake Sammamish Parkway; then south on East Lake Sammamish Parkway to Front Street; then south on Front Street to Issaquah-Hobart Road; then southeast on Issaquah-Hobart Road to Highway 18; then southwest on Highway 18 to Highway 167; then south on Highway 167 to Highway 161; then south on Highway 161 to 224th Street E.; then west on 224th Street E. to Highway 7; then northwest on Highway 7 to Highway 507; then southwest on Highway 507 to Pierce County line; then west along the county line to Puget Sound; then north along the coast to the mouth of the Snohomish River and point of beginning.

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

WSR 96-14-138  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)  
[Filed July 3, 1996, 11:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-068.

Title of Rule: To adopt WAC 232-16-770 Skagit wildlife area shotgun shell restriction.

Purpose: To adopt WAC 232-16-770 Skagit wildlife area shotgun shell restriction.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The rule specifies the maximum number of shotshells allowed in possession on the farmed island segment of the Skagit wildlife area.

Reasons Supporting Proposal: To provide more recreation and encourage waterfowl resource conservation.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to establish a permanent restriction on the number of shotshells in possession on the farmed island segment of the Skagit wildlife area. This restriction has been necessary to provide more recreation and encourage waterfowl resource conservation.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

July 2, 1996  
Brad Young  
for Evan Jacoby  
Legal Counsel

PROPOSED

NEW SECTION

**WAC 232-16-770 Skagit wildlife area shotgun shell restriction** It is unlawful to have in possession more than 15 shotgun shells or to fire more than 15 shells in one day on the farmed island segment of the Skagit public hunting area, between the south fork of the Skagit River and Fresh Water Slough.

**WSR 96-14-139  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

(Wildlife)

[Filed July 3, 1996, 11:28 a.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-068.

Title of Rule: To adopt WAC 232-16-760 Northern Puget Sound hunting method restriction.

Purpose: To adopt WAC 232-16-760 Northern Puget Sound hunting method restriction.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The rule establishes restrictions on hunting methods in Port Susan, Skagit, Padilla, and Samish bays.

Reasons Supporting Proposal: Reduce harassment of wintering waterfowl during the hunting season.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to restrict open water hunting on four northern Puget Sound bays, and require boat or hunting blinds to be in a fixed (anchored or secured to shore) position. The restriction has reduced harassment of wintering waterfowl during the hunting season.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

July 2, 1996  
Brad Young  
for Evan Jacoby  
Legal Counsel

NEW SECTION

**WAC 232-16-760 Northern Puget Sound hunting method restriction** It is unlawful to hunt waterfowl, coot or snipe from a moving boat or any free-floating device that is not in a fixed position which is either anchored or secured to shore in Port Susan Bay, Skagit Bay, Padilla Bay, and Samish Bay.

**WSR 96-14-140  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

(Wildlife)

[Filed July 3, 1996, 11:29 a.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-068.

Title of Rule: To adopt WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

Purpose: To adopt WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The rule describes boundaries for waterfowl, coot, and snipe hunting season closure areas on the Columbia, Snake, and Yakima rivers.

Reasons Supporting Proposal: To provide for permanent protection of these areas to secure optimal distribution of waterfowl throughout Washington.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These closure areas have traditionally provided a sanctuary for migratory waterfowl. The rule will provide for permanent protection of these areas to secure optimal distribution of waterfowl throughout Washington.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

July 2, 1996  
Brad Young  
for Evan Jacoby  
Legal Counsel

#### NEW SECTION

**WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.** It shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:

Section 1. Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia river, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

Section 2. Klickitat County - the Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the grain elevator at Roosevelt.

Section 3. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Patterson (river channel marker 67).

Section 4. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) powerline crossing in Section 30, T13N, R28E, to Vernita Bridge (Highway 24).

Section 5. The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

Section 6. The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to Lower Monumental Dam.

Section 7. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

**WSR 96-14-141  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed July 3, 1996, 11:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-068.

Title of Rule: To adopt WAC 232-16-730 Fir Island Game Reserve.

Purpose: To adopt WAC 232-16-730 Fir Island Game Reserve.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The rule describes the boundary of the Fir Island Game Reserve in Skagit County.

Reasons Supporting Proposal: To provide for conservation of internationally important wildlife resources.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and Enforcement: Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

Name of Proponent: Washington Fish and Wildlife Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule is intended to provide sanctuary for migratory lesser snow geese on a parcel that was purchased for that purpose. The reserve will provide for conservation of internationally important wildlife resources, by converting an existing waterfowl closure area to game reserve status.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

Submit Written Comments to: Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

Date of Intended Adoption: August 10, 1996.

July 2, 1996  
Brad Young  
for Evan Jacoby  
Legal Counsel

#### NEW SECTION

**WAC 232-16-730 Fir Island Game Reserve** In Skagit County, beginning at the intersection of Fir Island Road and the east bank of Brown's Slough; then east along Fir Island Road (95 feet) to Brown's Slough Dike; then

southerly and easterly along Browns Slough Dike to the Fir Island Farms access road; then north along the Fir Island Farms access road to Fir Island Road; then east along Fir Island Road to the northeast corner of Section 22 (T33N, R3E); then south along the east line of Section 22 (T33N, R3E) to Dry Slough; then westerly and south along the west bank of Dry Slough to the intersection with Dike #13(1); then westerly along the Skagit Bay side of Dike #13(1) to the east bank of Brown's Slough; then north along the east bank of Brown's Slough to the intersection with the Fir Island Road and the point of beginning.

July 2, 1996  
Brad Young  
for Evan Jacoby  
Legal Counsel

**WSR 96-14-142**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

(Wildlife)

[Filed July 3, 1996, 11:31 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-10-068.

**Title of Rule:** To amend WAC 232-12-068 Nontoxic shot requirement for waterfowl, coot, and snipe hunting.

**Purpose:** To amend WAC 232-12-068 Nontoxic shot requirements for waterfowl, coot, and snipe hunting.

**Statutory Authority for Adoption:** RCW 77.12.040.

**Statute Being Implemented:** RCW 77.12.040.

**Summary:** The rule describes possession restrictions on shotgun pellets used for waterfowl, coot, and snipe hunting.

**Reasons Supporting Proposal:** To conform to federal rules.

**Name of Agency Personnel Responsible for Drafting and Implementation:** Dave Britnell, Assistant Director, Wildlife Management Program, Olympia, (360) 902-2504; and **Enforcement:** Dayna Matthews, Assistant Director, Enforcement Program, Olympia, (360) 902-2927.

**Name of Proponent:** Washington Fish and Wildlife Commission, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The rule clarifies the types of shot allowed in possession by federal rules for waterfowl hunting.

**Proposal Changes the Following Existing Rules:** See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not a hydraulics rule.

**Hearing Location:** Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:00 a.m.

**Assistance for Persons with Disabilities:** Contact Debbie Nelson by July 25, 1996, TDD (360) 902-2207, or (360) 902-2267.

**Submit Written Comments to:** Department of Fish and Wildlife, Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by July 25, 1996.

**Date of Intended Adoption:** August 10, 1996.

**AMENDATORY SECTION** [(Amending Order 95-126, filed 9/1/95)]

**WAC 232-12-068 Nontoxic shot requirements for waterfowl, coot, and snipe hunting** It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than steel shot or ~~((other shot approved by the U.S. Fish and Wildlife Service))~~ bismuth-tin (nominally 97 percent bismuth, 3 percent tin shot, while hunting for waterfowl, coot, or snipe.

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

**Reviser's note:** RCW 34.05.395 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 96-14-143**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Filed July 3, 1996, 11:37 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-08-077.

**Title of Rule:** Personal use rules.

**Purpose:** Amend rules on possession of bighorn sheep horns.

**Statutory Authority for Adoption:** RCW 77.12.040.

**Statute Being Implemented:** RCW 77.12.040.

**Summary:** Pins horns instead of branding.

**Reasons Supporting Proposal:** Recent changes in horn identification.

**Name of Agency Personnel Responsible for Drafting:** Evan Jacoby, 1111 Washington Street, Olympia, 902-2930; **Implementation and Enforcement:** Dayna Matthews, 1111 Washington Street, Olympia, 902-2927.

**Name of Proponent:** Washington State Department of Fish and Wildlife, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** Changes method of identifying bighorn sheep horns.

**Proposal Changes the Following Existing Rules:** Requires pinning rather than branding horns.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule affects recreational hunters only.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics.

PROPOSED

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA, on August 10, 1996, at 8:00 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by August 3, 1996, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by August 9, 1996.

Date of Intended Adoption: August 10, 1996.

July 3, 1996  
Evan Jacoby  
Rules Coordinator

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

**WAC 232-12-284 Bighorn sheep—((Branding)) Marking requirements.** (1) For the purpose of this regulation, horns shall be defined as the permanent, paired, hollow sheath of bighorn sheep attached to the bony core and skull.

(2) It is unlawful for a person who kills or possesses a bighorn sheep taken in Washington to fail, within ten days after acquisition, to personally present the horns for inspection and ~~((branding)) permanent marking~~ at a ~~((game))~~ department regional office. A department employee shall permanently ~~((brand an identification number on))~~ mark one of the horns of each lawfully acquired bighorn sheep.

(3) It is unlawful for any person to possess the horns of a bighorn sheep taken in Washington without ~~((a number so branded))~~ one of the horns being permanently marked by the department.

(4) It is unlawful for any person who transfers ownership or possession of the horns of a bighorn sheep ~~((to))~~ which ~~((an identification number has been branded))~~ has been permanently marked to fail to give written notice of the transfer to the department within ten days after the transfer.

**WSR 96-14-145  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Wildlife)**

[Filed July 3, 1996, 11:43 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-10-067.

Title of Rule: Recreational fishing rules related to lake rehabilitation.

Purpose: To provide additional recreational fishing opportunity on waters scheduled to be rehabilitated during 1996-97, and to close all waters listed in this section to fishing by October 16, 1996.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Extend seasons, close seasons, and waive daily catch, size, and possession limits for all game fish species on waters proposed for chemical rehabilitation in 1996-1997.

Reasons Supporting Proposal: An estimated 500 angler days of recreation will be provided by extending the fishing seasons on Park and Blue lakes in Grant County. Opening Williams Lake for two months prior to rehabilitation (normally a winter season lake) an estimated 250 angler days of recreation will be provided. And, by waiving catch, size and possession limits on all waters listed in this new section, unlimited harvest will be allowed on fish which would otherwise be killed during rehabilitation. Closing all waters prior to October 16 will reduce potential boating conflicts with rehabilitation work crews, and comply with current rotenone label restrictions (discouraging the human consumption of fish killed during rehabilitation).

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-2930; Implementation: Rich Lincoln, 1111 Washington Street, Olympia, WA, 902-2325; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, WA, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: An effective date of August 15, 1996, will increase recreational angling opportunity and harvest prior to rehabilitation. This early implementation is requested in the public interest.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules affect recreational fishing and have no effect on small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These rules do not affect hydraulics.

Hearing Location: Nordic Inn Convention Center, 1700 South Boone, Aberdeen, WA 98520, on August 10, 1996, at 8:30 a.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by August 1, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501-1091, FAX (360) 902-2942, by August 1, 1996.

Date of Intended Adoption: August 10, 1996.

July 3, 1996  
Evan Jacoby  
Rules Coordinator

NEW SECTION

**WAC 232-28-61900R Regional exception to permanent game fish rules.** Notwithstanding the provisions of WAC 232-28-619, the following game fish seasons, catch, size, and possession limits apply:

Williams Lake (Stevens Co): Effective 12:01 a.m., August 15, 1996 through 12:00 midnight, October 15, 1996; catch, size, and possession limits on all game fish are waived. Season open 12:01 a.m., August 15, 1996 through 12:00 midnight October 15, 1996. CLOSED WATERS October 16, 1996 through April 15, 1997.

Alkali Lake (Grant Co): Effective 12:01 a.m., August 15, 1996 through 12:00 midnight October 15, 1996; catch, size, and possession limits on all game fish species are waived. CLOSED WATERS October 16, 1996 through April 15, 1997.

Blue Lake (Grant Co): Effective 12:01 a.m., August 15, 1996 through 12:00 midnight October 15, 1996; catch, size, and possession limits on all game fish species are waived. Season extended from 12:01 a.m. October 1, 1996 through 12:00 midnight October 15, 1996.

Blue Lake (Okanogan Co): Effective 12:01 a.m. August 15, 1996 through 12:00 midnight October 15, 1996; catch, size, and possession limits on all game fish species are waived. CLOSED WATERS October 16, 1996 through April 15, 1997.

Fish Lake (Okanogan Co): Effective 12:01 a.m. August 15, 1996 through 12:00 midnight October 15, 1996; catch, size, and possession limits on all game fish species are waived. CLOSED WATERS October 16, 1996 through April 15, 1997.

Park Lake (Grant Co): Effective 12:01 a.m. August 15, 1996 through 12:00 midnight October 15, 1996; catch, size, and possession limits on all game fish species are waived. Season extended from 12:01 a.m. October 1 through 12:00 midnight October 15, 1996.

All other provisions of WAC 232-28-619 for these waters remain in effect and unchanged.

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

### REPEALER

The following section of the Washington Administrative Code is hereby repealed effective 12:01 a.m. April 16, 1997:

WAC 232-28-61900R Regional exception to permanent game fish rules.

**WSR 96-14-146**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Filed July 3, 1996, 11:45 a.m.]

Supplemental Notice to WSR 96-13-034.

Title of Rule: Buy-back of commercial fishing licenses.  
Purpose: Establish 1996 buy-back program.

Other Identifying Information: Supplemental to WSR 96-08-015.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: See WSR 96-04-069, 96-08-015, and 96-13-034. This proposal consolidates options.

Reasons Supporting Proposal: Maximizes available funding for the most affected fishers and provides a choice between the most licensees or weighting towards higher income fishers.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, 1111 Washington Street, Olympia, WA, 902-

2930; Implementation: Rich Lincoln, 1111 Washington Street, Olympia, WA, 902-2325; and Enforcement: Dayna Matthews, 1111 Washington Street, Olympia, WA, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides two options for 1996 buy-back program. These options favor either all licensees (option 1) or weights the buy-back towards fishers with higher salmon decline impacts. The anticipated effect is reducing the number of licensees and providing relief to persons who have been impacted by ESA listing and El Nino.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules implement a federal program.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not hydraulics rules.

Hearing Location: Auditorium, Office Building 2, 14th and Jefferson, Olympia, Washington, on August 8, 1996, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Robin Ayers by August 1, 1996, TDD (360) 902-2207, or (360) 902-2933.

Submit Written Comments to: Evan Jacoby, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by August 7, 1996.

Date of Intended Adoption: September 16, 1996.

July 3, 1996

Evan Jacoby

Rules Coordinator

AMENDATORY SECTION (Amending Order 95-20, filed 3/3/95, effective 4/3/95)

**WAC 220-95-013 ((1995)) 1996 Salmon disaster relief license buy-back program established—Fund allocation—Expiration.** (1) The National Marine Fisheries Service has designated the department as the administrating agency for distribution of Northwest Emergency Assistance Plan funds to buy back salmon licenses from license holders who are affected by reductions in salmon fishing needed to conserve Columbia River threatened and endangered salmon stocks. The state of Washington in consultation with the National Marine Fisheries Service believes the program should be designed to purchase licenses from fisheries that are dependent on chinook and coho salmon and are affected by the Endangered Species Act. The department hereby designates this program as the ((1995)) 1996 salmon disaster relief license buy-back program (program).

(2) The rules provided for in this chapter implement the provisions of the Northwest Emergency Assistance Plan as published in the *Federal Register*, and appeals as to which fishery license holders may apply for relief and the maximum level of monetary relief offered are to be made to the National Marine Fisheries Service.

(3) The department allocates the available federal funding for the program to the following categories in the following amounts:

PROPOSED

- (a) Salmon troll licenses and salmon delivery licenses ((~~\$1,700,000.00~~)  
\$2,300,000.00)
- (b) Willapa Harbor-Columbia River and Grays Harbor-Columbia River gill net licenses ((~~\$1,700,000.00~~)  
\$2,300,000.00)
- (c) Salmon charter licenses ((~~\$ 300,000.00~~)  
\$ 400,000.00)
- (d) Program administration ((~~\$ 300,000.00~~)  
\$ 250,000.00)

Program administration funds that will not be used will be reallocated to license purchases.

(4) The program expires March 31, ~~((1996))~~ 1997, or upon the distribution of all available funds, whichever occurs first.

AMENDATORY SECTION (Amending Order 95-20, filed 3/3/95, effective 4/3/95)

**WAC 220-95-018 Program eligibility.** Only persons meeting the following criteria are eligible to participate in the program.

(1) The person participated in the coastal, Columbia River, Grays Harbor or Willapa Bay commercial salmon fisheries and had income derived from one of those fisheries in at least one year during the period 1986 through 1991 ~~((and has not participated nor will participate in a Northwest Emergency Assistance Plan jobs program));~~ and

(2) The person possessed or was eligible to possess one of the following Washington state salmon fishery licenses in 1994 and possessed the same license in 1995:

- (a) Salmon troll license (RCW 75.28.110 (1)(f));
- (b) Salmon delivery license (RCW 75.28.113);
- (c) Salmon gill net—Grays Harbor-Columbia River (RCW 75.28.110 (1)(a));
- (d) Salmon gill net—Willapa Bay-Columbia River (RCW 75.28.110 (1)(c));
- (e) Salmon charter (RCW 75.28.095 (1)(b)); and

(3) The person incurred ~~((an uninsured loss))~~ a salmon decline impact computed ~~((under the federal plan requirements))~~ as follows: The maximum amount of ~~((uninsured loss))~~ salmon decline impact under the program is the difference between the highest gross income derived from designated salmon fishing activity (including incidental catch provided that some salmon are included within the catch) during any calendar year 1986 through 1991 (the base year), less the sum of the least amount of gross income derived from salmon fishing activities during any calendar year from ~~((1992))~~ 1991 through ~~((1994, plus any federal unemployment compensation received during that year, plus any federally funded training received during that year (the comparison year))~~ 1995. The maximum amount payable under the program is ~~((2.25))~~ 2.5 times the ~~((uninsured loss, but not to exceed \$100,000.00 to any individual for all payments received from the program))~~ salmon decline impact. For purposes of calculating income, the license holder must and may only use income from salmon fisheries in the coastal waters of Washington, Oregon, and California,

the waters of Grays Harbor and Willapa Bay, and the waters of the Columbia River.

AMENDATORY SECTION (Amending Order 95-20, filed 3/3/95, effective 4/3/95)

**WAC 220-95-022 Program application.**

Option 1

(1) A license holder may make only one offer per license during an offer period.

(2) An offer to sell a license must be made on department forms and must be received by the department's licensing division during the period 8:30 a.m., ~~((March 29))~~ October 8 through 4:30 p.m., ~~((May 12, 1995))~~ November 8, 1996.

(3) Income used in the calculation of offers that are accepted may not be used in the calculation of any other offer.

(4) The license holder may offer the license for any amount up to ~~((the maximum allowable under the program))~~ \$40,000 or the salmon decline impact, whichever is the lesser amount.

(5) An offer is not made unless a complete offer is received by the department. In order for an offer to be complete, the following must be received:

- (a) A complete offer sheet, showing:
  - (i) The applicant's name, Social Security number, mailing address during the offer period and telephone number;
  - (ii) The license type and license number that is being offered;
  - (iii) The offer amount;
  - (iv) The base year income (1986-1991);
  - (v) The comparison year income ~~((1992-1994, including federal unemployment funds and the amount of any federally funded training received))~~ 1991-1996, provided no fishery is scheduled during 1996 for the year group;
  - (vi) The amount of ~~((uninsured loss))~~ salmon decline impact.

(b) Supporting documents.  
 (i) For salmon troll, salmon delivery and gill net license fishing activity, the only acceptable supporting documents are official state fish receiving tickets, official state fish landing receipts, or computer generated landing lists that have been certified by a state agency or the Pacific States Marine Fisheries Commission to be true and correct copies. All landings count in calculation of base and comparison year incomes.

(ii) For salmon charter license fishing activity, acceptable supporting documents are trip tickets identifying the species targeted, the number of anglers, and the date of the trip or, if such tickets are unavailable, the department will accept a letter of endorsement from a charterboat association or charterboat booking office indicating salmon fishing was a major component of earnings, and, if such a letter is provided, will review the total income of the applicant for the base and comparison years.

(c) Copies of Internal Revenue Service returns for the base and comparison years are required from salmon charter license applicants who use income other than that shown on trip tickets and may be required for salmon troll, salmon

delivery, and gill net license applicants claiming a percentage of income shown on fish tickets.

(d) A signed permission form that allows the department to receive copies of the applicant's Internal Revenue Service returns for the base and comparison years, and to receive landing information from the Pacific States Marine Fisheries Commission, and the states of Oregon and California.

(e) A signed statement certifying that all information provided is true and correct.

(f) Persons who submitted complete offers in the 1995 program need not resubmit supporting documents. Such persons must submit a complete offer sheet, but the offer amount may differ from the 1995 offer amount, provided that the offer amount may not exceed the maximum amount of salmon decline impact.

#### Option 2

(1) A license holder may make only one offer per license during an offer period.

(2) An offer to sell a license must be made on department forms and must be received by the department's licensing division during the period 8:30 a.m., October 8 through 4:30 p.m., November 8, 1996.

(3) Income used in the calculation of offers that are accepted may not be used in the calculation of any other offer.

(4) The license holder may offer the license for any amount up to \$50,000 or the salmon decline impact, whichever is the lesser amount.

(5) An offer is not made unless a complete offer is received by the department. In order for an offer to be complete, the following must be received:

(a) A complete offer sheet, showing:

(i) The applicant's name, Social Security number, mailing address during the offer period and telephone number;

(ii) The license type and license number that is being offered;

(iii) The offer amount;

(iv) The base year income (1986-1991);

(v) The comparison year income (1991-1996, provided no fishery is scheduled during 1996 for the year group);

(vi) The offer ratio.

(b) Supporting documents.

(i) For salmon troll, salmon delivery and gill net license fishing activity, the only acceptable supporting documents are official state fish receiving tickets, official state fish landing receipts, or computer generated landing lists that have been certified by a state agency or the Pacific States Marine Fisheries Commission to be true and correct copies. All landings count in calculation of base and comparison year incomes.

(ii) For salmon charter license fishing activity, acceptable supporting documents are trip tickets identifying the species targeted, the number of anglers, and the date of the trip or, if such tickets are unavailable, the department will accept a letter of endorsement from a charterboat association or charterboat booking office indicating salmon fishing was a major component of earnings, and, if such a letter is provided, will review the total income of the applicant for the base and comparison years.

(c) Copies of Internal Revenue Service returns for the base and comparison years are required from salmon charter license applicants who use income other than that shown on trip tickets and may be required for salmon troll, salmon delivery, and gill net license applicants claiming a percentage of income shown on fish tickets.

(d) A signed permission form that allows the department to receive copies of the applicant's Internal Revenue Service returns for the base and comparison years, and to receive landing information from the Pacific States Marine Fisheries Commission, and the states of Oregon and California.

(e) A signed statement certifying that all information provided is true and correct.

(6) Ranking of applicants. Applicants will be ranked by the offer ratio, calculated as follows:

$$\frac{\text{offer amount}}{\text{salmon decline impact}} = \text{offer ratio}$$

(7) Persons who sell a license in the 1996 program cannot purchase or operate a commercial license listed in WAC 220-95-018(2) for ten years, beginning January 1, 1997, except that such persons may operate such license if the license was owned by that person in 1995.

AMENDATORY SECTION (Amending Order 95-20, filed 3/3/95, effective 4/3/95)

**WAC 220-95-032 Offer acceptance—Acknowledgment—Retirement of licenses.** (1) Offers will be accepted in rank order, beginning with the lowest offer.

or

(1) Offers will be accepted in rank order, beginning with lowest ratio.

(2) The department will notify license holders that it has accepted a license offer by sending an acceptance and acknowledgment to the license holder by registered mail to the address provided on the offer sheet. The acknowledgment must be signed and returned to the department and must be received by the license division at or before 4:30 p.m. on ((June 14, 1995)) December 11, 1996. Any acknowledgment received after that date is void and the acceptance is withdrawn.

(3) If the license being offered has been issued for ((1995)) 1996, the department will tender the amount of the offer upon return of the license card.

(4) If the license being offered has not been issued for ((1995)) 1996, the department will tender the amount of the offer upon receipt of a valid acknowledgment.

PROPOSED



**WSR 96-14-003**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3984—Filed June 19, 1996, 4:22 p.m.]

Date of Adoption: June 19, 1996.

Purpose: To establish in rule, minimum licensing requirements for adult family homes. New WAC 388-76-535 through 388-76-795.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-76-010 through 388-76-530.

Statutory Authority for Adoption: RCW 70.128.040, 70.128.060, 70.128.120, 70.128.130, 43.43.842, 18.88A.210, and 18.88A.230.

Adopted under notice filed as WSR 96-13-058 on June 14, 1996.

Changes Other than Editing from Proposed to Adopted Version: Only clarifying, technical and editorial changes were made.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 53, amended 0, repealed 59.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 53, amended 0, repealed 59.

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

June 19, 1996

Merry A. Kogut, Supervisor  
 Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-15 issue of the Register.

**WSR 96-14-004**  
**PERMANENT RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 [Filed June 20, 1996, 9:16 a.m.]

Date of Adoption: June 19, 1996.

Purpose: To amend WAC 468-300-210 Transporting hazardous materials on Washington state ferries. To recover 100% of the operating and maintenance costs for the charter.

Statutory Authority for Adoption: RCW 47.56.030 and 47.60.326.

Adopted under notice filed as WSR 96-09-023 on April 9, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

June 19, 1996

Connie Niva, Chair  
 Transportation Commission

**AMENDATORY SECTION** (Amending Order 63, Resolution No. 308, filed 10/1/87)

**WAC 468-300-210 Transporting hazardous materials on Washington state ferries.** (1) "Hazardous materials" mean any materials which are prohibited by 49 CFR § 172.101 from being carried on a regularly scheduled, passenger-carrying vessel sailing. An example is a fully loaded gasoline truck.

(2) The director of operations ((superintendent)) of Washington state ferries (WSF) or ((his)) designee may approve the transport of hazardous materials when a vessel and vessel crew ((are)) can be made available considering passenger service and vessel maintenance requirements.

(3) Fares for ((WSF)) the transport of hazardous materials shall ((be equal to the round trip cost, adjusted quarterly, of fuel, deck, and engine labor (including overtime and minimum crew callouts, where applicable), supplies, and maintenance)) closely approximate WSF's total operational costs of providing this service including deck and engine labor, fuel, supplies, maintenance and other operating costs. The basic fare will be based on annually adjusted standard hourly cost of vessel type, multiplied by the length of time the vessel is precluded from other activities due to set up, execution and vessel repositioning for the hazardous materials transport. Incremental labor costs such as crew overtime, or minimum crew callout shall be added to the basic fare if incurred. At no time will the total fare be less than the calculated operational cost of a round trip from point of embarkation to point of disembarkation. If more than one carrier of hazardous materials is on a particular trip, the fare for that trip may be divided among the carriers involved.

**WSR 96-14-005**  
**PERMANENT RULES**  
**WESTERN WASHINGTON UNIVERSITY**  
 [Filed June 20, 1996, 10:48 a.m.]

Date of Adoption: June 14, 1996.

Purpose: Add section to student rights and responsibilities code, chapter 516-23 WAC, entitled "Freedom of expression," WAC 516-23-045.

Citation of Existing Rules Affected by this Order:  
Amending chapter 516-23 WAC.

Statutory Authority for Adoption: RCW 28B.35.120.

Adopted under notice filed as WSR 96-08-038 on  
March 29, 1996.

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

Number of Sections Adopted at Request of a Nongov-  
ernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own  
Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify,  
Streamline, or Reform Agency Procedures: New 0, amended  
1, repealed 0.

Number of Sections Adopted using Negotiated Rule  
Making: New 0, amended 0, repealed 0; Pilot Rule Making:  
New 0, amended 0, repealed 0; or Other Alternative Rule  
Making: New 0, amended 1, repealed 0.

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

June 18, 1996

Melissa L. Reimer

Assistant Attorney General

#### NEW SECTION

**WAC 516-23-045 Interference with freedom of expression.** The rights of freedom of speech, petition and assembly are fundamental to the democratic and academic process. The United States Constitution guarantees these freedoms to all members of the Western Washington University community. The university recognizes, respects and protects all expressions of opinion and ideas, whether individual or collective, that are within the limits of the law and/or university regulations.

Any person, or persons, may speak at the university when invited to do so by a member of the university community. An exercise of the right to speak requires the freedom of the speaker to make his/her statement. Both the speaker and the audience are entitled to proceed without being subjected to substantial interference. Use of university buildings and public spaces is subject to university policies and procedures. See Viking Union Policies: Exterior space use; reservations and scheduling.

Students engaging in acts of violence, threats of violence or other behavior which materially or substantially disrupts the right of freedom of expression on campus are subject to disciplinary action. Such conduct includes, but is not limited to, blocking or impeding vehicular or pedestrian traffic; blocking access to or from campus buildings or offices; and activities of observers or participants that substantially disrupt classes, meetings or any other normal function of the university.

#### **WSR 96-14-006**

#### **PERMANENT RULES**

#### **WESTERN WASHINGTON UNIVERSITY**

[Filed June 20, 1996, 10:55 a.m.]

Date of Adoption: June 14, 1996.

Purpose: Update parking violations, increase fines, clarify or refine various existing elements of parking system, chapter 516-12 WAC, Parking and traffic regulations.

Citation of Existing Rules Affected by this Order:  
Amending chapter 516-12 WAC.

Statutory Authority for Adoption: RCW 28B.35.120.

Adopted under notice filed as WSR 96-09-009 on April  
5, 1996.

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

Number of Sections Adopted at Request of a Nongov-  
ernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own  
Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify,  
Streamline, or Reform Agency Procedures: New 0, amended  
1, repealed 0.

Number of Sections Adopted using Negotiated Rule  
Making: New 0, amended 0, repealed 0; Pilot Rule Making:  
New 0, amended 0, repealed 0; or Other Alternative Rule  
Making: New 0, amended 1, repealed 0.

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

June 18, 1996

Melissa L. Reimer

Assistant Attorney General

AMENDATORY SECTION (Amending WSR 95-09-047,  
filed 4/17/95, effective 5/18/95)

**WAC 516-12-400 Definitions.** As used in this chapter, and chapters 516-13 and 516-14 WAC, the following words and phrases mean:

(1) "Area designator": A tag affixed to a permit indicating a parking lot assignment for a vehicle.

(2) "Automobile": Any motorized vehicle having four or more wheels.

(3) "Board": The board of trustees of Western Washington University.

(4) "Campus": All state lands devoted to the educational or research activities of the university.

(5) "Disabled space": A parking space identified with a sign bearing the international disabled symbol that is restricted at all hours to use by vehicles displaying a valid WWU disabled parking permit.

(6) "Dismount zone": Any area designated by signs or symbols as a place where bicycles shall not be ridden but may be walked.

((6)) (7) "Employee": Any individual appointed to the faculty, staff, or administration of the university.

((7)) (8) "Habitual offender": The driver of a vehicle license number or permit number accruing ten or more paid or unpaid parking citations.

((8)) (9) "Holiday" or "university holiday": A day when all university offices and/or facilities are closed (e.g.,

Thanksgiving Day, Christmas Day, New Year's Day).  
Interession or quarter breaks are not considered holidays.  
See definition of interession.

((10)) (10) "Interession": A period of time in which classes or final exams are not in session. Except for holidays that may fall within this time period, the business offices of the university are open during this time.

((11)) (11) "Impoundment": A state in which a vehicle has been seized and kept in legal custody by either being immobilized with a wheel lock device or towed from campus.

~~((9))~~ (12) "Meter feeding": Purchase of additional time beyond the time limit posted on the parking meters. This practice is prohibited since use of meters is intended to serve short-term parking needs.

(13) "Motorcycle": Any two or three wheeled motorized vehicle.

~~((10))~~ (14) "Motor vehicle" or "vehicle": Any automobile or motorcycle.

~~((11))~~ (15) "Parking appeals board": The board which hears parking citation appeals.

~~((12))~~ (16) "Parking manager": The person appointed parking manager of the university by the president or designee.

~~((13))~~ (17) "Parking space": A parking area designated by a sign, wheelstop, white-painted lines, and/or white traffic buttons.

~~((14))~~ (18) "Permit": Any special or temporary parking permit authorized by the parking manager.

~~((15))~~ (19) "President": The president of Western Washington University.

~~((16))~~ (20) "Prohibited area": An area in which vehicular traffic and/or parking is prohibited according to the times posted.

(21) "Public safety department": The university public safety department.

~~((17))~~ (22) "Student": Any person enrolled in the university as a student.

~~((18))~~ (23) "Transportation and parking department": The transportation and parking department of the university.

~~((19))~~ (24) "Time-limited parking space": A space in which parking is allowed for a specific time period.

~~((20))~~ (25) "University": Western Washington University.

~~((21))~~ (26) "Valid permit": An unexpired parking permit authorized by the parking manager, properly registered and displayed on the vehicle.

~~((22))~~ (27) "Visitors": Persons who are neither employees or students and who visit the campus only on occasional basis.

(28) "Wheelstop": A cement(,) or metal(, or wood) barrier approximately eight inches high and six feet long used to define a parking space.

**AMENDATORY SECTION** (Amending WSR 90-17-032, filed 8/9/90, effective 9/9/90)

**WAC 516-12-440 Parking areas.** (1) Parking is prohibited in any area not specifically marked as a parking space, designated by a sign, wheelstop, white/painted lines, and/or white traffic buttons.

(2) Vehicles will not be parked in any parking area without a parking permit for that area except as provided in WAC 516-12-430(2). Each parking area is posted to indicate the type of permit required and the times they are required.

(3) Parking in a time-limited space is limited to the time posted or assigned.

(4) Visitors will park only where assigned by permit or in metered visitor areas with meter payment.

(5) Vehicles displaying valid permits for other parking areas on campus may not park in metered visitor lots except as provided in WAC 516-12-430(4).

(6) ~~(Metered lots are reserved for visitors and should not be used by members of the campus community-))~~ Meters are available to serve short-term parking needs. They are in effect at the times posted at the location. During these times the meter must be paid the correct amount posted. "Feeding" meters is prohibited. That is, additional time cannot be purchased beyond the time limit posted on the meter (e.g., a two-hour meter will allow a maximum of two hours of purchased time, and the driver may not pay the meter again to park longer than the maximum time provided).

(7) Motorcycles and moped-type vehicles will be parked in designated "M" (motorcycle) lots only and will not use space assigned to automobiles or bicycles.

(8) Automobiles will not ~~((park))~~ be parked in areas assigned to motorcycles.

(9) Bicycles must be parked in bicycle racks where provided. (Chapter 516-13 WAC.)

(10) Personal notes left on vehicles describing reasons for parking without a proper and valid permit or for parking in an unauthorized manner will not be accepted.

(11) Spaces designated for specific use are restricted for that designated purpose or to assigned vehicles all hours.

(12) Resident student "R" lots are restricted to permit holders 24 hours per day.

(13) All parking spaces are defined by signs, painted surface lines, traffic "buttons," and/or wheelstops. All other areas are no parking zones. Using more than one space when parking is prohibited.

(14) The fact that other vehicles are parked improperly does not constitute a valid excuse. Should an individual parked in violation of any regulation not receive a citation, it does not indicate that such parking is authorized, that the regulation is no longer in effect, or that a future ticket is invalid.

(15) The fact that one vehicle is parked in such a manner as to occupy more than one parking space is not an acceptable excuse for another operator to do the same.

**AMENDATORY SECTION** (Amending Resolution No. 85-05, filed 7/2/85)

**WAC 516-12-460 Fees.** (1) Fee schedules will be submitted by the president or his designee to the board of trustees for approval by motion and will thereafter be posted in the public area of the parking services office.

(2) Cost of permits will be prorated throughout the year according to type and date purchased and will be posted in the parking services office.

(3) Refunds may be made based on the valid time remaining upon application by the permit holder or upon revocation of the permit by the parking manager. Unpaid citation fines will be deducted from any refund.

(a) The permit holder must return the permit to the parking services office before a refund will be authorized or a payroll deduction be terminated.

(b) A service charge will be assessed for any permit returned during the first ten days of fall quarter.

(c) A service charge will be assessed for quarterly permits returned during the first ten days of the quarter for which valid.

(d) No refund will be made for ~~((any))~~ a quarterly permit during the last two weeks of the ((period for which issued)) quarter.

(e) No refund will be made for an academic permit during the last two weeks of spring quarter.

(f) No refund will be made for a summer permit or an annual permit after the six-week summer session.

(4) A service charge will be assessed for:

(a) Change of permit when a lot transfer is requested by the permit holder and approved by the parking manager.

(b) Replacement of permits unless old permit is returned in identifiable condition.

(5) ~~((Full-time))~~ Salaried employees have the option of paying for parking through payroll deduction.

(6) Prorated fees will be charged for part-time permits and a visitor parking fee will be charged.

(7) The proper fee must be paid for all vehicles parked in metered lots unless otherwise authorized.

(8) For fees regarding lost or stolen permits, see WAC 516-12-450(5).

(9) Permit holders who forget their permit or any driver without a permit must purchase a temporary permit at current visitor fees.

AMENDATORY SECTION (Amending WSR 95-09-047, filed 4/17/95, effective 5/18/95)

**WAC 516-12-470 Enforcement.** (1) General

(a) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community or their property, state property, and/or prevents a person having a valid permit from parking in their designated parking area, will be impounded on the first violation.

(b) Upon receiving a third parking citation with two previous unpaid parking citations outstanding for more than seventy-two hours, a vehicle is subject to impound.

(c) A student with unpaid parking citations may not be allowed to have a copy of his/her transcript released by the registrar's office.

(d) Parking permits will not be issued until all outstanding citations are paid.

(e) After identifying the registered owner of any vehicle without a parking permit or a permit number which has one or more unpaid citations, the parking services office will contact the owner in writing that payment is required. If payment for outstanding citations is not made by the date required, the matter will be referred to the appropriate collection agent and/or civil court for resolution.

(f) The operator and owner(s) of a vehicle which is involved in a violation of the university's parking regulations

are jointly and severally responsible for the violation. The person to whom a permit is issued is responsible for all citations issued to that permit number.

(g) These enforcement measures are cumulative and resort to one or more will not waive or impair the university's right to use any other enforcement measure.

(h) The fine and penalty for illegal possession of a lost or stolen permit will be a fine equal to the original value of the highest priced period plus \$5.00 and revocation of parking privileges for a period of one year.

(2) When regulations are in effect

(a) Except as stated in (b) and (c) of this ~~((section))~~ subsection, ((the regulations in this chapter will be enforced)) parking regulations are subject to enforcement throughout the calendar year ((from 7 a.m. to 5 p.m.)) but will not be enforced on ((Saturdays, Sundays, and)) official university holidays unless otherwise posted. For purposes of this section, intersessions are not considered a university holiday.

(b) A vehicle which is parked in a manner which endangers or potentially endangers members of the university or their property or state property will be impounded on the first violation regardless of when the violation occurs.

(c) Intersession regulations will be determined and published by the parking manager as required.

(d) Permits are required in G, C, and V parking areas Monday through Friday from 7:00 a.m. through 5:00 p.m. unless otherwise posted. Permits are required in R (student resident) lots all hours.

(e) Should there be a conflict between these regulations, parking maps, and on-site posted signs regarding parking information and instructions, the on-site sign takes precedence.

(f) During the following periods of time special conditions exist, and the regulations are modified.

(i) Permits are not required in C lots or R lots at the start of each quarter from Monday of registration week until the first day of classes, at which time permits are required in all lots. C and R lots are also open during intersession between quarters.

(ii) Permits are not required in R (student resident) lots during final exam week of each quarter.

(3) Night parking

(a) The hours of night parking are 5:00 p.m. to 7:00 a.m.

(b) During the hours of night parking all lots except "R" (campus resident) lots and reserved spaces in any lot are open to parking unless otherwise designated by the parking manager.

(c) "R" parking lots are restricted to "R" permit holders at all times.

(4) Citations. A vehicle which is in violation of the university's parking regulations will be issued a citation, and fines will be assessed for violations of these regulations according to the following schedule:

(a) \$5.00 violations:

(i) ~~((Occupying more than one space;~~

~~((ii) Parking at an expired meter;~~

~~((iii)) Improper display of permit((;~~

~~((iv) Overtime parking)).~~

(b) \$10.00 violations:

(i) ~~((No valid permit displayed;))~~ Overtime parking;

(ii) Parking ~~((in prohibited area (except handicapped spaces)))~~ at an expired meter;

(iii) ~~((Parking on grass or landscaped area;))~~ Occupying more than one space;

(iv) ~~((Parking out of assigned area;~~

~~(+))~~ Parking in a no parking zone~~((;~~

~~(+))~~ Parking in a reserved area;

~~(+))~~ Parking in a driveway or walkway)).

(c) \$15.00 violation: ~~((Blocking traffic;))~~ Parking out of assigned area.

(d) \$20.00 violations:

(i) No valid permit displayed;

(ii) Unauthorized permit transfer.

(e) \$25.00 violations:

(i) Blocking traffic;

(ii) Parking in a grass or landscaped area;

(iii) Parking in a reserved area;

(iv) Parking in prohibited area (except disabled spaces);

(v) Parking in a driveway or walkway.

~~((+))~~ Parking in a designated handicapped space;

~~((+))~~ (f) \$50.00 violations: Parking within ~~((ten))~~ fifteen feet of a fire hydrant or in a fire lane~~((+))~~.

~~((+))~~ (g) \$100.00 violation. Display of lost, stolen or forged permit.

~~((+))~~ Citations will remain in effect for a period of five years.)) (h) \$175.00 violations: Parking in a disabled only space.

(i) Payment of citations is due upon receipt.

(5) Continued violations. A vehicle which remains in violation of any regulations may receive additional citations for every four hours of the violation.

(6) Impoundment by towing or wheel lock:

(a) All violators are subject to having their vehicles impounded through the use of towing or the wheel lock device at their own risk and expense.

(b) Any vehicle may be towed away if the vehicle:

(i) Has been immobilized by wheel lock for more than twenty-four hours; or

(ii) Is parked in such a manner as to endanger the university community; or

(iii) Is parked in a fire lane or other posted tow-away zone; or

(iv) Is parked so as to deprive a permit holder of space in his/her assigned lot, personally reserved space or ~~((handicapped))~~ disabled space without a proper permit; or

(v) Is left under circumstances which indicate it has been abandoned; or

(vi) Is found displaying a forged or reported lost or stolen permit; or

(vii) Cannot be impounded with the wheel lock device.

(c) Any vehicle may be immobilized by use of a wheel lock device if the vehicle:

(i) Has an accumulation of two or more unpaid parking tickets (the second of which has been outstanding for more than seventy-two hours); or

(ii) Is parked at any time on campus when parking privileges have been revoked.

(d) The operator/owner of the impounded vehicle must provide positive personal identification and proof of ownership of the vehicle and pay all outstanding citations at the parking services office (or university public safety department when parking services office is closed) before a vehicle

release is authorized, a release form completed and a copy issued to the vehicle operator/owner.

(e) A fee will be assessed on vehicles immobilized by the wheel lock device.

(f) Any vehicle which remains immobilized by wheel lock for more than twenty-four hours in an area where towing is not practical or possible will be assessed a fee for each day or portion thereof over the twenty-four hours.

(g) An impound fee is charged if the driver of the tow truck or the wheel lock operator has performed any labor prior to the vehicle operator/owner returning to the vehicle before the impoundment is completed.

(h) An impounded vehicle shall be released to the operator/owner of the vehicle when:

(i) Positive identification and proof of ownership of the vehicle is provided;

(ii) All unpaid fines against the impounded vehicle or any other vehicle registered to the violator are paid at parking services (or university public safety department when parking services is closed);

(iii) A wheel lock fee is paid; and/or

(iv) All towing and storage fees are paid.

(i) The operator/owner of the towed vehicle must present an authorized release form to the towing company and pay all towing charges including any storage fees incurred.

(j) The university assumes no responsibility for damages which may result from use of the wheel lock device, storage, or attempts to move a vehicle with a wheel lock device installed.

(k) A person wishing to challenge the validity of the impound or any fines or fees imposed under the impound policy may appeal through the process provided in the chapter governing appeals (chapter 516-14 WAC). However, in order to secure release of the vehicle, the driver must pay the amount of fines and/or fees as a bond which will be refunded to the extent the appeal is successful.

(7) It is prohibited to park:

(a) Without a valid permit;

(b) Double parked;

(c) In reserved spaces without a proper permit;

(d) In no parking areas;

(e) In a ~~((handicapped))~~ disabled space without a proper permit;

(f) In fire lanes, service roads, fire exits or within ~~((10))~~ 15 feet of a fire hydrant;

(g) In loading zones unless actually loading (time is limited);

(h) In service entrances, construction sites, spaces reserved for maintenance vehicles, handicapped access areas, dumpster access;

(i) On lawns, sidewalks, crosswalks, parking lot driveways, straddling painted lines or buttons, or angle parking where prohibited;

(j) Exceeding time in time-limited or metered spaces;

(k) In areas where permit is not valid;

(l) Over or adjacent to yellow lines or curbs;

(m) Against the flow of traffic;

(n) In areas or spaces closed by barricades or other control devices.

**WSR 96-14-008**  
**PERMANENT RULES**  
**WASHINGTON STATE PATROL**  
 [Filed June 20, 1996, 3:10 p.m.]

Date of Adoption: June 20, 1996.

Purpose: To bring WAC into compliance with other states for measuring sound levels in new motor vehicles.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 204-56-085.

Statutory Authority for Adoption: RCW 46.37.005.

Adopted under notice filed as WSR 96-09-080 on April 16, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

June 20, 1996  
 Annette M. Sandberg  
 Chief

**AMENDATORY SECTION** (Amending Order 82-05-02, filed 5/12/82)

**WAC 204-56-085 Procedures for measuring new motor vehicle sound levels.** (1) Scope. This section specifies the procedures to be used for measuring the sound levels of new motor vehicles for the purpose of enforcing the new motor vehicle limits established in WAC 173-62-030(4), Table III.

(2) Motor vehicles with GVWR of 10,000 pounds or less. New motor vehicles with a GVWR of 10,000 pounds or less which have been manufactured after January 1, 1975, shall be measured according to current Society of Automotive Engineers (SAE) Standard J986 (~~NOV-84~~) and/or current SAE Standard J1470.

(3) Motor vehicles with GVWR over 10,000 pounds. New motor vehicles with a GVWR greater than 10,000 pounds which have been manufactured after January 1, 1975, shall be measured according to the test procedures in Section 205.54 of Title 40, chapter I of the Code of Federal Regulations for new medium and heavy trucks.

(4) Motorcycles. New motorcycles manufactured after January 1, 1976 shall be measured according to SAE Recommended Practice J331a.

(5) Buses over 10,000 pounds GVWR. New buses with a GVWR greater than 10,000 pounds which have been manufactured after January 1, 1980 shall be measured according to Society of Automotive Engineers (SAE)

Standard J366b. Buses with automatic transmissions that cannot be manually held in gear should be tested according to a modified SAE J366 test procedure as follows:

(a) Vehicles equipped with automatic transmissions which cannot be manually held in gear shall be operated at full throttle from a standing start so that the first transmission shift occurs with the vehicle reference point in the end zone.

(b) Place the transmission gear selector in the position normally used for typical driving.

(c) A starting point along the test path at which the vehicle shall begin the acceleration test shall be determined by the following procedure:

(i) The vehicle reference point, as specified in SAE J366b, Section 3.7, shall be placed at the midpoint ( $\pm 0.3m$ ,  $\pm 1ft.$ ) of the end zone with the front end of the vehicle facing back along the test path in the opposite direction of travel that is used for the sound measurement tests.

(ii) The vehicle shall then be accelerated as rapidly as possible by establishing wide open throttle, until the first transmission shift point is reached.

(iii) The location along the test path at which the reference point of the vehicle is passing when the first transmission shift point occurs during the wide open throttle acceleration shall be the designated stationary starting point.

(iv) The vehicle's direction of travel shall then be reversed for sound testing.

(d) For the acceleration test, accelerate the vehicle from a standing position with the reference point of the vehicle at the selected stationary point, obtained by using subsection (5)(c) of this section, as rapidly as possible by establishing wide open throttle. The acceleration shall continue until the entire vehicle has vacated the end zone.

(e) Wheel slip which affects maximum sound level must be avoided. The modified procedure uses a standard SAE J366 test site.

(6) Requests for copies of ANSI documents should be addressed to: Acoustical Society of America, American Institute of Physics, 335 East 45th Street, New York, N.Y., 10017. Requests for copies of SAE documents should be addressed to: Society of Automotive Engineers, Attn: Dept. 001, 400 Commonwealth Drive, Warrendale, PA. 15096.

**WSR 96-14-057**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3986—Filed June 27, 1996, 3:22 p.m.]

Date of Adoption: June 26, 1996.

Purpose: To provide rules to clarify public program policy and child's FBR allowance. Corrects cross-references.

Citation of Existing Rules Affected by this Order:  
 Amending WAC 388-519-1910 and 388-519-1930.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 96-11-011 on May 6, 1996.

Changes Other than Editing from Proposed to Adopted Version: Editorial change to WAC 388-519-1930 (4)(a) at end of sentence: "... at the beginning of the base period for which application is made ..."

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or

Reform Agency Procedures: New 0, amended 2, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

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

June 26, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3732, filed 5/3/94, effective 6/3/94)

**WAC 388-519-1910 Allowable income deductions and exemptions.** (1) The department shall compute countable income by deducting, from gross income, amounts that would be deducted in determining eligibility for:

(a) AFDC, for families and children. The department shall not apply the earned income exemption of thirty dollars plus one-third of the remainder for persons applying solely for medical assistance except as described under WAC 388-507-0740(1); or

(b) SSI/SSP for aged, blind or disabled clients.

(2) When more than one assistance unit exists, the department shall determine income for the:

(a) AFDC-related assistance unit according to subsections (1)(a) and (3) of this section; and

(b) SSI-related assistance unit according to subsections (1)(b) and (3) of this section.

(3) The department shall allow the following income exemptions:

(a) Health insurance premiums, except Medicare, the person expects to pay during the base period;

(b) An amount equal to the maintenance needs of an ineligible or nonapplying spouse of an SSI-related client not to exceed the one-person medically needy income level (MNIL);

(c) A child's allowance up to one-half of the Federal Benefit Rate (FBR) minus the child's income for each SSI-ineligible child of an SSI-related client;

(d) Child care payment amounts allowed as if the person was an AFDC client; and

(e) When the spouse of a client applying for medically needy receives a home-based and community-based waived service program, the department shall allow the medically needy client an income exemption equal to the one-person MNIL minus the income of the institutionalized spouse.

**AMENDATORY SECTION** (Amending Order 3732, filed 5/3/94, effective 6/3/94)

**WAC 388-519-1930 Computing spenddown; allowable spenddown expenses.** (1) The department shall certify the client as eligible for the medically needy program when:

(a) A person meets the criteria described under WAC 388-503-0320; and

(b) Countable income is equal to or less than the appropriate medically needy income level (MNIL) (~~(, the department shall certify the client eligible)~~).

(2) When countable income for any month of the base period is less than the appropriate ~~((medically needy income level ()))~~ MNIL ~~(+))~~ but above the categorically needy income level (CNIL), the department shall deduct the difference between the countable income and the MNIL from the total excess countable income for the base period.

(3) When countable income is greater than the appropriate MNIL, the department shall require the client to spenddown the excess countable income for the base period.

(4) On initial or subsequent applications, the department shall deduct previously incurred medical expenses from the client's excess countable income subject to the following restrictions:

(a) At the time of application, the medical expense shall be a ~~((current))~~ liability at the beginning of the base period for which application is made:

(i) Of the client or other family member who is legally or blood-related and living in the same household; or

(ii) Subject to payment during or ~~((after))~~ before the base period, by a public program as defined under subsection ~~((2))~~ (5) of this section.

(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 consider toward spenddown a medical expense incurred and paid during the base period:

(i) By the client; or

(ii) Subject to payment by a public program as defined under subsection (5) of this section.

(d) The department shall not consider the portion of the medical expense paid or covered by a third-party resource toward spenddown.

(i) The department shall disregard the possible payment by a third party as a resource and allow the entire expense for spenddown when a third party fails to send either payment or notice of the portion of a medical services bill covered within forty-five calendar days of the date of service or thirty calendar days from the last day of the base period, whichever is sooner.

(ii) When Medicare is the only insurance available, the department shall allow the Medicare deductible toward the spenddown when the client:

(A) Still owes the bill; and

(B) Is hospitalized for the first time in a sixty-day period.

~~((d))~~ The department shall consider toward spenddown a medical expense incurred and paid during the base period:

(i) By the client; or

(ii) Subject to payment by a public program as defined under subsection (2) of this section.)

**WSR 96-14-058**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 100346—Filed June 27, 1996, 3:24 p.m.]

(e) The department shall consider only medical services provided by practitioners recognized by state law.

(5) For the purposes of this section, a public program is one administered (~~and funded, except for deductibles and coinsurance amounts,~~) by a state, county, city, or territory. The department shall ensure the public program has funding (~~for a public program is~~):

(a) From a source other than federally matched or funded; and

(b) Appropriated by a state, county, city, or territory; or

(c) Transferred from state, county, city, or territory to the administering agency.

(6) When the incurred medical bills equal or exceed the excess countable income at the time of application, the department shall certify the client's eligibility.

(7) When the incurred medical bills are less than the excess countable income, the department shall not approve the application and shall require the client to spenddown the remaining excess countable income. The department shall only certify the client eligible when excess countable income has been completely spent down. 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 medically needy program and provided by a practitioner recognized under state law;

(c) (~~Expenses for necessary medical and remedial care covered by the medically needy program which a public program as defined under subsection (2) of this section has paid;~~

~~(d))~~ Inpatient or outpatient hospital expenses for necessary medical and remedial care covered by the medically needy program, but remaining a client's liability;

(d) Expenses incurred for necessary medical and remedial care covered by the medically needy program under a public program as defined under subsection (5) of this section; and

(e) Expenses for necessary medical or remedial care other than inpatient or outpatient hospital expenses covered by the medically needy program.

(8) The client shall provide the department with documentation of incurred medical expenses (~~within~~) no later than thirty calendar days (~~of~~) from the end of the base period. Once the client's medical eligibility is approved, the department shall not consider expenses the client omits or does not list. The client may use such expenses to reduce excess countable income on a subsequent application provided:

(a) The expenses incurred before the certification date meet the conditions in subsection (~~(4))~~ (4) of this section; and

(b) Medical care or supplies received and paid for, on or after the certification date and before receiving medical coupons, meet the conditions in subsection (~~(4))~~ (4)(b), (c), (d), and (e) of this section.

(9) The client shall be liable for any expenses incurred before the first day of eligibility.

Date of Adoption: June 27, 1996.

Purpose: To delete incorrect cross-references.

Citation of Existing Rules Affected by this Order: Amending WAC 388-515-1505.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 96-11-012 on May 6, 1996.

Changes Other than Editing from Proposed to Adopted Version: In response to comments, subsection (2) exempts SSI income from participation in the cost of COPES care. Subsection (3) has been changed to read: "... WAC 388-513-1380 (1), (2), (3), (4)(d) ... The client shall retain for maintenance [needs] an amount equal to: ..."

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

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

June 27, 1996

Merry Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3899, filed 9/27/95, effective 10/28/95)

**WAC 388-515-1505 Community options program entry system (COPES).** (1) The department shall determine a person eligible for COPES when a person is eighteen years of age or over and:

(a) Meets the categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of COPES, a person is considered institutionalized as of the date all eligibility criteria, except institutionalized status, is met;

(b) Requires the level of care provided in a nursing facility;

(c) Has a department-approved plan of care that meets the eligibility requirements for COPES personal care as described under WAC 388-15-610 (~~(4))~~); and

(d) Is able and chooses to reside at home with community support services, in a:

- (i) Congregate care facility (CCF);
  - (ii) Licensed adult family home (AFH); or
  - (iii) Licensed boarding home (LBH).
- (e) Is institutionalized, or the department determines is likely to be institutionalized within the next thirty days in the absence of waived services under WAC 388-15-615.

(2) The department shall ~~((not require))~~ exempt SSI income from participation in the cost of COPEs care ((by a person:

- ~~(a) Receiving SSI; or~~
- ~~(b) Remaining eligible for SSI under 1619(b) of the Social Security Act, but not receiving a cash grant)).~~

(3) The department shall allocate available income of the SSI-related COPEs client as described under WAC 388-513-1380 (1), (2), (3), (4)~~((b), (e))~~, (d), (e), (f), (g), and (h), (5), and (6). The client shall retain ~~((an amount))~~ for maintenance needs ~~((as follows))~~ an amount equal to:

(a) For a single person or a married person not living with a community spouse, one hundred percent of the one-person Federal Poverty Level (FPL);

(b) For a married couple who are both receiving COPEs, one hundred percent of the one-person FPL for each person; or

(c) For a married person living with a community spouse, the one-person MNIL.

(4) The SSI-related client residing in a CCF, AFH, or LBH shall:

(a) Retain from a maintenance needs amount, a ~~((specified))~~ personal needs allowance ~~((as described under WAC 388-250-1600 and 388-250-1650))~~ of fifty dollars; and

(b) Pay the remaining maintenance needs amount to the facility for the cost of board and room.

(5) The department shall include the remaining income after allocations as the participation amount for COPEs services as described under WAC 388-15-620.

**WSR 96-14-062**  
**PERMANENT RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed June 28, 1996, 8:04 a.m., effective August 1, 1996]

Date of Adoption: June 20, 1996.

Purpose: To establish a Grays Harbor pilotage district annual tariff.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

Adopted under notice filed as WSR 96-13-057 on June 14, 1996.

Changes Other than Editing from Proposed to Adopted Version: The adopted tariff is 1% less than was proposed, resulting in 0% change in the tariff from 1995.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 1, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: August 1, 1996.

June 20, 1996  
 Larry L. Vognild  
 Chairman

AMENDATORY SECTION (Amending WSR 95-13-054, filed 6/16/95, effective 8/1/95)

**WAC 296-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district.**

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be \$55.95 per meter (or \$17.02 per foot) and the tonnage charge shall be \$0.1784 per net registered ton. The minimum net registered tonnage charge is \$624.27. The charge for an extra vessel (in case of tow) is \$356.74.

Boarding fee:

Per each boarding/deboarding from a boat . . . . .	\$269.15
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Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage . . . . .	\$447.50
Delays per hour . . . . .	\$106.71
Cancellation charge (pilot only) . . . . .	\$178.36
Cancellation charge (pilot boat only) . . . . .	\$535.09

Travel allowance:

Boarding or debarking a vessel off Grays Harbor entrance . . . . .	\$82.82
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Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$624.28 for each day or fraction thereof, and the travel expense incurred . . . . .	\$624.28
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Bridge transit:

Charge for each bridge transited . . . . .	\$195.90
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Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice

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will be assessed at 1 1/2% per month late charge.

Adopted ((6-8-95)) 6-20-96  
 Filed ((6-16-95)) 6-28-96  
 Effective ((K))0001 Hours ((8-1-95)) 8-1-96 through 2400 Hours ((7-31-96)) 7-31-97

**WSR 96-14-063**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**

[Filed June 28, 1996, 8:58 a.m., effective July 1, 1996]

Date of Adoption: June 28, 1996.

Purpose: WAC 458-40-660 contains the amended stumpage values for the second half of 1996. These values are used to calculate the timber tax.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-660.

Statutory Authority for Adoption: RCW 82.32.330 and 84.33.096.

Other Authority: RCW 84.33.091.

Adopted under notice filed as WSR 96-10-075 on May 1, 1996.

Changes Other than Editing from Proposed to Adopted Version: The following stumpage values were reduced or increased, as stated, primarily as a result of testimony and information received at the rule hearings, which suggested the changes made:

The stumpage values for Douglas Fir quality code 1 were reduced from \$1,015 to \$770 in Stumpage Value Area (SVA) 1, with commensurate reductions in the other haul zone values. These reduced values coincided with the values in SVA 2.

Douglas Fir quality code 3 stumpage values in SVA 3 were raised from \$393 in haul zone 1 to \$589, with commensurate raises in the other haul zone values. This change resulted from testimony received.

Ponderosa Pine quality code 2 in SVAs 4, 5, 6, 7, and 10 was reduced from \$299 in haul zone 1 to \$264, with commensurate reductions in the other haul zone values.

Western Redcedar Poles and Piles (RCL) in SVAs 6 and 7 were reduced from \$1006 in haul zone 1 to \$516, with commensurate reductions in the other haul zone values. There was originally a lack of valuation data for RCL in these SVAs. Testimony received at the hearings resulted in the value reductions.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making:

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Others Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: This rule is statutorily required to be effective on July 1, 1996.

Effective Date of Rule: July 1, 1996.

June 28, 1996  
 Claire Hesselholt  
 Policy Counsel

**AMENDATORY SECTION** (Amending WSR 96-02-057, filed 12/29/95, effective 1/1/96)

**WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.** (1) **Introduction.** This section sets forth the stumpage value tables and the stumpage value adjustments that are used to calculate the amount of timber excise tax owed by a timber harvester.

(2) **Stumpage value tables.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((January 1 through June 30)) July 1 through December 31, 1996:

((TABLE 1—Stumpage Value Table  
 Stumpage Value Area 1  
 January 1 through June 30, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$853	\$846	\$839	\$832	\$825
		2	678	671	664	657	650
		3	600	593	586	579	572
		4	373	366	359	352	345
Western Redcedar <sup>2</sup>	RC	1	783	776	769	762	755
		2	683	676	669	662	655
		3	591	584	577	570	563
		4	408	401	394	387	380
Western Hemlock <sup>2</sup>	WH	1	594	587	580	573	566
		2	463	456	449	442	435
		3	421	414	407	400	393
		4	386	379	372	365	358
Other Conifer	OC	1	594	587	580	573	566
		2	463	456	449	442	435
		3	421	414	407	400	393
		4	386	379	372	365	358
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	134	127	120	113	106
		3	24	17	10	3	1
Other Hardwood	OH	1	131	124	117	110	103
		2	131	124	117	110	103
		3	44	37	30	23	16
Douglas fir Poles and Piles	DFL	1	1041	1034	1027	1020	1013
Western Redcedar Poles and Piles	RCL	1	1270	1263	1256	1249	1242
Chipwood <sup>4</sup>	CHW	1	24	23	22	21	20
RC Shake Blocks	RCS	1	310	303	296	289	282

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RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Alaska Cedar.

<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>4</sup> Stumpage value per ton.

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table  
Stumpage Value Area 2  
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$750	\$752	\$745	\$738	\$731
		2	719	712	705	698	691
		3	665	658	651	644	637
		4	374	367	360	353	346
Western Redcedar <sup>2</sup>	RC	1	783	776	769	762	755
		2	683	676	669	662	655
		3	591	584	577	570	563
		4	408	401	394	387	380
Western Hemlock <sup>3</sup>	WH	1	535	528	521	514	507
		2	502	495	488	481	474
		3	478	471	464	457	450
		4	401	394	387	380	373
Other Conifer	OC	1	535	528	521	514	507
		2	502	495	488	481	474
		3	478	471	464	457	450
		4	401	394	387	380	373
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	134	127	120	113	106
		3	24	17	10	3	1
Other Hardwood	OH	1	131	124	117	110	103
		2	131	124	117	110	103
		3	44	37	30	23	16
Douglas fir Poles and Piles	DFL	1	895	888	881	874	867
Western Redcedar Poles and Piles	RCL	1	1073	1066	1059	1052	1045
Chipwood <sup>4</sup>	CHW	1	24	23	22	21	20
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Alaska Cedar.

<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>4</sup> Stumpage value per ton.

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table  
Stumpage Value Area 3  
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$782	\$775	\$768	\$761	\$754
		2	663	656	649	642	635
		3	646	639	632	625	618
		4	380	382	375	368	361
Western Redcedar <sup>2</sup>	RC	1	783	776	769	762	755
		2	683	676	669	662	655
		3	591	584	577	570	563
		4	408	401	394	387	380
Western Hemlock <sup>3</sup>	WH	1	530	523	516	509	502
		2	483	476	469	462	455
		3	454	447	440	433	426
		4	375	368	361	354	347
Other Conifer	OC	1	530	523	516	509	502
		2	483	476	469	462	455
		3	454	447	440	433	426
		4	375	368	361	354	347
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	134	127	120	113	106
		3	24	17	10	3	1
Other Hardwood	OH	1	131	124	117	110	103
		2	131	124	117	110	103
		3	44	37	30	23	16
Douglas fir Poles and Piles	DFL	1	982	975	968	961	954
Western Redcedar Poles and Piles	RCL	1	1190	1183	1176	1169	1162
Chipwood <sup>4</sup>	CHW	1	24	23	22	21	20
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log-scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Alaska Cedar.

<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>4</sup> Stumpage value per ton.

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot.

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**TABLE 4—Stumpage Value Table  
Stumpage Value Area 4  
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$746	\$730	\$732	\$725	\$718
		2	697	690	683	676	669
		3	616	609	602	595	588
		4	382	375	368	361	354
Lodgepole Pine	LP	1	302	295	288	281	274
Ponderosa Pine	PP	1	570	563	556	549	542
		2	425	418	411	404	397
Western Redcedar <sup>3</sup>	RC	1	783	776	769	762	755
		2	683	676	669	662	655
		3	591	584	577	570	563
		4	408	401	394	387	380
Western Hemlock <sup>4</sup>	WH	1	543	536	529	522	515
		2	475	468	461	454	447
		3	444	437	430	423	416
		4	362	355	348	341	334
Other Conifer	OC	1	543	536	529	522	515
		2	475	468	461	454	447
		3	444	437	430	423	416
		4	362	355	348	341	334
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	134	127	120	113	106
		3	24	17	10	3	1
Other Hardwood	OH	1	131	124	117	110	103
		2	131	124	117	110	103
		3	44	37	30	23	16
Douglas fir Poles and Piles	DFL	1	1152	1145	1138	1131	1124
Western Redcedar Poles and Piles	RCL	1	1418	1411	1404	1397	1390
Chipwood <sup>5</sup>	CHW	1	24	23	22	21	20
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts <sup>6</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>7</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per ton.

<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>7</sup> Stumpage value per lineal foot.

**TABLE 5—Stumpage Value Table  
Stumpage Value Area 5  
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$768	\$761	\$754	\$747	\$740
		2	690	683	676	669	662
		3	621	614	607	600	593
		4	390	383	376	369	362
Lodgepole Pine	LP	1	302	295	288	281	274
Ponderosa Pine	PP	1	570	563	556	549	542
		2	425	418	411	404	397
Western Redcedar <sup>3</sup>	RC	1	783	776	769	762	755
		2	683	676	669	662	655
		3	591	584	577	570	563
		4	408	401	394	387	380
Western Hemlock <sup>4</sup>	WH	1	533	526	519	512	505
		2	448	441	434	427	420
		3	422	415	408	401	394
		4	371	364	357	350	343
Other Conifer	OC	1	533	526	519	512	505
		2	448	441	434	427	420
		3	422	415	408	401	394
		4	371	364	357	350	343
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	134	127	120	113	106
		3	24	17	10	3	1
Other Hardwood	OH	1	131	124	117	110	103
		2	131	124	117	110	103
		3	44	37	30	23	16
Douglas fir Poles and Piles	DFL	1	1057	1050	1043	1036	1029
Western Redcedar Poles and Piles	RCL	1	1195	1188	1181	1174	1167
Chipwood <sup>5</sup>	CHW	1	24	23	22	21	20
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts <sup>6</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>7</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per ton.

<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>7</sup> Stumpage value per lineal foot.

**TABLE 6 Stumpage Value Table  
Stumpage Value Area 6  
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$306	\$299	\$292	\$285	\$278
Engelmann Spruce	ES	1	234	227	220	213	206
Lodgepole Pine	LP	1	204	197	190	183	176
Ponderosa Pine	PP	1	514	507	500	493	486
		2	316	309	302	295	288
Western Redcedar <sup>3</sup>	RC	1	347	340	333	326	319
True Fir <sup>4</sup>	WH	1	243	236	229	222	215
Western White Pine	WP	1	409	402	395	388	381
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	1205	1204	1203	1202	1201

Small Logs <sup>5</sup>	SML	1	32	31	30	29	28
Chipwood <sup>5</sup>	CHW	1	15	14	13	12	11
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts <sup>6</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>7</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>8</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

- <sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup> Includes Western Larch.
- <sup>3</sup> Includes Alaska Cedar.
- <sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- <sup>5</sup> Stumpage value per ton.
- <sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.
- <sup>7</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- <sup>8</sup> Stumpage value per lineal foot.

**TABLE 7 Stumpage Value Table  
Stumpage Value Area 7  
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$300	\$293	\$286	\$279	\$272
Engelmann Spruce	ES	1	234	227	220	213	206
Lodgepole Pine	LP	1	204	197	190	183	176
Ponderosa Pine	PP	1	514	507	500	493	486
		2	316	309	302	295	288
Western Redcedar <sup>3</sup>	RC	1	320	313	306	299	292
True Fir <sup>4</sup>	WH	1	233	226	219	212	205
Western White Pine	WP	1	409	402	395	388	381

Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	954	953	952	951	950
Small Logs <sup>5</sup>	SML	1	20	19	18	17	16
Chipwood <sup>5</sup>	CHW	1	11	10	9	8	7
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts <sup>6</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>7</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>8</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

- <sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup> Includes Western Larch.
- <sup>3</sup> Includes Alaska Cedar.
- <sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- <sup>5</sup> Stumpage value per ton.
- <sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.
- <sup>7</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- <sup>8</sup> Stumpage value per lineal foot.

**TABLE 8 Stumpage Value Table  
Stumpage Value Area 10  
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$732	\$725	\$718	\$711	\$704
		2	683	676	669	662	655
		3	602	595	588	581	574
		4	368	361	354	347	340
Lodgepole Pine	LP	1	204	197	190	183	176
Ponderosa Pine	PP	1	514	507	500	493	486
		2	316	309	302	295	288
Western Redcedar <sup>3</sup>	RC	1	760	762	755	748	741
		2	669	662	655	648	641
		3	577	570	563	556	549
		4	394	387	380	373	366
Western Hemlock <sup>4</sup>	WH	1	529	522	515	508	501
		2	461	454	447	440	433
		3	430	423	416	409	402
		4	348	341	334	327	320
Other Conifer	OC	1	529	522	515	508	501
		2	461	454	447	440	433
		3	430	423	416	409	402
		4	348	341	334	327	320
Red Alder	RA	1	153	146	139	132	125
		2	153	146	139	132	125
		3	127	120	113	106	99
Black Cottonwood	BC	1	143	136	129	122	115
		2	120	113	106	99	92
		3	10	3	1	1	1
Other Hardwood	OH	1	117	110	103	96	89
		2	117	110	103	96	89
		3	30	23	16	9	2
Douglas fir Poles and Piles	DFL	1	1138	1131	1124	1117	1110

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Western Redcedar Poles and Piles	RCL	1	1404	1397	1390	1383	1376
Chipwood <sup>5</sup>	CHW	1	24	23	22	21	20
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts <sup>6</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>8</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per ton.

<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>7</sup> Stumpage value per lineal foot.

**TABLE 1—Stumpage Value Table**  
**Stumpage Value Area 1**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$770	\$763	\$756	\$749	\$742
		2	720	713	706	699	692
		3	593	586	579	572	565
		4	351	344	337	330	323
Western Redcedar <sup>2</sup>	RC	1	672	665	658	651	644
		2	547	540	533	526	519
		3	486	479	472	465	458
		4	473	466	459	452	445
Western Hemlock <sup>3</sup>	WH	1	562	555	548	541	534
		2	494	487	480	473	466
		3	438	431	424	417	410
		4	421	414	407	400	393
Other Conifer	OC	1	562	555	548	541	534
		2	494	487	480	473	466
		3	432	425	418	411	404
		4	421	414	407	400	393
Red Alder	RA	1	230	223	216	209	202
		2	203	196	189	182	175
		3	133	126	119	112	105
Black Cottonwood	BC	1	85	78	71	64	57
		2	61	54	47	40	33
		3	47	40	33	26	19
Other Hardwood	OH	1	103	96	89	82	75
		2	94	87	80	73	66
		3	69	62	55	48	41
Douglas-fir Poles and Piles	DFL	1	1032	1025	1018	1011	1004
Western Redcedar Poles and Piles	RCL	1	1032	1025	1018	1011	1004
Chipwood <sup>4</sup>	CHW	1	21	20	19	18	17
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Alaska Cedar.

<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>4</sup> Stumpage value per ton.

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table**  
**Stumpage Value Area 2**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$770	\$763	\$756	\$749	\$742
		2	707	700	693	686	679
		3	606	599	592	585	578
		4	341	334	327	320	313
Western Redcedar <sup>2</sup>	RC	1	672	665	658	651	644
		2	547	540	533	526	519
		3	486	479	472	465	458
		4	473	466	459	452	445
Western Hemlock <sup>3</sup>	WH	1	552	545	538	531	524
		2	511	504	497	490	483
		3	495	488	481	474	467
		4	473	466	459	452	445
Other Conifer	OC	1	552	545	538	531	524
		2	510	503	496	489	482
		3	492	485	478	471	464
		4	474	467	460	453	446
Red Alder	RA	1	230	223	216	209	202
		2	203	196	189	182	175
		3	133	126	119	112	105
Black Cottonwood	BC	1	85	78	71	64	57
		2	61	54	47	40	33
		3	47	40	33	26	19
Other Hardwood	OH	1	103	96	89	82	75
		2	94	87	80	73	66
		3	69	62	55	48	41
Douglas-fir Poles and Piles	DFL	1	1032	1025	1018	1011	1004
Western Redcedar Poles and Piles	RCL	1	1032	1025	1018	1011	1004
Chipwood <sup>4</sup>	CHW	1	21	20	19	18	17
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Alaska Cedar.

<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>4</sup> Stumpage value per ton.

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot.

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**TABLE 3—Stumpage Value Table**  
**Stumpage Value Area 3**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$696	\$689	\$682	\$675	\$668
		2	677	670	663	656	649
		3	589	582	575	568	561
		4	340	333	326	319	312
Western Redcedar <sup>2</sup>	RC	1	672	665	658	651	644
		2	547	540	533	526	519
		3	486	479	472	465	458
		4	473	466	459	452	445
Western Hemlock <sup>3</sup>	WH	1	537	530	523	516	509
		2	500	493	486	479	472
		3	436	429	422	415	408
		4	428	421	414	407	400
Other Conifer	OC	1	540	533	526	519	512
		2	535	528	521	514	507
		3	429	422	415	408	401
		4	428	421	414	407	400
Red Alder	RA	1	230	223	216	209	202
		2	203	196	189	182	175
		3	133	126	119	112	105
Black Cottonwood	BC	1	85	78	71	64	57
		2	61	54	47	40	33
		3	47	40	33	26	19
Other Hardwood	OH	1	103	96	89	82	75
		2	94	87	80	73	66
		3	69	62	55	48	41
Douglas-fir Poles and Piles	DFL	1	1032	1025	1018	1011	1004
Western Redcedar Poles and Piles	RCL	1	1032	1025	1018	1011	1004
Chipwood <sup>4</sup>	CHW	1	21	20	19	18	17
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Alaska-Cedar.

<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>4</sup> Stumpage value per ton.

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table**  
**Stumpage Value Area 4**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$691	\$684	\$677	\$670	\$663
		2	688	681	674	667	660
		3	586	579	572	565	558
		4	334	327	320	313	306
Lodgepole Pine	LP	1	219	212	205	198	191
Ponderosa Pine	PP	1	564	557	550	543	536
		2	264	257	250	243	236
Western Redcedar <sup>3</sup>	RC	1	672	665	658	651	644
		2	547	540	533	526	519
		3	486	479	472	465	458
		4	473	466	459	452	445
Western Hemlock <sup>4</sup>	WH	1	547	540	533	526	519
		2	500	493	486	479	472
		3	494	487	480	473	466
		4	422	415	408	401	394
Other Conifer	OC	1	546	539	532	525	518
		2	489	482	475	468	461
		3	486	479	472	465	458
		4	422	415	408	401	394
Red Alder	RA	1	230	223	216	209	202
		2	203	196	189	182	175
		3	133	126	119	112	105
Black Cottonwood	BC	1	85	78	71	64	57
		2	61	54	47	40	33
		3	47	40	33	26	19
Other Hardwood	OH	1	103	96	89	82	75
		2	94	87	80	73	66
		3	69	62	55	48	41
Douglas-fir Poles and Piles	DFL	1	1032	1025	1018	1011	1004
Western Redcedar Poles and Piles	RCL	1	1032	1025	1018	1011	1004
Chipwood <sup>5</sup>	CHW	1	21	20	19	18	17
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts <sup>6</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>7</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per ton.

<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>7</sup> Stumpage value per lineal foot.

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**TABLE 5—Stumpage Value Table**  
**Stumpage Value Area 5**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$683	\$676	\$669	\$662	\$655
		2	670	663	656	649	642
		3	606	599	592	585	578
		4	369	362	355	348	341
Lodgepole Pine	LP	1	219	212	205	198	191
Ponderosa Pine	PP	1	564	557	550	543	536
		2	264	257	250	243	236
Western Redcedar <sup>3</sup>	RC	1	672	665	658	651	644
		2	547	540	533	526	519
		3	486	479	472	465	458
		4	473	466	459	452	445
Western Hemlock <sup>4</sup>	WH	1	552	545	538	531	524
		2	500	493	486	479	472
		3	479	472	465	458	451
		4	383	376	369	362	355
Other Conifer	OC	1	551	544	537	530	523
		2	499	492	485	478	471
		3	471	464	457	450	443
		4	383	376	369	362	355
Red Alder	RA	1	230	223	216	209	202
		2	203	196	189	182	175
		3	133	126	119	112	105
Black Cottonwood	BC	1	85	78	71	64	57
		2	61	54	47	40	33
		3	47	40	33	26	19
Other Hardwood	OH	1	103	96	89	82	75
		2	94	87	80	73	66
		3	69	62	55	48	41
Douglas-fir Poles and Piles	DFL	1	1032	1025	1018	1011	1004
Western Redcedar Poles and Piles	RCL	1	1032	1025	1018	1011	1004
Chipwood <sup>5</sup>	CHW	1	21	20	19	18	17
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts <sup>6</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>7</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

**TABLE 6—Stumpage Value Table**  
**Stumpage Value Area 6**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$303	\$296	\$289	\$282	\$275
Engelmann Spruce	ES	1	248	241	234	227	220
Lodgepole Pine	LP	1	219	212	205	198	191
Ponderosa Pine	PP	1	564	557	550	543	536
		2	264	257	250	243	236
Western Redcedar <sup>3</sup>	RC	1	314	307	300	293	286
True Firs <sup>4</sup>	WH	1	257	250	243	236	229
Western White Pine	WP	1	403	396	389	382	375
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	516	509	502	495	488
Small Logs <sup>5</sup>	SML	1	24	23	22	21	20
Chipwood <sup>5</sup>	CHW	1	13	12	11	10	9
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts <sup>6</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>7</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>8</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per ton.

<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>7</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>8</sup> Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table**  
**Stumpage Value Area 7**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$303	\$296	\$289	\$282	\$275
Engelmann Spruce	ES	1	248	241	234	227	220
Lodgepole Pine	LP	1	219	212	205	198	191
Ponderosa Pine	PP	1	564	557	550	543	536
		2	264	257	250	243	236
Western Redcedar <sup>3</sup>	RC	1	314	307	300	293	286
True Firs <sup>4</sup>	WH	1	257	250	243	236	229
Western White Pine	WP	1	403	396	389	382	375

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per ton.

<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>7</sup> Stumpage value per lineal foot.

PERMANENT

Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	516	509	502	495	488
Small Logs <sup>5</sup>	SML	1	22	21	20	19	18
Chipwood <sup>5</sup>	CHW	1	13	12	11	10	9
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts <sup>6</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>7</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>8</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Alaska-Cedar.  
<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>5</sup> Stumpage value per ton.  
<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>7</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
<sup>8</sup> Stumpage value per lineal foot.

**TABLE 8—Stumpage Value Table**  
**Stumpage Value Area 10**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$677	\$670	\$663	\$656	\$649
		2	674	667	660	653	646
		3	572	565	558	551	544
		4	320	313	306	299	292
Lodgepole Pine	LP	1	219	212	205	198	191
Ponderosa Pine	PP	1	564	557	550	543	536
		2	264	257	250	243	236
Western Redcedar <sup>3</sup>	RC	1	658	651	644	637	630
		2	533	526	519	512	505
		3	472	465	458	451	444
		4	459	452	445	438	431
Western Hemlock <sup>4</sup>	WH	1	533	526	519	512	505
		2	486	479	472	465	458
		3	480	473	466	459	452
		4	408	401	394	387	380
Other Conifer	OC	1	532	525	518	511	504
		2	475	468	461	454	447
		3	472	465	458	451	444
		4	408	401	394	387	380
Red Alder	RA	1	216	209	202	195	188
		2	189	182	175	168	161
		3	119	112	105	98	91
Black Cottonwood	BC	1	71	64	57	50	43
		2	47	40	33	26	19
		3	33	26	19	12	5
Other Hardwood	OH	1	89	82	75	68	61
		2	80	73	66	59	52
		3	55	48	41	34	27
Douglas-fir Poles and Piles	DFL	1	1018	1011	1004	997	990

Western Redcedar Poles and Piles	RCL	1	1018	1011	1004	997	990
Chipwood <sup>5</sup>	CHW	1	21	20	19	18	17
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts <sup>6</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>8</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Alaska-Cedar.  
<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>5</sup> Stumpage value per ton.  
<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>7</sup> Stumpage value per lineal foot.

(3) **Harvest value adjustments.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in subsection (2) of this section for the designated stumpage value areas. See WAC 458-40-670 for more information about these adjustments.

The following harvest adjustment tables are hereby adopted for use during the period of ((January 1 through June 30)) July 1 through December 31, 1996:

**TABLE 9—Harvest Adjustment Table**  
**Stumpage Value Areas 1, 2, 3, 4, 5, and 10**

((January 1 through June 30)) July 1 through December 31, 1996

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
<b>II. Logging conditions</b>		
Class 1	Most of the harvest unit has less than 30% slope. No significant outcrops or swamp barriers.	\$ 0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	- \$17.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00

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Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

IV. Thinning (see WAC 458-40-610(21))

Class 1 Average log volume of 50 board feet or more. - \$25.00

Class 2 Average log volume of less than 50 board feet. - \$125.00

**TABLE 10—Harvest Adjustment Table  
Stumpage Value Areas 6 and 7**

~~((January 1 through June 30))~~ July 1 through December 31, 1996

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
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I. Volume per acre

Class 1 Harvest of more than 8 thousand board feet per acre. \$0.00

Class 2 Harvest of 3 thousand board feet to 8 thousand board feet per acre. - \$7.00

Class 3 Harvest of less than 3 thousand board feet per acre. - \$10.00

II. Logging conditions

Class 1 Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers. \$0.00

Class 2 Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers. - \$20.00

Class 3 Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs. - \$30.00

Class 4 For logs that are yarded from stump to landing by helicopter. This does not include special forest products. - \$145.00

Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

**TABLE 11—Domestic Market Adjustment**

**Public Timber**

Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

**Private Timber**

Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1: SVA's 1 through 6, and 10 \$0.00 per MBF

Class 2: SVA 7 \$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

**WSR 96-14-064  
PERMANENT RULES  
OFFICE OF MINORITY AND  
WOMEN'S BUSINESS ENTERPRISES  
[Filed June 28, 1996, 10:05 a.m.]**

Date of Adoption: June 28, 1996.

Purpose: To implement RCW 39.19.030(4) and encourage the MWBE participation in state contracting and procurement.

Citation of Existing Rules Affected by this Order: Amending WAC 326-30-041 Annual goals.

Statutory Authority for Adoption: RCW 39.19.030(7). Adopted under notice filed as WSR 96-11-100 on May 17, 1996.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

June 28, 1996

James A. Medina  
Director

**AMENDATORY SECTION** (Amending WSR 95-19-014, filed 9/7/95, effective 10/8/95)

**WAC 326-30-041 Annual goals.** The annual overall goals for participation by certified firms in the public works,

PERMANENT

other contracting, and procurement of each state agency and educational institution, subject to this chapter, shall be as follows:

July 1, (~~1995~~) 1996, through June 30, (~~1996~~) 1997,

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods	8% MBE	4% WBE
Purchased Services	10% MBE	4% WBE
Professional Services	10% MBE	4% WBE

**WSR 96-14-070  
PERMANENT RULES  
DEPARTMENT OF HEALTH**

(Adult Family Home Provider and Resident Manager)  
[Filed June 28, 1996, 12:45 p.m., effective July 1, 1996]

Date of Adoption: June 25, 1996.

Purpose: Chapter 18.48 RCW creates a new regulated health profession, adult family home providers and resident managers. These rules establish fees, time periods and procedures for registration of providers and resident managers which were not included in statutory language.

Statutory Authority for Adoption: Chapter 18.48 RCW.

Adopted under notice filed as WSR 96-11-131 on May 22, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Compliance with July 1, 1996, effective date of legislation, HB 2152, chapter 81, Laws of 1996.

Effective Date of Rule: July 1, 1996.

June 28, 1996  
Bruce Miyahara  
Secretary

**Chapter 246-328 WAC  
ADULT FAMILY HOME RESIDENT MANAGERS  
AND PROVIDERS**

NEW SECTION

**WAC 246-328-100 Registration.** (1) Initial registration of an individual who is a provider or resident manager is effective until the first birth date of the individual after initial registration. Each individual who is a provider or

resident manager shall file a renewal application, including a renewal fee, with the department on or before the person's birth date each year. Renewal applications postmarked after the birth date are subject to a late renewal penalty.

(2) Initial registration of a corporation that is a provider is effective until July 1 of the year following initial registration. A corporation that is a provider shall file a renewal application, including a renewal fee, with the department on or before July 1 each year. Renewal applications postmarked after July 1 are subject to a late renewal penalty.

NEW SECTION

**WAC 246-328-150 Responsibility for maintaining mailing address on file with the department.** It is the responsibility of each registered provider and resident manager to maintain a current address on file with the department.

NEW SECTION

**WAC 246-328-200 HIV/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 health or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for registration. Persons applying for registration shall successfully complete the HIV/AIDS education requirements of subsection (3) of this section.

(3) HIV/AIDS education and training requirements.

(a) The department shall accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) The department shall accept the department of social and health services fundamentals of caregiving training or modified fundamentals of caregiving as meeting HIV/AIDS education requirements.

(4) Persons applying for registration shall attest to the department that HIV/AIDS education and training is successfully completed. If the person applying is a corporation, the corporation must verify and certify that the resident manager has successfully completed the minimum education and training.

NEW SECTION

**WAC 246-328-990 Fees for adult family home provider or resident manager.** The fees charged by the health professions quality assurance division of the department of health are listed below. The initial registration fee for an individual who is an adult family home provider or resident manager shall include the first month up to, but not including, the birth date month following initial registration.

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The initial registration fee for a corporation that is an adult family home provider shall include the first month up to July 1 following initial registration, the initial registration fee of \$90.00 shall be prorated by the department of health at \$7.50 per month.

Title of Fee	Fee
Initial registration	\$90.00
Registration renewal	85.00
Late renewal penalty	50.00
Duplicate registration	15.00
Certification of registration	15.00

**WSR 96-14-074**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3987—Filed June 28, 1996, 4:35 p.m., effective August 1, 1996]

Date of Adoption: June 27, 1996.

Purpose: To lengthen the food stamp certification period for certain households.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-160 Certification periods.

Statutory Authority for Adoption: RCW 74.04.050 and 7 CFR 273.10 (f)(2).

Adopted under notice filed as WSR 96-11-146 on May 22, 1996.

Changes Other than Editing from Proposed to Adopted Version: The amendments proposed in subsection (2) are not being adopted. Text will remain unchanged from the last permanent adoption.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: August 1, 1996.

June 27, 1996

Merry A. Kogut, Supervisor  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3841, filed 2/22/95, effective 4/1/95)

**WAC 388-49-160 Certification periods.** The department shall certify households:

(1) Receiving assistance to coincide with the assistance review or to the end of the assistance period whichever is earlier;

- (2) Consisting of migrants up to three months;
- (3) Without earned income in which all members are disabled or all members are disabled or elderly for up to twelve months;
- (4) Without earned income in which all members are elderly for up to twenty-four months;
- (5) With little likelihood of change for six months;
- (6) Reporting monthly with earned income for ~~((six\*))~~ up to twelve months;
- (7) Reporting monthly with recent work history for up to six months.
- (8) Consisting of an individual with a minor child living with the individual's parent or sibling and purchasing and preparing food separately per WAC 388-49-190 (1)(e) up to six months; and
- ~~((8\*))~~ (9) All other households for up to three months.

**WSR 96-14-081**  
**PERMANENT RULES**  
**FOREST PRACTICES BOARD**

[Filed July 1, 1996, 12:37 p.m.]

Date of Adoption: May 22, 1996.

Purpose: To modify the forest practices rules, in order to protect public resources while maintaining a viable forest products industry.

Citation of Existing Rules Affected by this Order: Amending WAC 222-10-040.

This filing is an editorial correction to the permanent rules filed May 31, 1996, as WSR 96-12-038.

The supplemental notice for WAC 222-10-040(2), filed April 17, 1996, as WSR 96-09-099 read: "... to reduce appreciable the likelihood of both the survival and recovery of a listed species ..."

This section was adopted by the Forest Practices Board to read: "... to reduce appreciable the likelihood of the survival or recovery of a listed species ..."

The error in the May 31, 1996, filing was that the word "both" was not removed.

Statutory Authority for Adoption: Chapters 76.09 and 34.05 RCW.

Adopted under notice filed as WSR 96-09-099 on April 17, 1996.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 0, repealed 0.

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

PERMANENT

July 1, 1996  
 Jennifer M. Belcher  
 Commissioner of Public Lands

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 12, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 July 1, 1996  
 John L. Bley  
 Director

### NEW SECTION

**WAC 222-10-040 Class IV-Special threatened and endangered species SEPA policies.** In addition to the SEPA policies established elsewhere in this chapter, the following policies shall apply to Class IV-Special forest practices involving threatened or endangered species.

(1) The department shall consult with the department of fish and wildlife, other agencies with expertise, affected landowners, affected Indian tribes, and others with expertise when evaluating the impacts of forest practices. If the department does not follow the recommendations of the department of fish and wildlife, the department shall set forth in writing a concise explanation of the reasons for its action.

(2) In order to determine whether forest practices are likely to have a probable significant adverse impact, and therefore require an environmental impact statement, the department shall evaluate whether the forest practices reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of the survival or recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.

(3) Specific mitigation measures or conditions shall be designed to reduce any probable significant adverse impacts identified in subsection (2) of this section.

(4) The department shall consider the species-specific policies in WAC 222-10-041 when reviewing and evaluating SEPA documents and the impacts of forest practices.

**WSR 96-14-082**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 [Filed July 1, 1996, 1:05 p.m.]

Date of Adoption: July 1, 1996.

Purpose: To establish consistent rules within the department covering public records.

Statutory Authority for Adoption: RCW 43.320.040 and 42.17.250.

Adopted under notice filed as WSR 96-11-145 on May 22, 1996.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 12, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 12, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

### **Chapter 208-12 WAC** **PUBLIC RECORDS**

### NEW SECTION

**WAC 208-12-010 Purpose—Scope—Conflict with other regulations.** The purpose of this chapter is to ensure compliance with chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular RCW 42.17.250 through 42.17.348 dealing with public records. It establishes general, consistent rules regarding public records. Divisions may adopt additional rules to supplement this chapter. If specific rules adopted by a division conflict with this chapter, the specific rules control in those situations.

### NEW SECTION

**WAC 208-12-020 Definitions.** "Person" means any individual, partnership, joint venture, public or private corporation, limited liability company, association, federal, state or local government entity or agency however constituted, or any other organization or group of persons, however organized.

"Public record" means 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 the department regardless of physical form or characteristics.

"Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

### NEW SECTION

**WAC 208-12-030 Description of organization of department.** The department is an administrative, supervisory, licensing, regulatory and chartering agency.

(1) The department is organized pursuant to chapter 43.320 RCW under a director and four assistant directors. The director has delegated authority to each assistant director to act in a specific functional area. The four functional areas are: The division of banks; the consumer services and administration division; the division of credit unions; and the securities division. These divisions regulate various programs, such as banks, trust companies, savings banks, savings and loan associations, alien banks, bank holdings companies, agricultural credit corporations, consumer loan companies, check cashers and sellers, mortgage brokers, escrow agents, credit unions, securities, mutual funds,

commodities, franchises, business opportunities, and other similar institutions or areas.

(2) The department is charged with protecting the public interest, protecting the safety and soundness of depository institutions and entities under the jurisdiction of the department, ensuring access to the regulatory process for all concerned parties, and protecting the interests of investors.

(3) The governor appoints the director, with the consent of the senate. The director holds office at the pleasure of the governor.

(a) The director has complete charge of the department. The director may deputize one of the assistant directors to exercise the powers and duties of the director in the event of his or her absence. The director may delegate duties to assistant directors, but there are statutory limitations in RCW 43.320.060 to his power to delegate, and the director remains responsible for all official acts of the employees.

(b) By specific powers of legislation and delegation the director has the responsibility and authority to act and direct in the following areas:

(i) Administer the laws pertaining to licensing and regulation of state banks, savings banks, foreign bank branches, savings and loan associations, credit unions, consumer loan companies, check cashers and sellers, trust companies and departments, securities, mutual funds, franchises, business opportunities, commodities, escrow agents, mortgage brokers, and other similar institutions or areas. A full-time staff, including field examiners, carries out these duties.

(ii) Adopt and enforce rules consistent with and necessary to carry out the provisions of existing laws.

(4) Chapter 34.05 RCW, the Administrative Procedure Act, and department rules govern the formal and informal proceedings conducted by the department.

#### NEW SECTION

**WAC 208-12-040 Location of administrative offices.** The administrative offices of the department and all divisions are located in Room 300 of the General Administration Building, 210 - 11th Avenue SW, Olympia, Washington; P.O. Box 41200, Olympia, WA 98504-1200.

#### NEW SECTION

**WAC 208-12-050 Office hours.** Public records are available for inspection and copying during customary office hours. For the purposes of this chapter, customary office hours are from 8:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

#### NEW SECTION

**WAC 208-12-070 Procedure to request public records.** (1) Members of the public may inspect, copy or obtain copies of public records by making a request on the public records request form prescribed by the division holding the record. The form is available at the administrative office and should be given or mailed to the appropriate division. The request shall include the following information:

(a) The name of the person requesting the records;

(b) The date and time of day on which the request was made;

(c) The nature of the request;

(d) If the record requested is referenced within the index, a reference to the requested record as it is described in the index; and

(e) If the requested matter is not identifiable by reference to the index, an appropriate description of the record requested.

(2) The staff person to whom the request is made will assist in identifying the public record requested.

(3) The department may inquire about the reason for a request for a list of individuals to determine whether the list will be used for commercial purposes.

(4) All requests for public records will be acknowledged within five working days after receipt with:

(a) The information requested;

(b) An estimated time required to respond to the request; or

(c) A denial of the request.

#### NEW SECTION

**WAC 208-12-080 Protection of public records.** It is the department's responsibility to prevent unreasonable invasions of privacy, protect public records from destruction, damage or disorganization, and prevent excessive interference with essential functions of the department. Before a person may review original records, that person must agree to the following conditions:

(1) The records may not be removed from the area designated for review;

(2) The records may not be destroyed;

(3) The records may not be altered in any way;

(4) The records may not be defaced in any way, including marking upon, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that already exist in the file;

(5) The records may not be cut, torn or mutilated in any way;

(6) The records must be kept in the order in which received; and

(7) The records will be returned to the department when no longer required by the requester, but no later than the end of customary business hours.

#### NEW SECTION

**WAC 208-12-090 Copying.** The department does not charge a fee for inspecting public records. The department may charge fifteen cents per page for providing copies of public records. If copies are requested, the department will make copies or make the department's copying facilities available.

#### NEW SECTION

**WAC 208-12-100 Exemptions.** All public records of the department are available for public inspection and copying pursuant to these rules, unless the department determines that a requested public record is exempt under the provisions of RCW 42.17.310 or other statute.

(1) Various statutes exempt certain records from disclosure, including but not limited to: Securities, RCW 19.100.242, 19.110.140, 21.30.170, 21.30.370, 21.20.480, 21.20.510, 21.20.700, 21.20.855; Banks, RCW 30.04.075; Savings and Loan Associations, RCW 33.04.110; Agricultural Lenders, RCW 31.35.070; Savings Banks, RCW 32.04.220; and Credit Unions, RCW 31.12.565.

(2) Other statutory exemptions may cover records received by the department from another regulatory agency or under interagency agreement.

(3) In addition, pursuant to RCW 42.17.260, the department reserves the right to delete identifying details when it makes available or publishes any public record, if there is reason to believe that disclosure of such details would be an invasion of personal privacy. All deletions will be justified in writing.

#### NEW SECTION

**WAC 208-12-110 Denials of public records requests—Review.** (1) If a request for a public record is denied, the person denying it will send the requester a written statement giving the reason for the denial. If based on an exemption, the written statement will give the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. A copy of the denial will be immediately forwarded to the director or designee for review.

(2) The director or designee will consider the denial and affirm or reverse it within two business days. The original denial becomes final if the director does not respond within two business days.

(3) Administrative remedies are not exhausted until the close of the second full business day following the original denial of inspection.

#### NEW SECTION

**WAC 208-12-120 Records index.** Each division maintains an index of its records available to the public. The index is attached to the department's public records request procedure. Current indices are available upon request.

#### NEW SECTION

**WAC 208-12-130 Information—Address.** Requests for specific public records should be addressed to the appropriate division. General communications regarding public records and requests for copies of department's records shall be addressed as follows: Department of Financial Institutions, Records Officer, PO Box 41200, Room 300, General Administration Building, Olympia, Washington 98504-1200.

**WSR 96-14-086**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed July 2, 1996, 10:07 a.m.]

Date of Adoption: June 26, 1996.

**Purpose:** Establish the Department of Agriculture's procedures when responding to requests for public records, explain the department's organization, costs involved to copy documents, and who the public can contact in the department.

**Citation of Existing Rules Affected by this Order:**  
**Repealing** WAC 16-06-010 through 16-06-140.

**Statutory Authority for Adoption:** Chapter 42.17 RCW.  
**Other Authority:** Chapter 43.23 RCW.

**Adopted under notice filed as WSR 96-11-119 on May 21, 1996.**

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

**Number of Sections Adopted at Request of a Nongovernmental Entity:** New 0, amended 0, repealed 0.

**Number of Sections Adopted on the Agency's own Initiative:** New 18, amended 0, repealed 14.

**Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures:** New 18, amended 0, repealed 0.

**Number of Sections Adopted using Negotiated Rule Making:** New 0, amended 0, repealed 0; **Pilot Rule Making:** New 0, amended 0, repealed 0; or **Other Alternative Rule Making:** New 18, amended 0, repealed 0.

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

July 1, 1996

James M. Jesernig

Director

#### NEW SECTION

**WAC 16-06-150 The reason for the rule.** The reason for this chapter is to ensure compliance by the Washington state department of agriculture with the provisions of the Public Records Disclosure Act, RCW 42.17.250 through 42.17.340, and RCW 34.05.220 through 34.05.240 and RCW 34.05.330.

#### NEW SECTION

**WAC 16-06-155 Definitions.** (1) "Denial of disclosure" denotes any exempting from disclosure of any public record.

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

(3) "Disclosure" means inspection and/or copying.

(4) "Public records" include 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 the department regardless of physical form or characteristics.

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

NEW SECTION

**WAC 16-06-160 Description of agency organization, address and telephone number of Olympia administrative offices.** The administrative offices of the department are located in the Natural Resources Building, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560. The information telephone number is (360) 902-1800. The department is organized into six divisions:

- (1) Agency operations division;
- (2) Commodity inspection division;
- (3) Consumer and producer protection division;
- (4) Food safety and animal health division;
- (5) Laboratory services division; and
- (6) Pesticide management division.

The department maintains service locations or major field offices around the state. Several of these offices are headed by a supervisor or chief. The administrative offices located in Olympia will assist in determining office locations around the state. An organization chart of the department is available upon request from the Public Records Officer, Washington State Department of Agriculture, P.O. Box 42560, Olympia, Washington 98504-2560.

NEW SECTION

**WAC 16-06-165 Agency organization description by division and program.** An organizational description by division and program is as follows:

**Director's office:**

- Legislative affairs
- Internal program review
- Policy development and review

**Agency operations division:**

- Accounting, budget, payroll, forms and records, adjudicative proceedings, public disclosure, Washington administrative code filings, personnel office, data processing services, information office, international marketing and commodity commission and fairs commission activities

**Commodity inspection division:**

- Fruit and vegetable inspection program for quality, grade, condition, size and pack
- Conducts state-wide grain inspection

**Consumer and producer protection division:**

- Commission merchants program
- Livestock identification, brand registration and inspection
- Establishment of livestock markets
- Grain warehouse audit
- Weights and measures program
- Seed program regulates the quality and labeling of various crop seeds in Washington

**Food safety and animal health division:**

- Dairy inspection program
- Food processing program
- Organic food program
- Egg inspection program
- Animal health program

**Laboratory services division:**

- Performs chemical and micro-biological analyses in support of the food safety and pesticide management programs

- Administers hop inspection and analyses
- Pest management program is responsible for nonnative insect detection and control, and plant pest and disease identification; develops and enforces plant quarantines
- Apiary program provides education and registration over Washington apiarists
- Nursery program certifies nursery stock and issues phytosanitary certificates for materials moving out-of-state

**Pesticide management division:**

- Administers the regulations of pesticides, animal feeds and fertilizer laws, and waste disposal program broken down into three units of the division
- The compliance unit enforces state and federal pesticide laws, animal feed laws and fertilizer laws; investigates complaints of pesticide misuse
- The registration unit registers pesticides, fertilizers and animal feeds sold and used in the state
- The program development and certification unit conducts the waste pesticide disposal program; provides interagency coordination on pesticide-related issues; provides safety training on the use of pesticides, which includes public outreach and new program development; licenses pesticide application equipment, pesticide dealers, and commercial, public and private pesticide applicators, operators and consultants; approves recertification courses and tracks educational credits on pesticide licensees

NEW SECTION

**WAC 16-06-170 For assistance with disclosure of agency documents, you may contact a public records designee.** The department shall designate in each departmental administrative unit including each office of the department located around the state, a public records designee from among its employees, who shall have the responsibility to respond to written requests for disclosure of the department's public records located in that office; or refer the person requesting disclosure to any other office where the record is located.

If you need help locating a department office in your location, please consult your local telephone directory; call the Olympia administrative office at (360) 902-1800; or write to the public records officer at the Olympia administrative offices at: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560.

NEW SECTION

**WAC 16-06-175 You may also contact an agency public records coordinator for assistance.** (1) Each assistant director of the department's divisions is designated a public records coordinator who shall have the authority to:

- (a) Respond to written requests for disclosure of the department's public records located in their division;
- (b) Provide input to the public records officer in cases where nondisclosure of a record is an issue;
- (c) Waive the requirement that a records request shall be made in written form.

(2) The address for the public records coordinator is: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560; or you may also contact the information number of the Olympia administrative offices at (360) 901-1800 for assistance.

#### NEW SECTION

**WAC 16-06-180 The agency's public records officer is available for assistance, appeals of denial of disclosure and information about the agency's index.** (1) The department shall designate one public records officer, located in the agency operations division who shall:

- (a) Be responsible for implementing the department's process regarding disclosure of public records;
- (b) Coordinate departmental staff in this regard, generally ensuring the compliance of the staff with public records disclosure requirements;
- (c) Make the final decision if a records request has been denied and a petition for review is filed under the procedures in WAC 16-06-220;
- (d) Have the option of waiving the requirement that a records request be in written form;
- (e) Maintain the agency's index as required under chapter 42.17 RCW.

(2) The address of the public records officer is: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2560; or call the Olympia administrative office at (360) 902-1809.

#### NEW SECTION

**WAC 16-06-185 Availability of public records.** (1) All public records of the department are available for disclosure except as otherwise provided by law. Requests for public record may be initiated at any department office during customary business hours, Monday through Friday, excluding legal holidays.

(2) The department shall respond promptly to requests for disclosure. Within five business days of receiving a public record request, the department shall respond by:

- (a) Providing the record;
  - (b) Acknowledging the department has received the request and providing a reasonable estimate of the time the department will require to respond to the request; or
  - (c) Deny the public record request.
- (3) Additional time for the department to respond to a request may be based on the need to:
- (a) Clarify the intent of the request;
  - (b) Locate and assemble the information requested;
  - (c) Notify third persons or agencies affected by the request; or
  - (d) Determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(4) In acknowledging receipt of a public record request that is unclear, the department may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the department need not respond to it.

(5) If the department does not respond in writing within five business days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

- (a) Consider the request denied; and
- (b) Petition the public records officer under WAC 16-06-180.

#### NEW SECTION

**WAC 16-06-190 Request public records in writing using a department-issued form or the format provided in this rule.** (1) All requests for the disclosure of a public record shall be in writing on a department of agriculture disclosure form as prescribed by WAC 16-06-235, or a format which substantially complies with WAC 16-06-235, and identifies the record being sought with reasonable certainty. The written request shall include but is not limited to:

- (a) The name, address and telephone number of the person requesting the record;
- (b) The calendar date on which the request is made; and
- (c) Sufficient information to readily identify documents being requested.

(2) A request for disclosure shall be made during customary office hours.

(3) In all cases in which a member of the public is making the request, it shall be the obligation of department staff to assist the member of the public to appropriately identify the public record being requested.

(4) A form for requesting department documents can be obtained from any administrative office of the department or a person can format a request in a similar format as prescribed in WAC 16-06-235.

#### NEW SECTION

**WAC 16-06-195 Disclosure procedure.** (1) The public records designee and the public records coordinator shall review file materials prior to disclosure.

(2) If the file does not contain materials exempt from disclosure, the public records designee or coordinator shall proceed with full disclosure.

(3) If the record is not maintained in the office directly contacted, the public records designee or public records coordinator records officer will retrieve the record processing or will forward the request to the appropriate office for processing.

(4) Responses to requests for public records shall be made promptly by agencies, following RCW 42.17.320 and WAC 16-06-185.

(5) A denial of a request for disclosure shall be accompanied by a written statement of the specific exemption authorizing the withholding of the record, or part of the record, and a brief explanation of how the exemption applies to the record withheld.

#### NEW SECTION

**WAC 16-06-200 Costs of disclosure.** (1) No fee shall be charged for the inspection of public records.

(2) The department shall charge a fee of fifteen cents per page of copy when copy charges exceed ten dollars for providing copies of public records. This charge is the amount necessary to reimburse the department for its costs incident to such copying and shall be payable at the time copies are furnished.

(3) The department may charge the actual cost involved for the duplication of tape recordings, video tapes, photographs, slides, postage, delivery, if these costs exceed ten dollars.

(4) The public records officer or the public records coordinator may waive any of the foregoing costs.

#### NEW SECTION

**WAC 16-06-205 Protection of public records.** In order to adequately protect the public records of the department, the following will apply:

(1) No public record shall be removed from the department's premises.

(2) Inspection of any public record shall be conducted in the presence of a designated department employee.

(3) No public record may be marked or altered in any manner during inspection.

(4) Public records that are maintained in a file or jacket, or in chronological order, may not be dismantled except by a designated department employee for purposes of copying.

(5) Upon request of a member of the public to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents, the department shall be allowed a reasonable time to inspect the file to determine whether information protected from disclosure by chapter 42.17 RCW is contained therein.

(6) When copying public documents, the copy machine will be operated by staff persons of the department only.

#### NEW SECTION

**WAC 16-06-210 Exemptions.** The department reserves the right to determine if a requested public record is exempt or nondisclosable under RCW 42.17.250 et seq. Nondisclosable records include, but are not limited to:

(1) Personal information in any files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy pursuant to RCW 42.17.310 (1)(b).

(2) Investigative material pursuant to RCW 42.17.310 (1)(d) and (e).

(3) Test questions, scoring keys and other examination data used to administer a license, pursuant to RCW 42.17-310 (1)(f).

(4) Preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with action (RCW 42.17.310 (1)(i)).

(5) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(6) Lists of individuals requested for commercial purposes. The department shall not disclose such records unless specifically authorized or directed to do so by law: *Provided*, That lists of applicants for professional licenses and of professional licensees shall be made available to those professional associations or educational organizations recognized by their professional licensing or examination board, upon payment of a reasonable charge therefor: *Provided further*, That such recognition may be refused only

for a good cause pursuant to a hearing under the provisions of chapter 34.05 RCW.

(7) Information on commercial fertilizer distribution, pursuant to RCW 42.17.317.

(8) Information on commercial feed pursuant to RCW 15.53.9018.

(9) Confidential information regarding individual company operations or production found in the Washington State Seed Act, RCW 15.49.370(8).

(10) Business related information obtained under the Organic Food Products Act concerning an entity certified under that act or an applicant for such certification, which is found under RCW 15.86.110.

(11) Privileged or confidential information or data required under the Washington Pesticide Control Act which contains trade secrets, commercial or financial information, which is found under RCW 15.58.065.

(12) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(13) Pursuant to chapter 43.23 RCW, except for release of statistical information not descriptive of any readily identifiable person or persons, all financial and commercial information and records supplied by persons to the department with respect to export market development projects shall be kept confidential unless confidentiality is waived by the party supplying the information. For purposes of this section, persons include any natural person, joint venture, firm, partnership or association, private or public corporation, or governmental entity.

(14) The following agricultural business and commodity commission records are exempt from the disclosure requirements of chapter 42.17 RCW:

(a) Production or sales records required to determine assessment levels and actual assessment payments to commodity commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88 and 16.67 RCW or required by the department of agriculture under RCW 15.13-310(4) or 15.49.370(6);

(b) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49 and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States Department of Agriculture or on applications for phytosanitary certification required by the department of agriculture; and

(c) Financial and commercial information and records supplied by persons to commodity commissions formed under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88 and 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information.

#### NEW SECTION

**WAC 16-06-215 Qualifications on nondisclosure.** (1) To the extent that nondisclosable information can be deleted from the specific record sought, the remainder of the record shall be disclosed.

(2) No exemptions shall be construed to require nondisclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).

(3) Inspection and copying of any specific records otherwise nondisclosable is permissible pursuant to an order of a superior court.

(4) Denial of disclosure of a public record will be in writing accompanied by a written statement of the reason the document was withheld.

(5) A person who is denied a request for a public record shall have the right to appeal the denial to the public records officer of the department in the manner prescribed by WAC 16-06-220.

#### NEW SECTION

**WAC 16-06-220 Review of denial of request for inspection for copying of public records.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by submitting a written request for review to the department's public records officer located in the Olympia administrative office. The written request shall specifically refer to the written statement that constituted or accompanied the denial of disclosure.

(2) Immediately after receiving a petition for review of a decision denying a public record, the public records designee or public records coordinator denying the request shall refer it to the public records officer. The public records officer shall review decisions denying disclosure in the most prompt fashion possible, and such review shall be deemed completed at the end of the second business day following receipt by the department of the petition for review. This shall constitute final agency action for the purposes of judicial review, pursuant to RCW 42.17.320. If the public records officer neither approves nor disapproves the denial of the request before the end of the second business day following the denial of inspection, the denial of inspection shall be deemed approved by the department, and constitutes a final agency action pursuant to RCW 42.17.320.

#### NEW SECTION

**WAC 16-06-225 Records index.** The public records officer of the department, located in the Olympia administrative office, shall develop and maintain an agency index of:

(1)(a) Records issued prior to July 1, 1990, by relying on agency records retention schedules;

(b) Final orders;

(c) Declaratory orders entered after June 30, 1990;

(d) Interpretative statements;

(e) Policy statements;

(f) Agency rule docket; and

(g) Other agency information as required.

The schedule for revising and/or updating the index will occur annually on June 30 of each year.

(2) Information on obtaining or viewing the department's index should be directed to the public records officer at the department's headquarters office located at: Department of Agriculture, 1111 Washington Street, SE, P.O. Box 42560, Olympia, Washington 98504-2560.

#### NEW SECTION

**WAC 16-06-230 Interagency disclosure.** (1) Unless prohibited by law, information may be disclosed by the department to outside agencies, including other state of Washington agencies or other states.

(2) Outside agencies receiving information pursuant to subsection (1) of this section shall be subject to the same standards of disclosure as are required of the department.

#### NEW SECTION

**WAC 16-06-235 Request for public records disclosure form.** The department adopts the following "request for public records disclosure form" for use by all persons requesting inspection and/or copying of department public records. The form may be secured from any office of the department by contacting the office in or near your area; calling the Olympia administrative office at (360) 902-1800; or writing to the public records officer in Olympia at: Department of Agriculture, 1111 Washington Street SE, P.O. Box 42560, Olympia, Washington 98504-2460.



Washington State Department of Agriculture  
P.O. Box 42560  
Olympia, WA 98504-2560

### REQUEST FOR PUBLIC RECORDS DISCLOSURE

Name of Requester: \_\_\_\_\_

Mailing Address of Requester: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone Number of Requester: (\_\_\_\_) \_\_\_\_\_

Date of Request: \_\_\_\_\_ Time of Request: \_\_\_\_\_

Identification of record(s) requested: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**AGREEMENT TO PROTECT RECORDS FROM USE FOR COMMERCIAL PURPOSES**

*I hereby agree that the list of individuals and/or information provided to me by the:*

\_\_\_\_\_

*shall not be used for any commercial purpose by myself or by any organizations I represent. I will protect the list of individuals and/or information from access by anyone who may use it for purposes of contacting the individuals named therein or otherwise personally affecting them in furtherance of any profit-seeking activity.*

*I also understand that I may be charged for each page copied, or in the case of copied tape recordings and video tapes, the actual cost of duplication.*

*I understand the contents of the above provisions and will comply with the terms thereof.*

Requester's Signature \_\_\_\_\_

PERMANENT

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 16-06-010 Purpose.
- WAC 16-06-020 Definitions.
- WAC 16-06-030 Description of organization.
- WAC 16-06-040 Operations and procedures.
- WAC 16-06-050 Public records designees.
- WAC 16-06-060 Availability of public records.
- WAC 16-06-070 Requests for public records.
- WAC 16-06-080 Fees.
- WAC 16-06-090 Protection of public records.
- WAC 16-06-100 Exemptions.
- WAC 16-06-110 Denial of request.
- WAC 16-06-120 Review of denial of request for inspection or copying of public records.
- WAC 16-06-130 Records index.
- WAC 16-06-140 Public records request form.

**WSR 96-14-087**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed July 2, 1996, 10:09 a.m.]

Date of Adoption: June 26, 1996.

Purpose: Change address contained in WAC 16-316-315 of the Idaho Department of Agriculture.  
 Citation of Existing Rules Affected by this Order: Amending WAC 16-316-315.

Statutory Authority for Adoption: Chapter 15.49 RCW.  
 Adopted under notice filed as WSR 96-11-120 on May 21, 1996.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 July 1, 1996  
 James M. Jesernig  
 Director

**AMENDATORY SECTION** (Amending Order 2093, filed 6/9/92, effective 7/10/92)

**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) . . . . . \$5.00  
 (with minimum fee of \$20.00 per field per inspection)
- (ii) Wheat seed only. For each required inspection (per acre or fraction thereof) . . . . . \$2.00
- (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 . . . . . \$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 83304~~) 2230 Penitentiary Road, Boise, Idaho 83712.

(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 actual cost shall be charged when necessary to examine plant material and/or seed in the laboratory to verify disease.

**WSR 96-14-088**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed July 2, 1996, 10:10 a.m.]

Date of Adoption: June 27, 1996.

Purpose: Language was rewritten for clarity and update, which allows for planting certain varieties of beans under sprinklers. In addition, the rule amendment will make growing standards the same as in the state of Idaho.

Citation of Existing Rules Affected by this Order: Amending WAC 16-316-280 and 16-316-327.

Statutory Authority for Adoption: Chapter 15.49 RCW.  
 Adopted under notice filed as WSR 96-11-121 on May 21, 1996.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 2, repealed 0.

PERMANENT

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 July 1, 1996  
 James M. Jesernig  
 Director

**AMENDATORY SECTION** (Amending Order 2092, filed 5/27/92, effective 5/27/92)

**WAC 16-316-280 Field tolerances.** Field tolerances shall be as follows:

(1)

	Field Producing		
	Found- ation	Regis- tered	Certi- fied
Other varieties or off-type plants	none found	0.1%	0.2%
Other crops	none found	0.1%	0.1%
Total seed-borne diseases	none found	none found	none found

Except as noted in subsection (6) of this section

(2) ~~Snap ((beans and kidney beans grown under sprinkler irrigation will not be eligible for certification. Further snap)) and Kidney Beans shall be isolated by 1320 feet from known bacterial blight.~~

(3)(a) To be eligible for certification, Pintos, Red Mexicans, Pinks, Great Northerns, Small Whites, Navy Beans, and Black Turtle Beans may be grown for an unlimited number of generations under rill or sprinkler irrigation.

(b) To be eligible for certification, Kidney Beans may be grown for an unlimited number of generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. The fourth and unlimited subsequent generations of these may be grown and inspected with the same alternation of irrigation types.

(c) To be eligible for certification, Cranberry types, Taylor horticultural types, and Borlotto types of beans may be grown for unlimited generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. These types shall be subject to the following additional requirements:

(i) A maximum of nine total generations of these types of beans may be grown under the alternation of irrigation types; and

(ii) Any lot grown under sprinkler irrigation shall be officially sampled, serology tested and found free from bean bacterial quarantine diseases listed in WAC 16-494-013, prior to replanting under either sprinkler irrigation or rill irrigation.

(4) Fields must be rogued of weeds, off-type plants, volunteer plants, and plants showing symptoms of seed-borne

diseases. Excessive night-shade shall be a cause for rejection.

~~((4))~~ (5) A field to be eligible for certification must have clean, cultivated boundaries at least ten feet wide.

~~((5))~~ (6) Excessive weeds, poor stands, lack of vigor, or any other condition which is apt to make inspection inaccurate may be cause for rejection of the field.

~~((6))~~ (7) Bean fields, including those planted with a dominant I-gene cultivar, showing virus-like mosaic symptoms will not be accepted as free of seedborne virus diseases until seed samples are tested serologically, or with serology and a grow out test and found to be free of seedborne virus diseases.

**AMENDATORY SECTION** (Amending Order 2093, filed 6/9/92, effective 7/10/92)

**WAC 16-316-327 Phyto-sanitary certificate for beans.** (1) Specific bacterial diseases of beans for which phyto-sanitary certificates may be issued are:

(a) *Halo Blight - Pseudomonas phaseolicola* (Burk.) Dows.

(b) *Common Bean Blight - Xanthomonas phaseoli* (E.F. Sm.) Dows.

(c) *Fuscos Blight - Xanthomonas phaseoli var. fuscans* (Burk.)

(d) *Bean Bacterial Wilt - Corynebacterium flaccumfaciens* (Hedges) Dows.

(e) Or any varieties or new strains of these diseases.

(f) *Brown Spot Disease - Pseudomonas syringae*.

(g) *Bean Anthracnose - Colletotrichum lindemuthianum*.

(h) *Seedborne viral diseases.*

(2) Common bean seed to be eligible for a phyto-sanitary certificate covering the bacterial diseases listed above, shall be free of the diseases in question as determined by field inspection during the growing season and by a windrow inspection. (Serology test and greenhouse test may be accepted in lieu of windrow inspection at the discretion of the department of agriculture.)

~~(3) ((Snap beans and kidney beans grown under sprinkler irrigation shall not be eligible for phyto-sanitary certificates covering bacterial diseases-))~~ (a) To be eligible for a phyto-sanitary certificate covering bacterial diseases, Pintos, Red Mexicans, Pinks, Great Northerns, Small Whites, Navy Beans, and Black Turtle Beans may be grown for an unlimited number of generations under rill or sprinkler irrigation.

(b) To be eligible for a phyto-sanitary certificate covering bacterial diseases, Kidney Beans may be grown for an unlimited number of generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. The fourth and unlimited subsequent generations of these may be grown and inspected with the same alternation of irrigation types.

(c) To be eligible for a phyto-sanitary certificate covering bacterial diseases, Cranberry types, Taylor horticultural types, and Borlotto types of beans may be grown for unlimited generations under rill irrigation or for one generation under rill irrigation and, subsequently, for two generations under sprinkler irrigation. These types shall be subject to the following additional requirements:

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(i) A maximum of nine total generations of these types of beans may be grown under the alternation of irrigation types; and

(ii) Any lot grown under sprinkler irrigation shall be officially sampled, serology tested and found free from bean bacterial quarantine diseases listed in WAC 16-494-013, prior to replanting under either sprinkler irrigation or rill irrigation.

(4) To be eligible for phyto-sanitary certificate, field planted shall be free of halo blight the previous two years.

(5) To be eligible for phyto-sanitary certificate, fields shall be 1320 feet from an incident of diseases listed in subsection (1) of this section. It is recommended that equipment be disinfected between fields.

(6) Field inspection requirements:

At least two field inspections are required for beans being inspected for the bacterial diseases listed above:

(a) The first inspection is required when factors effecting diseases are most evident.

(b) The second inspection is required when the plants are in the windrow.

(7) All bean seed entered into the phyto-sanitary inspection program shall comply with the bean seed quarantine rules. See WAC 16-494-001 through 16-494-062.

**WSR 96-14-089**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed July 2, 1996, 10:11 a.m.]

Date of Adoption: June 26, 1996.

Purpose: Update red clover standards to make them uniform with standards in Oregon, Idaho, and California.

Citation of Existing Rules Affected by this Order: Amending WAC 16-316-455.

Statutory Authority for Adoption: Chapter 15.49 RCW. Adopted under notice filed as WSR 96-11-122 on May 21, 1996.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 July 1, 1996

James M. Jesernig  
 Director

**AMENDATORY SECTION** (Amending Order 1457, filed 5/13/76)

**WAC 16-316-455 Field tolerances.** Field tolerances shall be as follows:

		Field Producing*	
		Foundation	Certified
Other varieties	(Max.)	0.00%	0.50%
Alfalfa	(Max.)	None	<del>((10 plants/acre))</del> 0.50%
Sweet Clover	(Max.)	None	20 plants/acre

\* Prohibited noxious weeds must be controlled to prevent seed formation.

**WSR 96-14-090**  
**PERMANENT RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed July 2, 1996, 10:15 a.m.]

Date of Adoption: June 26, 1996.

Purpose: Update corn seed standards to bring them into compliance with the Association of Official Seed Certifying Agencies (AOSCA) minimum standards.

Citation of Existing Rules Affected by this Order: Amending WAC 16-316-921.

Statutory Authority for Adoption: Chapter 15.49 WAC. Adopted under notice filed as WSR 96-11-123 on May 21, 1996.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
 July 1, 1996

James M. Jesernig  
 Director

**AMENDATORY SECTION** (Amending Order 1852, filed 5/2/85)

**WAC 16-316-921 Field standards.** (1) Isolation requirements:

(a) An inbred shall be so located that it is not less than six hundred and sixty feet from other corn except when the inbred is grown as a pollinator in a single cross production field. In this case any ear parent(s) in the same isolated

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field shall be entered for certification, inspected, and meet all field requirements for certification.

(b) A specific foundation single cross shall be located so the seed parent is not less than six hundred and sixty feet from other corn for pollinator rows and other seed parent(s) in the same isolated field. In this case, all seed parent(s) in the same isolated field shall be applied for certification, inspected, and meet all field requirements for certification.

(c) Differential maturity dates are permitted for modifying isolation distances for inbred lines or male sterile inbred line increases provided there are no receptive silks in the ear or seed parent at the same time pollen is being shed in the contaminating field.

(d) Foundation inbred or single cross production fields of dent sterile popcorn need not be isolated from yellow dent field corn.

(e) Corrections for improper isolation shall be made by one of the following methods:

(i) By completely destroying or by detasseling the necessary contaminating corn before silks appear in the ear or seed parent in the field to be certified; or

(ii) By completely destroying, before the final field inspection, the plants which are improperly isolated from the contaminating corn.

(2) For single crosses, the maximum distance a seed parent row shall be from a pollen parent row is nine feet.

(3) For single crosses, the minimum population of pollen shedding plants per acre shall be two thousand. Ineffective pollen parent plants shall not be counted.

(4) Single cross fields being inspected for certification shall contain not less than four hundred pollen plants per acre that are actively shedding pollen when more than twenty-five percent of the seed parent silks are apparently receptive.

(5) Single cross detasseling or pollen control. More than five percent of the seed parent shall have apparently receptive silks for the following provisions to apply. Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation of a specific foundation single cross shall not be accepted for certification if at one inspection more than ~~((one))~~ one-half percent of the stalks of the seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds ~~((two))~~ one percent.

(b) Cytoplasmic male sterile seed parent plants - detasseling (cutting or pulling) to control plant pollen shall be permitted.

(6) Roguing:

(a) Definitely off-type plants shall be destroyed completely so that suckers will not develop. Plants showing definite hybrid vigor or a definitely different type from the inbred or parent being inspected shall be classified as definitely off-type.

(b) For inbred lines, an isolation in which more than one-tenth of one percent (one per one thousand) of definitely off-type plants have shed pollen, when at the same time more than five percent of the plants have apparently receptive silks, shall not be certified.

(c) For single crosses, an isolation in which more than one-tenth of one percent of definitely off-type plants are

present in the seed parent, when the silks have turned brown, shall not be eligible for certification.

(d) Sucker tassels and portions of tassels of off-type plants shall be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two has the anthers extended from the glumes.

### WSR 96-14-091

#### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed July 2, 1996, 10:16 a.m.]

Date of Adoption: June 29, 1996.

Purpose: Amend standards under which buckwheat, chick pea, field pea, lentil, millet, soybean, sorghum and small grain seeds may be certified, and amending fees for inspection and certification activities of the department. In addition, WAC 16-316-724(2) was rewritten for clarity.

Citation of Existing Rules Affected by this Order: Amending WAC 16-316-474 and 16-316-724.

Statutory Authority for Adoption: RCW 15.49.310.

Adopted under notice filed as WSR 96-11-124 on May 21, 1996.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 2, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 2, repealed 0.

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

July 1, 1996

James M. Jesernig  
Director

AMENDATORY SECTION (Amending Order 5087, filed 10/25/95, effective 11/25/95)

**WAC 16-316-474 Buckwheat—Chickpea—Field pea—Lentil—Millet—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 buckwheat, chickpea (garbanzo beans), field pea, lentil, millet, soybean, sorghum and small grains.

(2) Due dates:

(a) Buckwheat - June 1

(b) Field pea - June 1

(c) Chickpea - June 1

(d) Lentil - June 1

- (e) Millet - June 1
- (f) Soybean - July 1
- (g) Sorghum - July 15
- (h) Small grains - June 1 for both winter varieties and spring varieties.
- (i) After due date, an application with late application fee may be accepted for service.
- (3) Fees:
  - (a) Application fee per variety per grower ~~(((\$16.82))~~ \$17.56
  - (b) Field inspection fee per acre except millet and hybrid sorghum ~~(((\$2.36))~~ \$ 2.46
  - (c) Millet - first acre ~~(((\$25.00))~~ \$26.11
    - each additional acre ~~(((\$5.00))~~ \$ 5.22
  - (d) Hybrid sorghum - first acre ~~(((\$25.00))~~ \$26.11
    - each additional acre ~~(((\$10.00))~~ \$10.44
  - (e) Special field inspection fee per acre ~~(((\$2.10))~~ \$ 2.09
  - (f) Late application fee ~~(((\$15.76))~~ \$16.46

- (g) Reinspection fee ~~(((\$31.53))~~ \$32.93
- minimum for each field which did not pass field inspection plus \$ 0.40 for each acre over twenty-five. The reinspection fee for isolation requirements only for a field of any size is ~~(((\$31.53))~~ \$32.93.
- (h) Final certification fee ~~(((\$0.21))~~ \$ 0.215 per cwt. of clean seed sampled, which shall be charged to conditioning plant, or production fee \$0.105 per cwt. of production from fields inspected which is utilized for seed, which shall be charged to the grower or the final seller prior to brokerage, retail sale, sale to plant not approved for conditioning certified seed, or transshipment out-of-state.
- (i) Sampling fee \$0.105 per cwt. of clean seed sampled, with minimum charge of 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 5019, filed 11/23/93, effective 12/24/93)

**WAC 16-316-724 Small grains standards.** (1) Small grains (barley, oat, rye, triticale, wheat) - land, isolation, and field standards:

CLASS	LAND STANDARDS	ISOLATION STANDARDS	FIELD STANDARDS		
	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM HEAD RATIO	OTHER CROP MAXIMUM HEAD RATIO	WILD OAT MAXIMUM PLANTS/ACRE
Foundation	<del>((1*))</del> <u>2*</u>	<del>((90**))</del> <u>3**</u>	None found	None found***	None found
Registered	1*	3**	1/148,000	1/148,000***	5
Certified	1*	3**	1/49,000	1/49,000***	5

\* Waived if the previous crop was grown from an equal or higher certified class of seed of the same variety.

\*\* Refers to distance from other small grain fields. Foundation class fields shall be isolated ninety feet from fields of the same species. In addition, each rye field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other rye fields by six hundred sixty feet. Each triticale field for certification shall be isolated from fields producing a certified class of the same variety by three feet, and from other triticale, rye and wheat fields by three hundred feet for foundation and registered class, and three feet for certified class, unless otherwise stated by plant breeder.

\*\*\* Refers to other small grains, except that no rye or triticale is permitted in barley, oat, or wheat; no vetch is permitted.

(2) Small grains - seed standards:

CLASS	<del>((OTHER SMALL GRAINS AND/OR OFF-TYPE</del> <u>MAXIMUM (1) SEEDS/LB</u>	<del>PURE SEED MINIMUM (2)</del> <u>%</u>	<del>INERT MAXIMUM</del> <u>%</u>	<del>OTHER CROP MAXIMUM (3)</del> <u>%</u>	<del>WEED MAXIMUM</del> <u>%</u>	<del>GERMINATION MINIMUM</del> <u>%</u>
Foundation	None found	98.00	2.00	None found	0.01**	85.00
Registered	2	98.00	2.00	0.03	0.01**	85.00
Certified	4	98.00	2.00	0.05	0.03**	85.00

No rye, vetch, or triticale is permitted in barley, oat or wheat; no rye or vetch is permitted in triticale; no vetch or triticale is permitted in rye.

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- ~~(1) Based on 500 grams examined.~~
- ~~(2) Based on 100 grams examined.~~
- ~~(3) Excluding off-types and other small grains.~~

~~Note: For all classes the purity analysis shall be based on 100 grams examined. For Registered and Certified classes, noxious weed, vetch, off-type, and other small grain determinations shall be based on 500 grams examined. For Foundation class, noxious weed, vetch, off-type, and other small grain determinations shall be based on two pounds examined.~~

~~\*\* Other tolerances for weed seed:~~

	<del>OBJECTIONABLE WEED SEED MAXIMUM</del>	<del>WILD OAT MAXIMUM</del>
<del>Foundation</del>	<del>None found</del>	<del>None found</del>
<del>Registered</del>	<del>None found</del>	<del>None found</del>
<del>Certified</del>	<del>1/lb</del>	<del>None found, except 1/lb in oat))</del>

Class:

	<u>Foundation</u>	<u>Registered</u>	<u>Certified</u>
<u>Pure seed (min)</u>	<u>98%</u>	<u>98%</u>	<u>98%</u>
<u>Inert (max)</u>	<u>2%</u>	<u>2%</u>	<u>2%</u>
<u>Off-type(*) (max)</u>	<u>None found</u>	<u>2/lb</u>	<u>4/lb</u>
<u>Other small grain(*) (max)</u>	<u>None found</u>	<u>1/lb</u>	<u>2/lb</u>
<u>Other crop(**) (max)</u>	<u>None found</u>	<u>0.03%</u>	<u>0.05%</u>
<u>Weed seed (max)</u>	<u>0.01%</u>	<u>0.01%</u>	<u>0.03%</u>
<u>Objectionable weed seed(***) (max)</u>	<u>None found</u>	<u>None found</u>	<u>1/lb</u>
<u>Wild oat (max)</u>	<u>None found</u>	<u>None found</u>	<u>None found(****)</u>
<u>Germ or TZ (min)</u>	<u>85%</u>	<u>85%</u>	<u>85%</u>

(\*) The combination of other small grain and off-type shall not exceed 2/lb for Registered class, and 4/lb for Certified class. No rye, triticale, or vetch is permitted in barley, oat, or wheat. No rye or vetch is permitted in triticale. No triticale or vetch is permitted in rye.

(\*\*) Excluding off-type and other small grain.

(\*\*\*) Excluding wild oat.

(\*\*\*\*) 1/lb for Certified class oat.

Note: For all classes the purity analysis shall be based on 100 grams examined. For Registered and Certified classes, noxious weed, vetch, off-type, and other small grain, determinations shall be based on 500 grams examined. For Foundation class, noxious weed, vetch, off-type, and other small grain determinations shall be based on two pounds examined.

**WSR 96-14-092**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed July 2, 1996, 10:26 a.m.]

Date of Adoption: July 1, 1996.

Purpose: To adopt rules to carry out the purposes of chapter 19.138 RCW.

Statutory Authority for Adoption: Chapter 19.138 RCW.

Adopted under notice filed as WSR 96-11-102 on May 17, 1996.

Changes Other than Editing from Proposed to Adopted Version: WAC 308-129-230, added an example to make the rule more easily understood.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 11, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 11, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 11, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 11, amended 0, repealed 0.

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

July 1, 1996  
 Pat Brown  
 Administrator

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**PART A  
GENERAL**

NEW SECTION

**WAC 308-129-010 Organization.** The sellers of travel program of the Department of Licensing administers the Washington Sellers of Travel Registration Act, chapter 19.138 RCW. Information regarding sellers of travel registrations or the sellers of travel program may be obtained by writing to the Program Manager, Sellers of Travel Program, Department of Licensing, P.O. Box 9045, Olympia, Washington 98507.

NEW SECTION

**WAC 308-129-020 Definitions.** (1) "Registration number" means the unified business identifier number (UBI) assigned to the registered seller of travel.

(2) "Main office" means the first registered business location for a seller of travel.

(3) "Branch office" means each additional business location for a seller of travel after the first location has been registered.

(4) "Other approved account" means (a) bank administered account; (b) account pursuant to other state law; (c) checking account; (d) savings account; (e) an account individually approved of by the department.

NEW SECTION

**WAC 308-129-030 Registration.** Registration as a seller of travel will be accomplished through the master license system under chapter 19.02 RCW. The fees established by or under chapter 19.138 RCW for registering as a seller of travel shall be paid to the Department of Licensing concurrently with an application for a master license or with the annual renewal of a master license under chapter 19.02 RCW.

A corporation, limited liability company, limited liability partnership, or a limited partnership, based in the state of Washington, must first be registered with the Office of the Secretary of State before registering as a seller of travel

**PART B  
REGISTRATION APPLICATION AND FEES**

NEW SECTION

**WAC 308-129-100 Applications—Conditions.** Any person desiring to be registered as a seller of travel shall submit with the application form:

(1) If the applicant, within the past five years, has been found guilty of a felony involving moral turpitude, a misdemeanor concerning fraud or conversion, or suffers a judgment in a civil action involving willful fraud, misrepresentation, or conversion, a copy of such conviction or judgment shall be included.

(2) In lieu of the CPA/LPA/bank officer report required by RCW 19.138.110(5), an applicant may submit an affidavit or declaration signed under penalty of perjury setting out the information required by RCW 19.138.110(5).

(3) Applicants who certify under penalty of perjury that they do not hold for more than five business days any non-

exempt funds received from any person or entity for retail travel services shall not be required to report or maintain a trust account or other approved account under RCW 19.138-110(5).

NEW SECTION

**WAC 308-129-110 Seller of travel registration fees.** The following fees shall be charged by the business and professions division of the Department of Licensing:

Title of Fee	Fee
Registration Fee	\$234.00
Registration renewal	234.00
Branch office registration fee	25.00
Branch office renewal	25.00
Service of process fee	20.00

NEW SECTION

**WAC 308-129-120 Dishonored checks.** Payment of any fee required under chapter 19.138 or 19.02 RCW by a check which is dishonored shall be considered a nonpayment and the registration action for which the dishonored check was tendered shall be considered invalid by the department.

NEW SECTION

**WAC 308-129-130 Expiration and renewal of registrations.** Registrations issued to sellers of travel shall expire concurrently with the master license expiration date. Registrations and fees will be prorated as necessary to match the master license expiration date. Registrations must be renewed each year on or before the expiration date and renewal registration fees as prescribed in WAC 308-129-110 and chapter 19.02 RCW shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the Master Licensing Service delinquency.

NEW SECTION

**WAC 308-129-230 Advertising.** Sellers of travel are not required to include registration numbers on "institutional" advertising. "Institutional" advertising is advertising which does not include prices, location, or dates for travel services. An example of "institutional" advertising is a business card, or a billboard advertising a company name without a destination, cost, or dates.

**PART C  
REQUIRED RECORDS AND RECORDS  
PROCEDURES**

NEW SECTION

**WAC 308-129-300 Required records.** The minimum records a seller of travel shall be required to keep are:

(1) Bank trust account or other approved account records (unless exempt);

(2) Client account information, which includes the client's name, amount and date payment was received and disbursed;

(3) Unless a different period is specified by statute or rule, the required records shall be maintained and available for inspection by representatives of the department for a period of two years after completion of the travel.

#### NEW SECTION

**WAC 308-129-310 Administration of non-exempt funds and records procedure.** Any seller of travel shall distribute non-exempt funds as authorized by statute and these regulations:

(1) The trust account or other approved account shall be in the firm name of the seller of travel as registered;

(2) All disbursements from the trust account or other approved account shall be identified to a specific transaction

(3) If the financial institution charges service fees, the seller of travel shall reimburse the trust account or other approved account within 10 banking days after receipt of the monthly statement.

#### NEW SECTION

**WAC 308-129-320 Brief adjudicative proceedings—Denials based on failure to meet prerequisites for registration.** The Department of Licensing adopts RCW 34.05.482 and 34.05.485 through 34.05.494 for adjudicative proceedings requested by applicants who are denied registration under chapter 19.138 RCW, because of failure to meet the prerequisites for said registration. The sole issue at the adjudicative proceeding shall be whether the applicant meets the prerequisites for the registration.

#### **WSR 96-14-098**

#### **PERMANENT RULES**

#### **CASCADIA COMMUNITY COLLEGE**

[Filed July 2, 1996, 2:16 p.m.]

Date of Adoption: June 10, 1996.

Purpose: Chapter 132Z-104 WAC, Board of trustees: WAC 132Z-104-101, designate time and place of board meetings; WAC 132Z-104-020, procedure for placing items on board agenda; and WAC 132Z-104-030, delegation to district president.

Chapter 132Z-108 WAC, Practice and procedure: WAC 132Z-108-010 to 132Z-108-080, establish procedures for adjudicative proceeding.

Chapter 132Z-122 WAC, Withholding services for outstanding debts: WAC 132Z-122-010, describe policy; WAC 132Z-122-020, procedure for notification; and WAC 132Z-122-030, procedure for brief adjudicative proceeding.

Chapter 132Z-133 WAC, Organization: WAC 132Z-133-010, describe organization, operation, and information.

Chapter 132Z-134 WAC, Designation of rules coordinator: WAC 132Z-134-010, designate rules coordinator.

Chapter 132Z-276 WAC, Access to public records: WAC 132Z-276-010 to 132Z-276-140, procedures to access public records.

Chapter 132Z-300 WAC, Grievance rules—Title IX: WAC 132Z-300-010 to 132Z-300-040, establish grievance rules—Title IX.

Chapter 132Z-310 WAC, Grievance procedures—Disability: WAC 132Z-310-010 to 132Z-310-040, establish grievance procedures - disability.

Chapter 132Z-325 WAC, State Environmental Policy Act rules: WAC 132Z-325-010, implement State Environmental Policy Act.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Adopted under notice filed as WSR 96-09-074 on May 1 [April 16], 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 8, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 39, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 39, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

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

June 14, 1996

Margaret H. Flanagan  
Rules Coordinator

#### **Title 132Z WAC**

#### **COMMUNITY COLLEGES—CASCADIA COMMUNITY COLLEGE**

#### **Chapter 132Z-104 WAC BOARD OF TRUSTEES**

#### NEW SECTION

**WAC 132Z-104-010 Time and place of board meetings.** The board of trustees shall hold one regular meeting on the second Monday of each month and such special meetings as may be requested by the chair of the board or by a majority of the members of the board and announced in accordance with law.

All regular and special meetings of the board of trustees shall be held at the Shoreline Community College Northshore Center, 22002 26th Ave. SE, Suite 101, Bothell, WA 98021, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board of trustees except during a regular or special meeting.

#### NEW SECTION

**WAC 132Z-104-020 Request for items to be placed on board agenda.** Anyone, other than a board member or a representative of the president's office wishing an item placed on the agenda of a board meeting, must have a written request in the office of the board secretary no later than twelve o'clock noon fourteen business days before the

next scheduled meeting of the board. The secretary will relate the request to the chair of the board as soon as feasible. The chair will determine whether the item is to be placed on the agenda. The chair or designee will notify the individual initiating the request as to whether or not the item will be placed on the agenda.

#### NEW SECTION

##### **WAC 132Z-104-030 Delegation to district president.**

The board of trustees delegates to the district president its authority and responsibility to administer Cascadia Community College District 30 in accordance with laws, policies, and rules approved by the board of trustees. At the operational level, the president has final administrative authority over all matters affecting the college district.

#### **Chapter 132Z-108 WAC PRACTICE AND PROCEDURE**

#### NEW SECTION

**WAC 132Z-108-010 Adoption of model rules of procedure.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use at this college. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules previously adopted by this college, the model rules prevail.

#### NEW SECTION

**WAC 132Z-108-020 Appointment of presiding officers.** The president or designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the president or designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

#### NEW SECTION

**WAC 132Z-108-030 Method of recording.** Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

#### NEW SECTION

**WAC 132Z-108-040 Application for adjudicative proceeding.** An application for adjudicative proceeding shall be in writing. An application shall include the signature of the applicant, the nature of the matter for which an adjudicative proceeding is sought, and an explanation of the facts involved.

Application forms are available at the following address:

Cascadia Community College  
c/o Shoreline Community College Northshore Center  
22002 26th Ave. SE, Suite 101  
Bothell, WA 98021

Written application for an adjudicative proceeding should be submitted to the above address within twenty calendar days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

#### NEW SECTION

##### **WAC 132Z-108-050 Brief adjudicative procedures.**

This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings;
- (4) Parking violations;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in college-sponsored events.

#### NEW SECTION

**WAC 132Z-108-060 Discovery.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted, and order discovery conferences to discuss discovery issues.

#### NEW SECTION

**WAC 132Z-108-070 Procedure for closing parts of the hearings.** Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten working days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons in writing within twenty working days of receiving the request.

#### NEW SECTION

**WAC 132Z-108-080 Recording devices.** No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 132Z-108-070, except for the method of official recording selected by the college.

**Chapter 132Z-122 WAC  
WITHHOLDING SERVICES FOR OUTSTANDING  
DEBTS**

NEW SECTION

**WAC 132Z-122-010 Policy.** If any person, including any staff, student or former student, is indebted to the district for an outstanding overdue debt, the district need not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts or other services which have been requested by such person.

NEW SECTION

**WAC 132Z-122-020 Notification.** (1) Upon receiving a request for services where there is an outstanding debt due to the district from the requesting person, the district shall notify the person by first-class mail that the services will not be provided since there is an outstanding debt due. The person shall be told that until the debt is satisfied, requested services will not be provided.

(2) The letter of notification shall also state that the person has a right to a brief adjudicative proceeding before a person designated by the president of the district. The proceeding must be requested within twenty days of the date of mailing notification of refusal to provide services.

NEW SECTION

**WAC 132Z-122-030 Procedure for brief adjudicative proceeding.** Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the college. The hearing must be conducted within ten working days of the request for a hearing. After the informal hearing, a decision shall be rendered by the president or designee indicating whether in fact the college is correct in withholding services for the outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of this decision shall be sent to the individual within five working days after the hearing. This hearing shall constitute a brief adjudicative proceeding established by the Administrative Procedure Act at RCW 34.05.482 through 34.05.494.

**Chapter 132Z-133 WAC  
ORGANIZATION**

NEW SECTION

**WAC 132Z-133-010 Organization—Operation—Information.** (1) Organization. Cascadia Community College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

Cascadia Community College  
c/o Shoreline Community College Northshore Center  
22002 26th Ave. SE, Suite 101  
Bothell, WA 98021

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

(3) Information. Additional information about Cascadia Community College District 30 may be obtained by calling (206) 402-3870, or by addressing a request to:

Cascadia Community College  
c/o Shoreline Community College Northshore Center  
22002 26th Ave. SE, Suite 101  
Bothell, WA 98021

**Chapter 132Z-134 WAC  
DESIGNATION OF RULES COORDINATOR**

NEW SECTION

**WAC 132Z-134-010 Rules coordinator.** The rules coordinator for Cascadia Community College as designated by the president is:

The Executive Assistant to the President  
Cascadia Community College  
c/o Shoreline Community College Northshore Center  
22002 26th Ave. SE, Suite 101  
Bothell, WA 98021

**Chapter 132Z-276 WAC  
ACCESS TO PUBLIC RECORDS**

NEW SECTION

**WAC 132Z-276-010 Purpose.** The purpose of this chapter is to ensure that Cascadia Community College complies with the provisions of chapter 42.17 RCW and in particular with those sections of that chapter dealing with public records.

NEW SECTION

**WAC 132Z-276-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

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

(3) "Cascadia Community College" is an agency organized by statute pursuant to RCW 28B.50.040. Cascadia Community College 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 132Z-276-030 Description of central and field organization of Cascadia Community College District No. 30.** (1) Cascadia Community College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the college campus within the county of Snohomish, Washington. The college campus likewise comprises the central headquarters for all operations of the district.

(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 132Z-104-010. The board of trustees employs a president, an administrative staff, instructors, and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district.

NEW SECTION

**WAC 132Z-276-040 Operations and procedures.** Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

NEW SECTION

**WAC 132Z-276-050 Public records available.** All public records of the district, as defined in this chapter, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 or other statutes.

NEW SECTION

**WAC 132Z-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 regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

NEW SECTION

**WAC 132Z-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 5:00 p.m., Monday through

Friday, excluding legal holidays and holidays established by the college calendar.

NEW SECTION

**WAC 132Z-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 132Z-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 and such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check, or cash in advance.

NEW SECTION

**WAC 132Z-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 132Z-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

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

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the college, within five business days, either:

(a) Provides the record;

(b) Acknowledges receipt of the request and provides a reasonable estimate of the time the college will require to respond to the request; or

(c) Denies the request.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or 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 132Z-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 or 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 or designee, shall complete such review.

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

**NEW SECTION**

**WAC 132Z-276-120 Protection of public records.** Requests for public records shall be made at the administrative office of the district at Shoreline Community College Northshore Center, 22002 26th Ave. SE, Suite 101, Bothell, WA 98021. 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 132Z-276-090.

**NEW SECTION**

**WAC 132Z-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 January 10, 1994:

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

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

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

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

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

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

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

**NEW SECTION**

**WAC 132Z-276-140 Adoption of form.** The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO  
Cascadia Community College

(a) .....  
Name (please print) Signature

.....  
Name or Organization, if applicable

.....  
Mailing Address of Applicant Phone Number

(b) .....  
Date Request Made Time of Day Request Made

(c) Nature of Request .....

(d) Identification Reference on Current Index (Please describe)

.....  
.....  
.....

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(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the

Request: APPROVED . . . DENIED . . . Date

By Name Title

Reasons for Denial:

Referred to . . . . Date By Name Title

Chapter 132Z-300 WAC GRIEVANCE RULES—TITLE IX

NEW SECTION

WAC 132Z-300-010 Preamble. Cascadia Community College is covered by Title IX of the Civil Rights Act of 1964 prohibiting sex discrimination in education.

NEW SECTION

WAC 132Z-300-020 Informal procedure. All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally.

Any district official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The district official shall arrange for the complainant to receive a copy of the complaint procedure.

NEW SECTION

WAC 132Z-300-030 Formal procedure. Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints may be held in confidence only to the extent allowed under Washington's public disclosure law, chapter 42.17 RCW. Formal action against the person accused may not be taken on behalf of the complainant

unless the complainant consents to be identified to the one accused in connection with the investigation.

(2) The complainant may bring a person of his or her choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made may be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the district upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the appropriate staff grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

NEW SECTION

WAC 132Z-300-040 Other remedies. These procedures outlined in WAC 132Z-300-010 through 132Z-300-030, are internal district procedures and, as such, serve to resolve complaints within the district's administrative framework. These procedures do not replace an individual's right to timely file a complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

Chapter 132Z-310 WAC GRIEVANCE PROCEDURES—DISABILITY

NEW SECTION

WAC 132Z-310-010 Preamble. Cascadia Community College is covered by section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibiting discrimination on the basis of handicap/disability in education. Applicants for admission, enrolled students, applicants for employment, or employees of Cascadia Community College who believe they have been discriminated against on

PERMANENT

the basis of handicap/disability may lodge an institutional grievance by following the procedures contained in this chapter.

#### NEW SECTION

**WAC 132Z-310-020 Informal procedure.** All employees and students should feel free to discuss perceived discrimination with the individual immediately in charge, such as the first-line supervisor or instructor, to see if the situation can be resolved informally. Employees and students may also consult directly with the district's affirmative action officer or designee without making a formal written complaint. Employees and students are not required to use the informal process and may go directly to the formal procedure.

Any district official receiving a discrimination complaint shall contact the affirmative action officer or designee as soon as reasonably convenient. The district official shall arrange for the complainant to receive a copy of the grievance procedure.

#### NEW SECTION

**WAC 132Z-310-030 Formal procedure.** Step one: Employees and students must make a written complaint concerning discriminatory behavior to the affirmative action officer or designee.

(1) Complaints may be held in confidence only to the extent allowed by Washington's public disclosure law, chapter 42.17 RCW. Formal action against the person accused may not be taken on behalf of the complainant unless the complainant consents to be identified to the one accused in connection with the investigation.

(2) Complainants may bring persons of their choice to the initial or subsequent complaint meetings.

(3) The affirmative action officer or designee shall give a copy of these regulations and any applicable board policy to the person making the formal complaint and to the accused.

(4) The result of that consultation and any investigation made may be communicated to the complainant before any further action is taken.

(5) An informal hearing may be substituted for investigation if the complainant and the accused agree. The affirmative action officer or designee will be responsible for investigating the complaint and discussing the complaint with the accused. The affirmative action officer will make a written recommendation to the president within a reasonable time following the close of the investigation or hearing.

(6) Appropriate corrective measures will be decided by the president of the district upon consultation with the affirmative action officer and the appropriate administrators or supervisors involved. If an accused employee or student disagrees with the determination or appropriateness of the corrective measures, that individual may contest those measures through the appropriate staff grievance procedures, if they are covered by an agreement, or the student disciplinary code.

(7) Information will be entered in the personnel or student file only to the extent that a formal reprimand or other disciplinary action has been taken. If no disciplinary action is taken, the affirmative action officer will keep a

record of the investigation accessible to the president, the complainant and the accused for a period of three years and then that record will be destroyed. If a formal complaint is filed with an outside state or federal agency, files will be maintained until the complaint is resolved. When such files are used, written notice will be placed in the file indicating the person using the file and the date used.

#### NEW SECTION

**WAC 132Z-310-040 Other remedies.** These procedures, outlined in WAC 132Z-310-010 through 132Z-310-030, are internal district procedures and, as such, serve to resolve complaints within the district's administrative framework. These procedures do not replace an individual's right to timely file a complaint with an external agency such as the Office of Civil Rights, Equal Employment Opportunity Commission, or the Washington state human rights commission.

### **Chapter 132Z-325 WAC STATE ENVIRONMENTAL POLICY ACT RULES**

#### NEW SECTION

**WAC 132Z-325-010 Implementation of State Environmental Policy Act.** (1) It shall be the policy of Cascadia Community College that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapters 197-11 and 132-24 WAC.

(2) The president of the district or designee shall be responsible for administering and implementing this policy.

**WSR 96-14-030**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Wildlife)

[Filed June 25, 1996, 8:50 a.m., effective July 1, 1996]

Date of Adoption: June 22, 1996.

Purpose: Amend personal use rules.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: A harvestable surplus of coho salmon will be released into Tarboo Lake. These fish are not needed for escapement and recreational opportunity is available. There is insufficient time to promulgate a permanent rule.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 1, 1996.

June 22, 1996

Mitchell S. Johnson, Chairman  
 Fish and Wildlife Commission

**NEW SECTION**

**WAC 232-12-01800A Definitions—Landlocked chinook and coho.** Notwithstanding the provisions of WAC 232-12-018, effective July 1, 1996, until further notice chinook and coho salmon taken from the waters of Tarboo Lake (Jefferson Co.) are defined as landlocked.

**WSR 96-14-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 96-85—Filed June 25, 1996, 4:45 p.m.]

Date of Adoption: June 25, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-88A-08000D; and amending WAC 220-88A-080.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvest management plan for joint management of Puget Sound (excluding Hood Canal) Pandalid shrimp under Subproceeding 89-3 of *United States v. Washington* provides for regional harvest shares. These rules are necessary to ensure that the harvest shares are not exceeded.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

June 25, 1996

Edward P. Manary  
 for Robert Turner  
 Director

**NEW SECTION**

**WAC 220-88A-08000E Emerging commercial fishery-Puget Sound shrimp trawl experimental fishery-Seasons and gear.** Notwithstanding the provisions of WAC 220-88A-080, effective immediately until further notice, it is unlawful to fish for or possess shrimp taken for commercial purposes in Puget Sound using shellfish beam trawl gear except as provided for in this section:

(1) Areas 22A (outside of Shrimp District 2 and outside of San Juan Channel), 20B, 23C, 23D, 25A, 25B, and 29 open until further notice. San Juan Channel is that portion of Marine Fish/Shellfish Catch Area 22A north of a line projected true east west through Turn Rock Light from San Juan Island to Lopez Island, west of a line projected true north and south from the western tip of Crane Island, and south of the southern boundary of Marine Fish/Shellfish Catch Area 20B.

(2) The waters of Lopez Sound south of a line projected east and west from the northern tip of Trump Island, open from July 10, 1996 until further notice.

(3) The waters of Area 20A are open from July 16, 1996, until further notice.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-88A-08000D Emerging commercial fishery-Puget Sound shrimp trawl experimental fishery-Seasons and gear. (96-56)

**WSR 96-14-036**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3985—Filed June 26, 1996, 10:24 a.m., effective July 1, 1996]

Date of Adoption: June 26, 1996.

Purpose: To allow home and community services (HCS) to authorize assistance under the general assistance-unemployable (GA-U) program for their clients without having to gather medical evidence. This population routinely meets GA-U disability criteria.

Citation of Existing Rules Affected by this Order: Amending WAC 388-235-5050.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: RCW 74.39.005.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Regular adoption won't be in place when this WAC needs to be in effect.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 1, 1996.

June 26, 1996  
 Merry A. Kogut, Supervisor  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3559, filed 7/29/93, effective 8/29/93)

**WAC 388-235-5050 Waiver of medical documentation and progressive evaluation process (PEP).** The department shall consider incapacity established without medical documentation and a progressive evaluation process (PEP) when a person is:

- (1) Eligible for a financial benefit based on Social Security Administration disability criteria;
- (2) Eligible for services from the division of developmental disabilities;
- (3) Sixty-five years of age or older; ((or))
- (4) Released from inpatient psychiatric treatment and is participating in direct treatment services to meet the client's mental health needs. In such cases:

(a) The department shall establish a person's incapacity for ninety days without a psychiatric/psychological evaluation; or

(b) The department shall not establish a person's incapacity if the client leaves ongoing inpatient psychiatric treatment against medical advice.

(5) Eligible for long-term care services administered by the aging and adult services administration of the department directly or through contract with area agencies on aging; or

(6) Released from aging and adult services administered long-term care services in a medical institution. In such cases, incapacity shall be established for ninety days from the date of release.

**WSR 96-14-059**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 96-87—Filed June 27, 1996, 4:15 p.m.]

Date of Adoption: June 27, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-310.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to ensure conservation of crawfish populations by providing protection from overharvest by recreational fishers.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

June 27, 1996  
Edward P. Manary  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-56-31000L Shellfish—Daily limits.** Notwithstanding the provisions of WAC 220-56-310, effective immediately until further notice:

(1) In waters of Clallam, Island, Jefferson, King, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom Counties:

(a) Only crawfish which measure 3-1/4 inches or greater from the tip of rostrum (nose) to the tip of the tail may be retained.

(b) Female crawfish with eggs or young attached to the abdomen must be released. In these waters, fishers must sort and return illegal crawfish to the waters from which taken immediately after the crawfish are removed.

**WSR 96-14-060  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-84—Filed June 27, 1996, 4:18 p.m.]

Date of Adoption: June 27, 1996.

Purpose: Subsistence fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500X; and amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available for a subsistence fishery. This conforms state rules with Yakama Indian Nation regulations.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

June 27, 1996  
Edward P. Manary  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-32-05500Y Columbia River tributaries—Subsistence.** Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Yakima River, Klickitat River, Wind River, Icicle River, Drano Lake and Ringold in the Columbia River except under the following provisions:

(1) The Klickitat River from the site of the former Swinging Bridge (RM 1.5) to Fishway No. 5 (RM 2.2) is open noon Wednesdays to 6:00 p.m. Saturdays until further notice.

(2) The Wind River from the mouth to a marker 400 feet downstream of Shipperd Falls is open from 6:00 a.m. Monday to 6:00 p.m. Saturday of each week from April 1 to June 8, 1996 and from 200 feet above the Shipperd Falls upstream to a marker 30 feet below the outlet stream for Carson National Fish Hatchery is open 6:00 a.m. Monday to 6:00 p.m. Saturdays weekly until June 29, 1996.

(3) At Ringold in the Columbia River from the marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a boundary marker approximately 1/4 mile downstream of Ringold waterway outlet is open from 6:00 a.m. Monday to 6:00 p.m. Saturday of each week until July 27, 1996.

(4) Allowable Gear: Dipnets, setbag nets, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

(5) In Drano Lake from the Highway 14 Bridge to the orange markers near the mouth of the Little White Salmon River is open by permit only from: 9:00 p.m. June 26 to 9:00 a.m. June 27, 1996.

**GEAR FOR DRANO LAKE**

Each fisher may use one piece of legal gear, which includes floating gillnets not longer than 150 feet, hoopnets fished from bank or boat, or hook and line with bait or lures. All fish must be landed at the boat ramp at Drano Lake.

**Reviser's note:** The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

EMERGENCY

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05500X Columbia River tributaries—Subsistence. (96-58)

**WSR 96-14-061**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 96-83—Filed June 27, 1996, 4:20 p.m., effective July 15, 1996, 11:59 p.m.]

Date of Adoption: June 27, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-32500G; and amending WAC 220-56-325.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Insufficient prawns are available for recreational harvest.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 15, 1996, 11:59 p.m.

June 27, 1996

E. Manary  
 for Robert Turner  
 Director

NEW SECTION

**WAC 220-56-32500K Shrimp—Areas and seasons.** Notwithstanding the provisions of WAC 220-56-325, effective 11:59 p.m. July 15, 1996 until further notice it is unlawful to fish for or possess shrimp taken from Shrimp District 1.

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. July 15, 1996:

WAC 220-56-32500G Shrimp—Areas and seasons. (96-50)

**WSR 96-14-065**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 28, 1996, 10:33 a.m., effective July 1, 1996]

Date of Adoption: June 28, 1996.

Purpose: Eliminate erroneous language which contradicts the intent of the department's earlier amendment which was adopted on May 1, 1996, and which will become effective on July 1, 1996. The department intended this earlier amendment, which increased the RBRVS conversion factor, to be effective on July 1, 1996, and did not intend it to retroactively increase the RBRVS conversion factor dating back to May 1, 1995.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-135.

Statutory Authority for Adoption: RCW 51.04.020 and 51.04.030.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The erroneous language must immediately be removed from WAC 296-20-135 because immediate elimination of the language prevents the erroneous language from having any impact on the medical aid program. Delay caused by implementing a permanent rule may cause a retroactive increase to occur. In addition, the erroneous language conflicts with the department's intent of its earlier amendment, and also conflicts with information already given to providers, self insurers, advisory group members, and other fee schedule users. Further, the change is needed to be congruent with the department's fiscal analysis for the medical aid fund budget and with how we have programmed the medical payment system.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: July 1, 1996.

June 28, 1996  
Mark O. Brown  
Director

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: July 1, 1996, 12:01 a.m.

June 27, 1996  
Edward P. Manary  
for Robert Turner  
Director

**AMENDATORY SECTION** (Amending WSR 96-10-086, filed 5/1/96, effective 7/1/96)

**WAC 296-20-135 Conversion factors.** (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) ~~Washington RBRVS services ((rendered on or after May 1, 1995,))~~ have a conversion factor of \$45.02. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of \$1.87 per minute. The base units and payment policies can be found in the fee schedules.

(4) Services that do **not** use a conversion factor to establish reimbursement levels have dollar values, not relative values listed in the fee schedules.

**WSR 96-14-066**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 96-88—Filed June 28, 1996, 11:31 a.m., effective July 1, 1996, 12:01 a.m.]

Date of Adoption: June 27, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-44-05000X; and amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These regulations are necessary for conservation and to maintain consistency between state and federal regulations.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

**NEW SECTION**

**WAC 220-44-05000Y Coastal bottomfish catch limits.** Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. July 1, 1996 until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

1. The following definitions apply to this section:

a. **Cumulative limit** - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

b. **Two-month cumulative limit** is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per two, fixed calendar months, without a limit on the number of landings or trips. The fixed two-month periods are January-February, March-April, May-June, July-August, September-October and November-December. No more than sixty percent of any two-month cumulative limit may be taken and retained, possessed or landed per vessel in either calendar month of the fixed, two-month period. The two-month cumulative limit includes all fish harvested by a vessel during the two-month period, whether taken in limited entry or open access fisheries. Once a two-month cumulative limit has been achieved, an operator may begin fishing on the next two-month cumulative limit so long as the fish are not landed until after the beginning of the next two-month cumulative period.

c. **Daily trip limit** - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

d. **Groundfish limited entry fishery** - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

e. **Groundfish open access fishery** - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

f. **Vessel trip** - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

g. Vessel trip limit - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

h. Dressed length - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

2. Groundfish limited entry fishery limits. The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29:

a. **Pacific ocean perch** - Two-month cumulative limit of 8,000 pounds. No minimum size.

b. **Widow rockfish** - Two-month cumulative limit of 70,000 pounds. No minimum size.

c. **Shortbelly rockfish** - No minimum size. No maximum poundage.

d. **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

e. **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.)

(1) North of Cape Lookout and south of Cape Lookout if no declaration has been made - Two-month cumulative limit of 70,000 pounds, of which no more than 32,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish. No minimum size on any species in this category.

(2) South of Cape Lookout - Two-month cumulative limit of 100,000 pounds of which no more than 70,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish, provided the licensee has made a declaration as follows:

(a) The declaration must be made at least 12 hours prior to departing from port by telephoning the Department Montesano Office at (360) 249-4628, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The declarer will receive a declaration number from the department.

(b) The declaration must include: vessel name; federal limited entry permit number; operator's name, phone number and address; anticipated date and port of departure; anticipated date and port of return.

(c) Phone declarations must be followed by a written declaration, signed by the operator and mailed or delivered to the Montesano Office at 48 Devonshire Road, Montesano, WA 98563, prior to the day of departure. Forms are available at that office or from coastal processors.

(d) No fishing north of Cape Lookout is allowed after declaring for fishing south of Cape Lookout until the vessel has landed at a Washington or Oregon port and notified the Montesano Office during business hours.

1) There is a maximum two-month cumulative limit for landings from both north and south of Cape Lookout of 100,000 pounds of which no more than 70,000 pounds may be yellowtail rockfish and no more than 18,000 pounds may be canary rockfish.

2) Wholesale fish dealers purchasing more than 42,000 pounds of seabastes complex, 19,200 pounds of yellowtail rockfish or 10,800 pounds of canary rockfish (60% of two-month cumulative allowances) must enter the declaration number on the fish receiving ticket.

f. **DTS Complex - (Sablefish, Dover sole and thornyhead rockfish)** -

Two-month cumulative limit of 70,000 pounds, of which not more than 38,000 pounds may be Dover sole, not more than 12,000 pounds may be sablefish and not more than 20,000 pounds may be thornyhead rockfish. Of the thornyhead rockfish, not more than 4,000 pounds may be shortspine thornyhead.

g. **Sablefish** -

(1) **Trawl vessels** - Not more than 500 pounds (round weight) of sablefish per trip may be smaller than 22 inches.

(2) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight). No minimum size.

h. **Pacific Whiting** - Vessel trip limit of 10,000 pounds. No minimum size. Effective 12:01 a.m. May 15, 1996, no maximum poundage, no minimum size.

i. **Lingcod** - Two-month cumulative limit of 40,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(1) It shall be lawful to land up to 100 pounds of lingcod under 22 inches taken in the trawl fishery only.

3. Groundfish open access fishery limits. The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(1) **Sablefish** - Daily trip limit of 300 pounds (round weight) not to exceed 2100 pounds in any calendar month. No minimum size.

(2) **Rockfish** - Vessel trip limit of 10,000 pounds. Cumulative limit of 35,000 pounds.

(3) **Lingcod** - cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(4) **Thornyhead rockfish** - Illegal to take, possess, transport or land thornyhead rockfish.

(5) It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility

to intermix with any other species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

(6) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

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

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-44-05000X Coastal bottomfish catch limits (96-47)

**WSR 96-14-073**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Fisheries)

[Order 96-89—Filed June 28, 1996, 4:22 p.m.]

Date of Adoption: June 28, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-07100Z.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The nontreaty harvestable surplus of sea cucumbers in all sea cucumber districts have been taken.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 1.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

June 28, 1996  
Edward P. Manary  
for Robert Turner  
Director

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07100Z Sea cucumber. (96-59)

**WSR 96-14-080**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**

[Filed July 1, 1996, 9:48 a.m.]

Date of Adoption: July 1, 1996.

Purpose: To implement and administer chapter 166, Laws of 1996 (HB 2290).

Citation of Existing Rules Affected by this Order: New section WAC 458-20-263 Wind and solar electric generating facilities sales and use tax exemption.

Statutory Authority for Adoption: RCW 82.32.300 and chapter 166, Laws of 1996.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Chapter 166, Laws of 1996, specifically requires the department to adopt a rule detailing the form and manner of an exemption certificate. This legislation takes effect July 1, 1996. This rule must be in place to provide taxpayers with the required information so that they can comply with the new law.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 1, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 1, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

July 1, 1996  
Claire Hesselholt  
Policy Counsel

### NEW SECTION

**WAC 458-20-263 Wind energy and solar electric generating facilities sales and use tax exemption.** (1) **Introduction.** Effective July 1, 1996, Chapter 166 Laws of 1996, (House Bill 2290) provides a retail sales tax exemption for sales of or charges made for: (a) machinery and equipment used directly in generating electricity using the wind or solar energy as the principal source of power; or (b) labor

and services for installing the machinery and equipment. The sales tax exemption applies if the purchaser develops with the machinery, equipment, labor, and services a facility capable of generating not less than two hundred kilowatts of electricity using the wind or solar energy as the principal source of power. The law provides a corresponding use tax exemption for the use of machinery and equipment used directly in generating not less than two hundred kilowatts of electricity using the wind or solar as the principal source of power.

(2) **Expiration.** The sales and use tax exemptions expire on June 30, 2005.

(3) **Definitions.** The following definitions apply to this section:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using the wind or solar energy as the principal source of power.

(i) Machinery and equipment, where solar energy is the principal source of energy, includes, but is not limited to: solar modules; power conditioning equipment; batteries; transformers; power poles; power lines; and connectors to the utility grid system.

(ii) Machinery and equipment, where wind is the principal source of power includes, but is not limited to: wind turbines; blades; generators; towers and tower pads; substations; guy wires and ground stays; control buildings; power conditioning equipment; anemometers; recording meters; transmitters; power poles; power lines; and connectors to the utility grid system.

(iii) "Machinery and equipment" does not include: the utility grid system and any tangible personal property used to connect electricity directly to consumers; hand tools; property with a useful life of less than one year; repair parts required to restore machinery and equipment to normal working order; replacement parts that do not increase productivity, improve efficiency, or extend the useful life of the machinery and equipment; buildings; or building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.

(b) "Used directly" means the machinery and equipment provides any part of the process that captures the energy of the wind or solar, converts that energy to electricity, and transforms or transmits that electricity for entry into electric transmission and distribution systems.

(c) "Installation charges" means sales of or charges made for labor and services rendered in respect to installing the machinery and equipment.

(i) Labor and services to install machinery and equipment includes both the charges for labor and charges for the rental of equipment with an operator.

(ii) Labor and services to install machinery and equipment does not include the rental of tangible personal property used by the purchaser to install machinery and equipment. See WAC 458-20-211.

(4) **Retail Sales Tax Exemption.** The retail sales tax does not apply to the purchase of or charges for machinery and equipment used directly in generating electricity using the wind or solar energy as the principal source of power or labor and services for installing the machinery and equipment. Prior approval is not required from the Department of

Revenue in order to claim the retail sales tax exemption. However, the purchaser is required to provide the seller with an exemption certificate. Both the purchaser and the seller must retain a copy of the certificate to document the exemption.

(a) The exemption certificate may be in the form shown below, or may be in any other form that contains substantial-ly the following information and language:

Sales and Use Tax Exemption Certificate for Wind or Solar Powered Electrical Generation Facilities

The purchaser (user) certifies that the items listed below are machinery and equipment, or are labor and services rendered to install the machinery and equipment, used directly in generating electricity using the wind or solar energy as the principal source of power at a facility capable of generating not less than 200 kilowatts of electricity.

Purchaser (User) UBI/Registration # .....  
Name of Purchaser (User) .....  
Address of Purchaser (User) .....  
Seller UBI/Registration # .....  
Name of Seller ..... Date .....  
Item or category of items .....  
Authorized agent for Purchaser (print) .....  
Authorized signature ..... Title .....  
Date .....

(b) In lieu of providing the certificate to the Department each time a purchase is made, the purchaser may provide the department with an annual summary of exempt purchases by January 31 of the year following the calendar year in which the items were purchased. The annual summary must provide the same information required in 4(a).

(5) **Use tax.** The use tax does not apply to the use of machinery and equipment used directly in generating not less than two hundred kilowatts of electricity using the wind or solar energy as the principle source of power. The user of exempt machinery and equipment is required to file an annual summary of exempt machinery and equipment similar to that described for the sales tax exemption.

(a) Instead of an annual summary the user may elect to file with the Department of Revenue an exemption certificate, similar to the retail sales tax exemption certificate described in subsection (4) of this section. If so, the certificate must be filed within sixty days of the first use of the machinery and equipment in this state.

(6) **Time of sale.** The existing rules pertaining to time and place of sale and when tax liability arises apply for purposes of whether a given transaction occurred on or after the effective date of the law, July 1, 1996, for purposes of the sales and use tax exemption. See WAC 458-20-103, WAC 458-20-178 and 458-20-197.

(a) In the case of an outright purchase of goods, the sale takes place when the goods are delivered to the purchaser in this state. Thus, machinery and equipment delivered to the purchaser on or after July 1, 1996 can qualify for exemption, regardless of when the order for the goods was placed.

(b) If machinery and equipment is acquired without payment of retail sales tax, use tax is due at the time of first use. Thus machinery and equipment which is first put to use after July 1, 1996, can qualify for the exemption. See WAC 458-20-178.

EMERGENCY

(c) In the case of leases or rentals of tangible personal property; liability for sales tax arises as of the time the lease or rental payment falls due. Thus, in the case of leased machinery and equipment, rental payments that fall due on or after July 1, 1996 can qualify for exemption, regardless of when the lease was initiated.

**WSR 96-14-085**  
**EMERGENCY RULES**  
**SECRETARY OF STATE**  
 [Filed July 2, 1996, 10:03 a.m.]

Date of Adoption: July 2, 1996.

Purpose: To make the rule governing the verification of signatures on initiative and referendum petitions consistent with RCW 29.79.200.

Citation of Existing Rules Affected by this Order: Amending WAC 434-79-010.

Statutory Authority for Adoption: RCW 29.79.200 and 29.04.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This amendment is necessary to make the regulation on verification of signatures on initiative and referendum petitions consistent with RCW 29.79.200 prior to the deadline (on July 5, 1996) for submission of signatures on initiatives to the people for the 1996 state general election.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

July 2, 1996  
 Donald F. Whiting  
 Assistant Secretary of State

AMENDATORY SECTION (Amending Order 78-2, filed 7/17/78)

**WAC 434-79-010 Random sampling procedure.** In the verification of signatures on initiative and referendum petitions, ~~((pursuant to))~~ under RCW 29.79.200 ~~((and 29.79.220, when the number of signatures submitted is more than 110 percent of the number of signatures required by~~

~~Article II, Section 1A of the Washington State Constitution)),~~ the following statistical test may be employed:

(1) Take an unrestricted random sample of the signatures submitted;

(2) Check each signature sampled to determine the number of valid signatures in the sample, the number of signatures in the sample which are invalid because the individual signing is not registered or the signature is improper in form, and the number of signatures which are duplicated in the sample;

(3) Calculate an allowance for the chance error of sampling by multiplying the square root of the number of invalid signatures in the sample by 1.5;

(4) Estimate the upper limit of the number of signatures in the population which are invalid by dividing the sum of the invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio, i.e. the number of signatures sampled divided by the number of signatures submitted;

(5) Determine the maximum allowable number of pairs of signatures in the population by subtracting the sum of ~~((110 percent of))~~ the number of signatures required by Article II, Section 1A of the Washington state constitution and the estimate of the upper limit of the number of invalid signatures in the population from the number of signatures submitted;

(6) Determine the expected number of pairs of signatures in the sample by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures in the population;

(7) Determine the acceptable number of pairs of signatures in the sample by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample;

(8) If the number of pairs of signatures in the sample is greater than the acceptable number of pairs of signatures in the sample, each signature shall be canvassed to determine the exact number of valid signatures;

(9) If the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, the petition shall be deemed to contain sufficient signatures and the serial number and ballot title shall be certified to the state legislature as provided in RCW 29.79.200 or to the county auditors as provided in RCW 29.79.230.

**WSR 96-14-112**  
**EMERGENCY RULES**  
**WASHINGTON STATE PATROL**  
 [Filed July 3, 1996, 10:35 a.m.]

Date of Adoption: July 3, 1996.

Purpose: This amendment will set harvest dates for agricultural transporters. Washington state has already adopted federal safety regulations for commercial motor vehicles. Now the federal government has transferred authority regarding those regulations to the state level.

Citation of Existing Rules Affected by this Order: Amending WAC 446-65-010 Commercial motor vehicle regulations, transportation requirements.

Statutory Authority for Adoption: RCW 46.32.020.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Authority for Title 49 Code of Federal Regulations has been transferred to the state level.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

July 3, 1996

Annette M. Sandberg  
Chief

United States Government Printing Office, Washington, D.C. 20402.

**AMENDATORY SECTION** (Amending WSR 95-13-080, filed 6/20/95, effective 7/21/95)

**WAC 446-65-010 Transportation requirements.** (1)

The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations, for motor carriers used in intrastate or interstate commerce, in their entirety: Parts 390 General, 391 Qualification of drivers, 392 Driving of motor vehicles, 393 Parts and accessories necessary for safe operation, 395 Hours of service of drivers, 396 Inspection, repair, and maintenance, 397 Transportation of hazardous materials; driving and parking rules, provided, however, motor carriers operating vehicles with a gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating solely intrastate, and not used to transport hazardous materials in a quantity requiring placarding, are exempt from Parts 390 General, 391 Qualifications of drivers, 392 Driving of motor vehicles, 395 Hours of service, and 396 Inspection, repair, and maintenance.

(2) As provided in Part 395, exemption for agricultural transporters, the harvest dates are defined as starting February 1 and ending November 30 of each year.

(3) Copies of Title 49 CFR, parts 390 through 397, now in force are on file at the code reviser's office, Olympia and at the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation commission offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents,

**OFFICE OF THE CODE REVISER**  
**Quarterly Rule Making Report**  
**Covering Registers 96-07 Through 96-12**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>ACCOUNTANCY, BOARD OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	3	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>AGRICULTURE, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	10	7	0
Number of Rules Adopted as Emergency Rules	12	0	0
Number of Rules Proposed for Permanent Adoption	15	17	7
Number of Sections Adopted at Request of a Nongovernmental Entity	0	4	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	10	0	0
Number of Sections Adopted on the Agency's own Initiative	0	3	0
Number of Sections Adopted using Negotiated Rule Making	10	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	7	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CLARK COLLEGE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	16	0
Number of Rules Proposed for Permanent Adoption	0	16	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	16	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	9	0
Number of Sections Adopted on the Agency's own Initiative	0	7	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISCELLANEOUS

**Type of Activity**  
**COUNTY ROAD ADMINISTRATION BOARD**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	7	116	10

**CRIMINAL JUSTICE TRAINING COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**ECOLOGY, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Rules Proposed for Permanent Adoption	1	8	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**EDUCATION, STATE BOARD OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	7	0
Number of Rules Proposed for Permanent Adoption	3	17	0
Number of Rules Withdrawn	1	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	0	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	3	6	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**EMPLOYMENT SECURITY DEPARTMENT**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	2	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	4	1	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	4	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	5	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	6	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**EVERGREEN STATE COLLEGE, THE**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	8	0	8

**FINANCIAL INSTITUTIONS, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	20	33	22
Number of Rules Proposed for Permanent Adoption	19	34	22
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	20	13	18
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	1
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	5	2
Number of Sections Adopted on the Agency's own Initiative	20	31	21
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	6	21	22
Number of Sections Adopted using Pilot Rule Making	0	0	0

**FINANCIAL MANAGEMENT, OFFICE OF**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

**FISH AND WILDLIFE, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	47	3
Number of Rules Adopted as Emergency Rules	68	0	44
Number of Rules Proposed for Permanent Adoption	2	10	0
Number of Rules Withdrawn	2	37	0
Number of Sections Adopted at Request of a Nongovernmental Entity	3	1	2
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	3	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	52	43	24
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISCELLANEOUS

**Type of Activity**  
**FOREST PRACTICES APPEALS BOARD**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	2	2

**FOREST PRACTICES BOARD**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	7	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	6	7	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	6	7	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**GAMBLING COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	8	26	0
Number of Rules Proposed for Permanent Adoption	6	13	0
Number of Sections Adopted at Request of a Nongovernmental Entity	3	11	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	6	16	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	4	0
Number of Sections Adopted on the Agency's own Initiative	6	16	0
Number of Sections Adopted using Negotiated Rule Making	6	15	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**GENERAL ADMINISTRATION, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	0	6	1
Number of Rules Proposed for Permanent Adoption	0	6	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	5	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	5	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

**HEALTH CARE AUTHORITY**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	18	12
Number of Rules Adopted as Emergency Rules	0	7	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	13	0	8
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	3	16	11
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	1
Number of Sections Adopted on the Agency's own Initiative	2	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**HEALTH CARE POLICY BOARD**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**HEALTH, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	19	0
Number of Rules Adopted as Emergency Rules	10	0	0
Number of Rules Proposed for Permanent Adoption	79	13	78
Number of Sections Adopted at Request of a Nongovernmental Entity	3	1	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	4	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	10	0	0
Number of Sections Adopted on the Agency's own Initiative	11	18	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	3	9	0
Number of Sections Adopted using Pilot Rule Making	1	0	0

**HIGHER EDUCATION COORDINATING BOARD**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	3	0

**HORSE RACING COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	71	0	102
Number of Rules Proposed for Permanent Adoption	38	0	72
Number of Sections Adopted at Request of a Nongovernmental Entity	18	0	23

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	42	0	59
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	60	0	86
Number of Sections Adopted using Negotiated Rule Making	18	0	23
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**HUMAN RIGHTS COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	10	20	3

**INSURANCE COMMISSIONER'S OFFICE**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	20	0
Number of Rules Proposed for Permanent Adoption	19	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	8	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	12	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LABOR AND INDUSTRIES, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	69	171	36
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	1	84	1
Number of Sections Adopted at Request of a Nongovernmental Entity	64	54	34
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	20	149	7
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	6	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	7	98	3
Number of Sections Adopted using Negotiated Rule Making	50	18	29
Number of Sections Adopted using Other Alternative Rule Making	20	156	7
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LAKE WASHINGTON TECHNICAL COLLEGE**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LICENSING, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	12	2
Number of Rules Adopted as Emergency Rules	7	0	0
Number of Rules Proposed for Permanent Adoption	31	22	3
Number of Rules Withdrawn	14	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	8	12	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	9	7	1
Number of Sections Adopted on the Agency's own Initiative	5	5	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	5	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LIQUOR CONTROL BOARD**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Rules Withdrawn	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**LOTTERY COMMISSION**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	0	1
Number of Rules Proposed for Permanent Adoption	17	8	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	13	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0

Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**MARINE SAFETY, OFFICE OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	17	0	16
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	7	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	17	0	16
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	18	0	16
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	17	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

**NATURAL RESOURCES, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**OUTDOOR RECREATION, INTERAGENCY COMMITTEE FOR**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	5	33	8
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	5	33	8
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	5	33	8
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	5	33	8
Number of Sections Adopted using Pilot Rule Making	0	0	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
<b>PERSONNEL RESOURCES BOARD/PERSONNEL, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	6	24	1
Number of Rules Proposed for Permanent Adoption	0	27	2
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	12	24	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	22	1	0
Number of Sections Adopted on the Agency's own Initiative	12	24	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	34	25	2
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>POLLUTION CONTROL HEARINGS BOARD</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	54	0	54
<b>PUBLIC DISCLOSURE COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	3	5	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	5	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC EMPLOYMENT RELATIONS COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	5	75	14
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	3	50	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	5	75	14
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	14	0
Number of Rules Proposed for Permanent Adoption	0	15	4

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	13	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	14	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	14	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**RETIREMENT SYSTEMS, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	12	0
Number of Rules Proposed for Permanent Adoption	2	12	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	2	12	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	2	12	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**REVENUE, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	1	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SECRETARY OF STATE, OFFICE OF THE**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	9	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	3	0

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted on the Agency's own Initiative	0	8	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SERVICES FOR THE BLIND, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SHORELINES HEARINGS BOARD**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	58	0	64

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	63	59	18
Number of Rules Adopted as Emergency Rules	7	35	0
Number of Rules Proposed for Permanent Adoption	16	35	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	17	22	8
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	2	44	0
Number of Sections Adopted in Order to Comply with Federal Statute	1	20	1
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	54	44	11
Number of Sections Adopted on the Agency's own Initiative	29	67	8
Number of Sections Adopted using Negotiated Rule Making	11	24	1
Number of Sections Adopted using Other Alternative Rule Making	57	91	11
Number of Sections Adopted using Pilot Rule Making	0	0	0

**TACOMA COMMUNITY COLLEGE**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	3	15	0

**TRANSPORTATION, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	6	0

**UNIVERSITY OF WASHINGTON**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	11	6	7
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	11	6	7

MISCELLANEOUS

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	1	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	11	6	7
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	11	6	7
Number of Sections Adopted using Pilot Rule Making	0	0	0

**WASHINGTON STATE PATROL**

Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	13	1	8
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	1	0	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	10	1	8
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	10	1	7
Number of Sections Adopted using Pilot Rule Making	0	0	0

**WASHINGTON STATE UNIVERSITY**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	35	0	0

**WESTERN WASHINGTON UNIVERSITY**

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	4	0
Number of Rules Withdrawn	1	0	0

**TOTALS FOR THE QUARTER:**

Number of Permanent Rules Adopted	334	631	244
Number of Rules Adopted as Emergency Rules	120	53	53
Number of Rules Proposed for Permanent Adoption	443	528	342
Number of Rules Withdrawn	18	45	0
Number of Sections Adopted at Request of a Nongovernmental Entity	98	74	59
Number of Sections Adopted In Order to Clarify, Streamline, or Reform Agency Procedures	171	406	142
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	3	61	1
Number of Sections Adopted in Order to Comply with Federal Statute	1	21	1
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	119	77	23
Number of Sections Adopted on the Agency's own Initiative	273	499	193
Number of Sections Adopted using Negotiated Rule Making	95	58	53
Number of Sections Adopted using Other Alternative Rule Making	183	386	65
Number of Sections Adopted using Pilot Rule Making	1	0	0

MISCELLANEOUS

**WSR 96-14-001**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
[Filed June 19, 1996, 3:50 p.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

**Date:** June 17, 1996  
**Agency:** Washington State Department of Health  
**Title of Statement:** Agency Policy/Procedure 19.001 "Filing Policy and Interpretive Statements"  
**Subject Matter:** Describes the procedure for how and when the Department of Health will file notice of adoption of a policy or interpretive statement with the code reviser pursuant to RCW 34.05.230, including guidance on which items the department considers to be "policy" or "interpretive" statements.  
**Effective Date:** June 6, 1996  
**Contact Person:** Michelle Davis, Rules Coordinator  
Department of Health  
P.O. Box 47890  
1112 S.E. Quince Street  
Olympia, WA 98504  
(360) 586-0342

Requests for such accommodation are welcome and may be made by calling President's Office, 359-2371.

**WSR 96-14-026**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE CENTER**

[Memorandum—June 21, 1996]

Pursuant to board action on June 21, 1996, the board has added a meeting to its 1996 schedule and will hold a regular meeting on Wednesday, August 7, 1996, at 1:30 p.m. in Room 211.

**WSR 96-14-029**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION COMMISSION**

[Memorandum—June 21, 1996]

The July 1996 Washington State Transportation Commission meetings will be held at 9:00 a.m. on Wednesday, July 17, and 9:00 a.m. on Thursday, July 18, 1996, at the Transportation Building, Room 1D2, Olympia, Washington.

The August 1996 Washington State Transportation Commission meetings will be held at 9:00 a.m. on Wednesday, August 14, and 9:00 a.m. on Thursday, August 15, 1996, at the Rodeway Inn, 221 N.E. Chkalov Drive, Vancouver, WA.

**WSR 96-14-023**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMUNITY COLLEGES OF SPOKANE**  
[Memorandum—June 19, 1996]

The July 1996 meeting of the board of trustees of Community Colleges of Spokane, Washington Community College District 17, has been canceled.

The September 17, 1996, meeting has been changed to September 24, 1996. The location and time remains the same, 1:30 p.m., 2000 North Greene Street, Spokane, WA 99207.

**WSR 96-14-025**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
[Memorandum—June 24, 1996]

Board of Trustees  
June 28, 1996, 9:00 a.m.  
Cheney Campus  
Pence Union Building  
Room 263-65

Breakfast, which is open to the public, will be served to board members prior to the meeting at 8:00 a.m. in the PUB Board Room.

Eastern Washington University strives to satisfy all requests for special access needs for persons with disabilities.

**WSR 96-14-047**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
[Filed June 26, 1996, 4:23 p.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

**Date:** June 19, 1996  
**Agency:** Health Professions Quality Assurance, Department of Health  
**Title of Statement:** Division Policy D18.01 "Suspension of License for Default of Student Loans"  
**Subject Matter:** Describes the procedure the Department of Health will utilize to suspend the license of any licensee who has been certified for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.  
**Effective Date:** June 6, 1996  
**Contact Person:** Diana Ehri, Administrator  
Department of Health  
Health Policy and Constituent Relations  
P.O. Box 47860  
1300 S.E. Quince Street  
Olympia, WA 98504-7860  
(360) 753-9177

MISCELLANEOUS

**WSR 96-14-048**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
[Filed June 26, 1996, 4:25 p.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

Date: June 20, 1996  
Title of Policy: License Verification for  
Managed Care Companies  
Issuing Entity: Examining Board of Psychology  
Subject Matter: Managed care companies will no longer  
be issued license verifications on paper.  
Effective June 14, 1996, managed care  
companies must use the automated  
verification service at (360) 664-4111.  
Effective Date: June 14, 1996  
Contact Person: Terry J. West, Program Manager  
Department of Health  
Examining Board of Psychology  
P.O. Box 47869  
Olympia, WA 98504  
(360) 753-3095  
FAX (360) 586-7774  
Internet address:  
tjw1303@hub.doh.wa.gov

**WSR 96-14-053**  
**NOTICE OF PUBLIC MEETINGS**  
**GOVERNOR'S AFFIRMATIVE ACTION**  
**POLICY COMMITTEE**  
[Memorandum—June 27, 1996]

July 30 and 31, 1996  
August 19 and 20, 1996  
Department of Personnel  
521 Capitol Way South  
Corner of Legion and Capitol

**WSR 96-14-083**  
**NOTICE OF PUBLIC MEETINGS**  
**AFFORDABLE HOUSING**  
**ADVISORY BOARD**  
[Memorandum—June 28, 1996]

The board meets the third Wednesday, every other month.  
The November meeting may be held in Spokane to coincide  
with a public hearing.

1996

January 17	9 a.m. - 4 p.m.	Governor's Conference Room, Olympia
March 20	9 a.m. - 4 p.m.	WestCoast Hotel, Sea-Tac
May 15	9 a.m. - 4 p.m.	WestCoast Hotel, Sea-Tac
July 17	9 a.m. - 4 p.m.	WestCoast Hotel, Sea-Tac
September 18	9 a.m. - 4 p.m.	WestCoast Hotel, Sea-Tac
November 20	9 a.m. - 4 p.m.	WestCoast Hotel, Sea-Tac

**WSR 96-14-094**  
**NOTICE OF PUBLIC MEETINGS**  
**SEATTLE COMMUNITY COLLEGES**  
[Memorandum—June 27, 1996]

The Seattle Community College District board of trustees  
will have a work session at 5:00 p.m. before their regular  
meeting at 6:00 p.m., on Tuesday, July 2, 1996.

It will be held in Room 4180D, and the regular meeting will  
be held in Room BA360. Both meetings will take place at  
Seattle Central Community College, 1701 Broadway, Seattle,  
WA 98122.

**WSR 96-14-105**  
**NOTICE OF PUBLIC MEETINGS**  
**PERSONNEL RESOURCES BOARD**  
[Memorandum—July 2, 1996]

The September 12, 1996, regular meeting of the Washington  
Personnel Resources Board has been changed to Tuesday,  
September 17, 1996, continuing on Wednesday, September  
18, 1996. Both meetings will be held at 10:00 a.m., Depart-  
ment of Personnel, Board Room, 521 Capitol Way South,  
Olympia, WA.

Should you have any questions regarding this matter, please  
contact Judy Montoure at 586-1770.

**WSR 96-14-106**  
**DEPARTMENT OF ECOLOGY**  
[Filed July 3, 1996, 9:27 a.m.]

**NOTICE OF PUBLIC HEARINGS**  
August 12, 13 and 15, 1996

The Washington State Department of Ecology will be  
conducting sets of consecutive public hearings throughout  
the state as follows:

Monday, August 12, 1996  
Department of Ecology  
Northwest Regional Office  
3190 160th Avenue S.E.  
Conference Room A  
Bellevue, WA  
2:00 p.m.

Tuesday, August 13, 1996  
Vancouver City Council Chambers  
210 East 13th Street  
Vancouver, WA  
1:00 p.m.

Thursday, August 15, 1996  
Department of Ecology  
Eastern Regional Office  
North 4601 Monroe  
Large Conference Room  
Spokane, WA  
2:00 p.m.

The purposes of the hearings are as follows:

MISCELLANEOUS

- Receive public comments on the proposed amendments to the oxygenated gasoline regulation, chapter 173-492 WAC. The proposed rule would remove the requirement for wintertime oxygenated gasoline in Clark, King, Pierce and Snohomish counties because these areas are expected to be redesignated to attainment by the United States Environmental Protection Agency (EPA). Oxygenated gasoline may be required in the future by local regulations if air quality violations occur. The requirement would be retained in Spokane County where oxygenated gasoline is still needed to control carbon monoxide.
- Receive public comments on incorporation of the amended oxygenated gasoline regulation into the state implementation plan (SIP).

Interested persons may provide written or oral comments at the hearings. Written comments will be considered if postmarked no later than August 16, 1996, and should be sent to Kitty Gillespie, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

For information on the content of the draft documents, please contact Kitty Gillespie at (360) 407-6862. For a list of locations where a copy of the draft documents can be reviewed, please contact Lydia Blalock at (360) 407-6860.

Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, please call Lydia Blalock at (360) 407-6860 (voice) or (360) 407-6006 (TDD only).

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**WSR 96-13-021**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF LICENSING**  
 [Filed June 10, 1996, 8:24 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 308-126A WAC, Land development registration—Jurisdiction, chapter 308-126B WAC, Land development registration—Registration, chapter 308-126C WAC, Land development registration—Administration, WAC 308-48-140 Licenses—Applicants from other states, chapter 36-08 WAC, Practice and procedure, WAC 308-14-080 Certification requirements—Permanent and temporary certificates, 308-14-110 Persons practicing as of the effective date of this chapter, 308-04-001 Appointment of director—Agency documents, 308-20-020 Term of course—Examination eligibility, 308-20-050 Change in ownership of school, 308-20-060 Approved security (surety bond, savings assignment, or irrevocable letter of credit), 308-20-070 Training guidelines, 308-20-095 Examination eligibility of applicants from out-of-state schools, 308-20-100 Recording student hours, 308-20-109 Instructor-trainee credit for training, 308-20-140 Examination application, 308-20-175 Persons licensed in other jurisdictions, 308-20-205 License renewal—Penalties, 308-20-208 Grandfather provisions, 308-20-510 Minimum operator licensing standards, 308-20-540 Application process, and 308-20-545 License issuance.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Walt Fahrer, Rules Coordinator, Department of Licensing, 1125 Washington Street S.E., Olympia, WA 98504-8001.

Reason the Expedited Repeal of the Rule is Appropriate: Chapters 308-126A, 308-126B and 308-126C WAC, the land development program has been deregulated; WAC 308-48-140, this rule is no longer needed due to HB 2636 that made changes to RCW 18.39.130 which sets the licensing requirements for applicants from other states; chapter 36-08 WAC, no longer necessary since the Boxing Commission was eliminated; WAC 308-14-080 and 308-14-110, recent laws have made these sections unnecessary; WAC 308-04-001, rule outdated and unnecessary; WAC 308-20-020, 308-20-050, 308-20-060, 308-20-070, 308-20-095, 308-20-100, 308-20-109, 308-20-140, 308-20-175, 308-20-205, 308-20-208, 308-20-510, 308-20-540 and 308-20-545, these rules are repeats of RCW, no longer apply or are contradictory to RCW.

June 10, 1996  
 Walt Fahrer  
 Rules Coordinator

**WSR 96-13-023**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF TRANSPORTATION**  
 [Filed June 10, 1996, 10:16 a.m.]

The Following Sections are Proposed for Expedited Repeal: Aeronautics Commission, chapter 12-10 WAC, Guidelines interpreting and implementing the State Environmental Policy Act.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: William D. Richeson, Department of Transportation, P.O. Box 47410, Olympia, WA 98504-7410.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 12-10 WAC is no longer required as the Aeronautics Commission is no longer in existence. In July 1977 they became a part of the Department of Transportation. Chapter 468-12 WAC, Transportation Commission and Transportation Department State Environmental Policy Act rules covers all offices/divisions/regions within the Department of Transportation.

June 4, 1996  
 S. A. Moon  
 Deputy Secretary  
 for Operations

**WSR 96-13-028**  
**EXPEDITED REPEAL**  
**HIGHER EDUCATION**  
**COORDINATING BOARD**  
 [Filed June 11, 1996, 2:38 p.m.]

The Following Sections are Proposed for Expedited Repeal: Pacific Rim language scholarship program, WAC 250-74-010, 250-74-020, 250-74-030, 250-74-040, 250-74-050, and 250-74-060.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Marcus S. Gaspard, Executive Director, Higher Education Coordinating Board, 917 Lakeridge Way, P.O. Box 43430, Olympia, WA 98504-3430, (360) 753-7800, FAX (360) 753-7808.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 28B.107 RCW states that the program shall expire on June 30, 1996, and that no scholarships shall be granted under this program after that date. Funding for the Pacific Rim language scholarship program was appropriated for one fiscal year only, for awards provided during the 1990-91 academic year. Funding has not been available, nor have new awards been made available, since that time.

June 10, 1996  
Marcus S. Gaspard  
Executive Director

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 250-74-010 Purpose.
- WAC 250-74-020 Program definitions.
- WAC 250-74-030 Eligibility criteria.
- WAC 250-74-040 Selection criteria.
- WAC 250-74-050 Administration.
- WAC 250-74-060 Management of funds.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Marygrace Jennings, General Administration, P.O. Box 41000, Olympia, WA 98504-1000.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 341, Laws of 1995, states that an agency may charge no more than .15 [15]¢ per page for photocopying public documents. This WAC conflicts with that direction and should be repealed.

May 24, 1996  
Marygrace Jennings  
Rules Coordinator

**WSR 96-13-036**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
[Filed June 12, 1996, 10:20 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 236-60 WAC, Suggested design and construction standards of sidewalk and curb ramps for the physically handicapped person without uniquely endangering the blind.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Marygrace Jennings, General Administration, P.O. Box 41000, Olympia, WA 98504-1000.

Reason the Expedited Repeal of the Rule is Appropriate: WAC 51-20-3106 of the Uniform Building Code, effective July 1, 1993, fully covers these design and construction standards within the larger context of accessibility design and construction for facilities in general. Placement of these standards within the UBC is more logical, and the UBC standards are more up to date. Therefore chapter 236-60 WAC should be repealed.

May 24, 1996  
Marygrace Jennings  
Rules Coordinator

**WSR 96-13-037**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
[Filed June 12, 1996, 10:22 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 236-56-100 Copying.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

**WSR 96-13-038**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
[Filed June 12, 1996, 10:24 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 236-48-095 Exception to award to lowest responsible bidder and 236-48-131 Cancellation of invitation to bid or rejection of all bids.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Marygrace Jennings, General Administration, P.O. Box 41000, Olympia, WA 98504-1000.

Reason the Expedited Repeal of the Rule is Appropriate: The statute governing awards to other than lowest bidder and cancellation of solicitations (RCW 43.19.1911) was amended by SSB 6572 in 1996. These WACs conflict with this amended statutory direction and should be repealed.

May 24, 1996  
Marygrace Jennings  
Legislative Program Manager

**WSR 96-13-039**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
[Filed June 12, 1996, 10:25 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 236-50-010 Regular meeting dates.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Marygrace Jennings, General Administration, P.O. Box 41000, Olympia, WA 98504-1000.

Reason the Expedited Repeal of the Rule is Appropriate: This rule is obsolete. Responsibilities for records management and the state archives were transferred to the Secretary of State in 1981 (chapter 115, Laws of 1981). This rule has also been replaced by chapter 434-624 WAC, Power and duties of the state records committee; specifically WAC 434-624-050, which became effective February 21, 1993.

May 24, 1996  
Marygrace Jennings  
Rules Coordinator

**WSR 96-13-040**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**

[Filed June 12, 1996, 10:26 a.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 236-24 WAC, Waiver of public bidding requirements for water projects.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Marygrace Jennings, General Administration, P.O. Box 41000, Olympia, WA 98504-1000.

Reason the Expedited Repeal of the Rule is Appropriate: This chapter was created to implement the provisions of a single subsection of law written in 1977 (section 5(2), chapter 1, Laws of 1977 1st ex. sess.) that was temporary in nature. The 1977 law included an expiration date of September 30, 1977. This chapter is therefore obsolete as it does not serve to implement any subsequent or existing act.

May 24, 1996  
Marygrace Jennings  
Rules Coordinator

**WSR 96-14-007**  
**EXPEDITED REPEAL**  
**THE EVERGREEN STATE COLLEGE**

[Filed June 20, 1996, 3:02 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 174-122 WAC, Mid-contract termination with adequate cause, WAC 174-122-010 Preamble, 174-122-020 Informal procedures, 174-122-030 Formal hearing procedures, and 174-122-040 Summary suspension.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: D. Lee Hoemann, Executive Associate to the President, The Evergreen State College, Library Building, Room 3105, Olympia, WA 98505.

Reason the Expedited Repeal of the Rule is Appropriate: College policy was changed in accordance with a ruling of the Office of Civil Rights. During that process, our attorney general informed us that, since the rule applies only to internal personnel matters, it should be removed from the Washington Administrative Code.

June 19, 1996  
D. Lee Hoemann  
Executive Associate to the  
President and Rules Coordinator

**WSR 96-14-009**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 20, 1996, 3:20 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 16-101-410 Milk, 16-101-420 Pasteurized milk, 16-101-430 Homogenized milk, 16-101-440 Vitamin D milk, 16-101-450 Vitamin A milk, 16-101-455 Multivitamin fortified or multimineral fortified milk or milk products, 16-101-460 Vitamin A lowfat milk, 16-101-465 Lowfat milk with calcium added, 16-101-470 Nonfat milk (skim milk), 16-101-475 Nonfat (skim) milk with calcium added, 16-101-480 Vitamin A nonfat milk (skim milk), 16-101-490 Reconstituted or recombined milk or milk products, 16-101-500 Evaporated milk, 16-101-510 Concentrated milk and concentrated milk products, 16-101-520 Half-and-half, 16-101-530 Cream or whipped light cream, 16-101-540 Whipping cream or whipped cream, 16-101-550 Buttermilk or cultured buttermilk, 16-101-560 Sour cream or cultured sour cream, 16-101-570 Sour half-and-half or cultured half-and-half, 16-101-580 Yogurt, 16-101-590 Chocolate milk, 16-101-600 Chocolate lowfat milk or chocolate nonfat milk, 16-101-610 Flavored milk, 16-101-620 Flavored lowfat milk, 16-101-630 Flavored nonfat milk (flavored skim milk), 16-101-640 Eggnog flavored milk or eggnog, 16-101-650 Optional ingredients, 16-101-660 Protein fortified fluid milk products, 16-101-670 Acidified milk and milk products, and 16-101-680 Pasteurization.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Dannie McQueen, Rules Coordinator, Administrative Regulations Office, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: Standards for milk are regulated under federal standards, 21 CFR, adopted under chapter 16-167 WAC.

June 18, 1996  
Candace A. Jacobs  
Assistant Director

Reason the Expedited Repeal of the Rule is Appropriate:  
Ground beef is regulated by the United States Department of  
Agriculture. These rules are not compatible with the federal  
requirements.

June 18, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-14-010**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 20, 1996, 3:21 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 16-144-001 Promulgation, 16-144-020 Processing ice cream, 16-144-030 Processing of other desserts—Frozen and French custards—Labeling—Optional ingredients, 16-144-040 Ice milk—Labeling—Optional ingredients, 16-144-050 Nonfat frozen dairy desserts—Labeling—Optional ingredients, 16-144-060 Dietetic or dietary frozen dairy desserts—Labeling—Optional ingredients, 16-144-070 Fruit sherbets—Labeling—Optional ingredients and 16-144-080 Water ices—Labeling—Optional ingredients.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Dannie McQueen, Rules Coordinator, Administrative Regulations Office, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: The requirements are covered under federal standards in 21 CFR which is adopted under chapter 16-167 WAC.

June 18, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-14-011**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 20, 1996, 3:22 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 16-49 WAC, Regulations relating to fat standards for ground beef, hamburger, lean ground beef, extra lean ground beef, and labeling, advertizing and sale of named ground beef.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Dannie McQueen, Rules Coordinator, Administrative Regulations Office, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560.

**WSR 96-14-012**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 20, 1996, 3:25 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 16-116 WAC, Poultry and rabbit killing establishment.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Dannie McQueen, Rules Coordinator, Administrative Regulations Office, Washington Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: Poultry is now regulated by the United States Department of Agriculture. Rabbits are covered by USDA voluntary inspection program standards.

June 18, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-14-013**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 20, 1996, 3:26 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 16-136 WAC, Butter substitutes.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Dannie McQueen, Rules Coordinator, Administrative Regulations Office, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: Food service requirements are under the local health department and Washington State Department of Health.

June 18, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-14-014**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 20, 1996, 3:28 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 16-120 WAC, Cream buying stations; chapter 16-126 WAC, Milk and cream buying in bulk; and chapter 16-132 WAC, Cheese-branding, trademarks.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Dannie McQueen, Rules Coordinator, Administrative Regulations Office, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: The laws under chapter 15.32 RCW for which these rules were adopted have been repealed.

June 18, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-14-015**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 20, 1996, 3:30 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 16-148 WAC, Abnormal milk.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Dannie McQueen, Rules Coordinator, Administrative Regulations Office, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: These rules are also covered by the pasteurized milk ordinance adopted under WAC 16-101-700.

June 18, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-14-016**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 20, 1996, 3:32 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 16-128 WAC, Dry milk products; and chapter 16-140 WAC, Processing low acid foods.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Dannie McQueen, Rules Coordinator, Administrative Regulations Office, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: These rules are covered by the federal standards under 21 CFR adopted in chapter 16-167 WAC.

June 18, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-14-017**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF AGRICULTURE**

[Filed June 20, 1996, 3:33 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 16-114 WAC, Egg products.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Dannie McQueen, Rules Coordinator, Washington State Department of Agriculture, Administrative Regulations Office, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: The United States Department of Agriculture has authority over the processing of egg products. Their regulations known as 7 CFR, Part 59, were developed and are issued pursuant to the authorities contained in the Egg Products Inspection Act (21 USC 1031-1056). The act and these regulations require and provide for the continuous inspection of the processing of egg products and the control and disposition of restricted eggs. Chapter 16-114 WAC basically provided for the same control of the processing of egg products prior to the United States Egg Products Inspection Act.

June 18, 1996  
Candace A. Jacobs  
Assistant Director

**WSR 96-14-018**  
**EXPEDITED REPEAL**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed June 21, 1996, 10:55 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 392-103-005 through 392-103-045, conflicts of interest; WAC 392-122-400 through 392-122-415, state fair start program; WAC 392-140-175 through 392-140-559, finance rules; and WAC 392-141-125, 392-141-175 and 392-141-176, hazardous walking conditions.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Rick Wilson, Legal Services Office, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200.

Reason the Expedited Repeal of the Rule is Appropriate: The conflicts of interest rules were based upon chapter 42.18 RCW which has been repealed; the state fair start program rules were based upon RCW 28A.600.525 - [28A.600.]450 which has been repealed; the finance rules were based upon provisions of previous biennial appropriation acts which have expired; and transportation funding in connection with "hazardous walking conditions" has been discontinued as a consequence of amendments to RCW 28A.160.150, [28A.160.]160, and [28A.160.]180.

June 20, 1996  
Jean L. Ameluxen  
Legislative Liaison

**WSR 96-14-019**  
**EXPEDITED REPEAL**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed June 21, 1996, 10:58 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 392-163-100 through 392-163-645, federal Chapter 1 program rules; WAC 392-166-100 through 392-166-275, student retention and retrieval program; WAC 392-167A-005 through 392-167A-090, fair start program; WAC 392-193-005 through 392-193-060, alien teacher permits; and WAC 392-310-010 through 392-310-025, schools for the twenty-first century program.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Rick Wilson, Legal Services Office, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200.

Reason the Expedited Repeal of the Rule is Appropriate: The federal Chapter 1 program and related statutes and rules have been superseded by Title 1 of the Federal Improving America's Schools Act of 1994; the student retention and retrieval program rules were premised on RCW 28A.175.020 - [28A.175.]080 which have been repealed; the fair start program rules were based on RCW 28A.600.425 through [28A.600.]450 which have [been] repealed; and the alien teacher permit rules were based on RCW 28A.405.020 which has been repealed. The schools for the twenty-first century program rules were based on RCW 28A.630.210, et seq. which has expired.

June 20, 1996  
Jean L. Ameluxen  
Legislative Liaison

**WSR 96-14-031**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF ECOLOGY**  
[Filed June 25, 1996, 1:17 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 173-28-010 Authority, 173-28-020 Findings, 173-28-030 Conclusion, 173-28-040 Composition of Lake Washington region, 173-28-050 Geographical extent of region, 173-28-060 Duties of local government units comprising the region, 173-28-070 Review of master programs by the Department of Ecology, and 173-28-080 Fund availability.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Patricia Zabala, Shorelands and Water Resources Program, Washington Department of Ecology, P.O. Box 47690, Olympia, WA 98504-7690.

Reason the Expedited Repeal of the Rule is Appropriate: This chapter of rule was adopted in 1973 and has been superseded in purpose and intent by the Growth Management Act, Shorelines Management Act and recent amendments thereto. Integration of shorelands and growth management planning, conducted in accordance with applicable guidelines and rules, now requires cooperative and consistent policies amongst jurisdictions managing the Lake Washington region.

June 20, 1996  
Linda G. Crerar  
Assistant Director  
Water Division

**WSR 96-14-037**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
(Banking Division)  
[Filed June 26, 1996, 1:08 p.m.]

The Following Sections are Proposed for Expedited Repeal: All rules in chapter 50-08 WAC dealing with adjudicative hearings.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Victoria W. Sheldon, Department of Financial Institutions, Box 41200, Olympia, WA 98504-1200, phone (360) 902-8775, FAX (360) 586-5086.

Reason the Expedited Repeal of the Rule is Appropriate: These rules deal with adjudicative hearings within the division of banks. The department has enacted rules covering the entire department which supersede these rules.

June 26, 1996  
John L. Bley  
Director

**WSR 96-14-038**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
[Filed June 26, 1996, 1:09 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 208-418-045, dealing [with] the credit unions examination fund.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Victoria W. Sheldon, Department of Financial Institutions, Box 41200, Olympia, WA 98504-1200, phone (360) 902-8775, FAX (360) 586-5086.

Reason the Expedited Repeal of the Rule is Appropriate: This rule dealing with the credit unions examination fund is no longer necessary because it has been superseded by other rules.

June 26, 1996  
John L. Bley  
Director

**WSR 96-14-039**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
(Division of Savings and Loan Associations)  
[Filed June 26, 1996, 1:10 p.m.]

The Following Sections are Proposed for Expedited Repeal: All rules in chapter 419-28 WAC, dealing [with] satellite facilities of credit unions.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Victoria W. Sheldon, Department of Financial Institutions, Box 41200, Olympia, WA 98504-1200, phone (360) 902-8775, FAX (360) 586-5086.

Reason the Expedited Repeal of the Rule is Appropriate: The rules dealing with satellite facilities are no longer necessary due to changes in regulation governing credit unions.

June 26, 1996  
John L. Bley  
Director

**WSR 96-14-040**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
(Banking Division)  
(Division of Savings and Loan Associations)  
[Filed June 26, 1996, 1:11 p.m.]

The Following Sections are Proposed for Expedited Repeal: All rules in chapters 50-24 and 419-20 WAC dealing with public records.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Victoria W. Sheldon, Department of Financial Institutions, Box 41200, Olympia, WA 98504-1200, phone (360) 902-8775, FAX (360) 586-5086.

Reason the Expedited Repeal of the Rule is Appropriate: These rules deal with public records within the divisions of banks and credit unions. The department is enacting rules, to be effective in August, which will supersede these rules.

June 26, 1996  
John L. Bley  
Director

EXPEDITED REPEAL

**WSR 96-14-041  
EXPEDITED REPEAL  
DEPARTMENT OF  
FINANCIAL INSTITUTIONS**

(Banking Division)  
(Division of Savings and Loan Associations)  
[Filed June 26, 1996, 1:12 p.m.]

The Following Sections are Proposed for Expedited Repeal: All rules in chapter 50-40 WAC, dealing [with] satellite facilities of banks; and all rules in chapter 419-04 WAC, dealing with a working understanding with the federal home loan bank board.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Victoria W. Sheldon, Department of Financial Institutions, Box 41200, Olympia, WA 98504-1200, phone (360) 902-8775, FAX (360) 586-5086.

Reason the Expedited Repeal of the Rule is Appropriate: The rules dealing with satellite facilities are no longer necessary due to changes in banking regulations. The rules dealing with the federal home loan bank board (FHLB) are no longer necessary because the FHLB is no longer involved in this process.

June 26, 1996  
John L. Bley  
Director

**WSR 96-14-042  
EXPEDITED REPEAL  
EMPLOYMENT SECURITY DEPARTMENT**

[Filed June 26, 1996, 2:28 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 192-42-060.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; and rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: John Nemes, Rules Coordinator, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046.

Reason the Expedited Repeal of the Rule is Appropriate: This rule was inadvertently omitted from the rule-making order filed as WSR 95-05-048 which repealed all other sections in chapter 192-42 WAC.

June 24, 1996  
Wendy Holden  
Deputy Commissioner

**WSR 96-14-045  
EXPEDITED REPEAL  
DEPARTMENT OF HEALTH**

[Filed June 26, 1996, 4:17 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-919-200, 246-919-210, 246-919-220, 246-919-230, and 246-919-240.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Michelle Davis, Rules Coordinator, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

Reason the Expedited Repeal of the Rule is Appropriate: These rules are currently in conflict with recently enacted legislation, which now designates the Office of Financial Management as the agency responsible for the process of petitions for rule making. These rules are now redundant and in order for licensees and other interested persons to follow current statutes, these rules are to be repealed.

June 5, 1996  
Keith O. Shafer  
Executive Director  
Medical Quality  
Assurance Commission

**WSR 96-14-046  
EXPEDITED REPEAL  
DEPARTMENT OF HEALTH**

[Filed June 26, 1996, 4:20 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 246-08-104 and 246-08-105 Petition for rule making; chapter 246-255 WAC, Radiation protection—Forms; and WAC 246-292-030 Certification board.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule; rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Michelle Davis, Legislative and Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, FAX (360) 586-7424.

Reason the Expedited Repeal of the Rule is Appropriate: WAC 246-08-104 and 246-08-105 Petition for rule making, these sections proscribe the method for petition of rule making. These two sections were created in 1993, and are now redundant because the Office of Financial Management recently adopted WAC 82-05-030 which govern the petition process for all agency rules.

Chapter 246-255 WAC, Radiation protection—Forms, this rule is no longer necessary due to changed circumstances.

es. This rule was originally created in 1969, and the forms listed in the WAC are significantly different from those in current use. Furthermore, technological advances have enabled licensees to utilize electronic media to access the appropriate forms. For these reasons, the rule is outdated and of no value to daily program operations.

WAC 246-292-030 Certification board, this rule describes the composition and duties of the water and wastewater operator Certification Board of Examiners. The statutes authorizing the board, RCW 70.95B.070 and 70.119.080 were repealed during the 1995 legislative session. The repeal of the statutes eliminated the authority for, and the duties of, the board as outlined in WAC 246-292-030.

June 26, 1996

Bruce A. Miyahara  
Secretary

by Bobbie Berkowitz

**WSR 96-14-049**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF REVENUE**

[Filed June 27, 1996, 9:50 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 458-24-010 General, 458-24-020 Unlawful practices, 458-24-030 Licenses, bond, 458-24-040 Legal action, remedies, 458-24-050 Administrative remedies, 458-24-060 Form and contents of complaint, 458-24-070 Penalties, 458-24-080 Cigarette wholesalers and retailers ..., and 458-24-090 Basic cost of cigarettes.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Claire Hesselholt, Policy Counsel, Department of Revenue, Box 47467, Olympia, WA 98504-7467.

Reason the Expedited Repeal of the Rule is Appropriate: These rules were adopted to implement provisions of chapter 19.91 RCW, most of which were repealed by section 14, chapter 321, Laws of 1986, and took effect July 1, 1991. The remaining statute, RCW 19.91.300, states that no person licensed to sell cigarettes may sell cigarettes below the actual price paid, and violation is considered an unfair or deceptive act or practice under the Consumer Protection Act, chapter 19.86 RCW.

June 27, 1996  
Claire Hesselholt  
Policy Counsel

**WSR 96-14-050**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF REVENUE**

[Filed June 27, 1996, 9:54 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 458-56-010 Scope of rules, 458-56-020

Imposition of tax, 458-56-030 Requirement of return, 458-56-040 Joint accounts and trusts, 458-56-050 Annual exclusion, 458-56-060 Time and place for filing, 458-56-070 Gifts during prior calendar years, 458-56-080 Gross gifts made during calendar year, 458-56-090 Description of property, 458-56-100 Valuation of property, 458-56-110 Exempt gifts, 458-56-120 Specific exemptions, 458-45-130 [458-56-130] Community property and separate property, 458-56-140 Reserved, 458-56-150 Penalties, 458-56-160 Payment of tax, 458-56-170 Gifts taxable as inheritance, 458-56-180 Gift tax returns, 458-56-190 Liens, 458-56-200 Valuation of securities and accounts, 458-56-210 Federal audits, 458-56-220 Receipts, and 458-56-230 Appeals and appellate procedure.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Statute on which the rule was based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Claire Hesselholt, Policy Counsel, Department of Revenue, Box 47467, Olympia, WA 98504-7467.

Reason the Expedited Repeal of the Rule is Appropriate: The gift tax was repealed by Initiative 402, passed by the voters at the November 3, 1981, election. The department has never repealed the rules originally adopted to administer the tax, even though the tax no longer exists. These rules no longer serve any purpose.

June 27, 1996  
Claire Hesselholt  
Policy Counsel

**WSR 96-14-051**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF REVENUE**

[Filed June 27, 1996, 9:55 a.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 458-20-232 Sales of intoxicating liquor.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Claire Hesselholt, Policy Counsel, Department of Revenue, Box 47467, Olympia, WA 98504-7467.

Reason the Expedited Repeal of the Rule is Appropriate: The subject matter of this rule is of limited value. The activities described in this rule (sales of spirits, wine, beer) are covered in other rules of this agency (see WAC 458-20-119 and 458-20-124). There is no need to have a separate rule describing the tax consequences of selling liquor.

June 27, 1996  
Claire Hesselholt  
Policy Counsel

**WSR 96-14-067**  
**EXPEDITED REPEAL**  
**STATE BOARD OF HEALTH**  
 [Filed June 28, 1996, 12:37 p.m.]

The Following Sections are Proposed for Expedited Repeal: Chapter 246-201 WAC, Basic plumbing principles; chapter 246-264 WAC, Water safety teaching stations; chapter 246-378 WAC, Mobile home parks; chapter 246-610 WAC, Cytogenetic laboratory services; WAC 246-100-221 Duties of laboratories—Annual registration of laboratories; and 246-100-226 Duties of laboratories.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances; and other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Michelle Davis, Legislative and Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, FAX (360) 586-7424.

Reason the Expedited Repeal of the Rule is Appropriate: Chapter 246-201 WAC, Basic plumbing principles, chapter 246-201 WAC outlines fundamental sanitary principles and inspection standards for plumbing systems. The requirements within this chapter are also covered under the Uniform Plumbing Code (chapter 51-26 WAC), Department of Labor and Industries' standards for boilers regulations (chapter 296-104 WAC), general sanitation rules (chapter 246-203 WAC), as well as drinking water rules (chapter 246-290 WAC), therefore the rule is redundant.

Chapter 246-264 WAC, Water safety teaching stations, this chapter regulates the operation and maintenance of training pools. Water safety teaching stations no longer exist which means this chapter is no longer necessary.

Chapter 246-378 WAC, Mobile home parks, this chapter outlines requirements for sewage disposal, water supply, refuse disposal and general sanitation standards for mobile home parks. The chapter is redundant because it repeats the standards outlined in the general sanitation rules (chapter 246-203 WAC), sewage and water standards (chapters 246-271 and 246-290 WAC) as well as local land use and subdivision codes.

Chapter 246-610 WAC, Cytogenetic laboratory services, this rule allows physicians to request the cytogenetics laboratory of the genetics program to analyze specimens, and establishes a billing system. The rule is no longer necessary because the laboratory was discontinued in 1991.

WAC 246-100-221 Duties of laboratories—Annual registration of laboratories, this rule requires medical laboratories to register with the Department of Health. This section is redundant because the medical test site rules, chapter 246-338 WAC require the registration of laboratories.

WAC 246-100-226 Duties of laboratories—Approval of laboratories to perform prenatal serologic tests for syphilis, this rule requires laboratories performing prenatal serologic tests for syphilis to have approval to conduct these tests. The rule also outlines additional requirements including test methods, quality control procedures, record-keeping and performance proficiencies. These requirements are redun-

dant because they are outlined in the medical test site rules, chapter 246-338 WAC, as well.

June 24, 1996  
 Sylvia I. Beck  
 Executive Director

**WSR 96-14-071**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF**  
**FINANCIAL INSTITUTIONS**  
 [Filed June 28, 1996, 3:17 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 208-440-030, dealing with the offering of gifts, prizes and premiums.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Victoria W. Sheldon, Department of Financial Institutions, Box 41200, Olympia, WA 98504-1200, phone (360) 902-8775, FAX (360) 586-5086.

Reason the Expedited Repeal of the Rule is Appropriate: This rule dealing with gifts, prizes, and premiums is no longer necessary because circumstances have changed, making this section unnecessary.

June 28, 1996  
 John L. Bley  
 Director

**WSR 96-14-072**  
**EXPEDITED REPEAL**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed June 28, 1996, 4:15 p.m.]

The Following Sections are Proposed for Expedited Repeal: WAC 16-09-001, 16-09-010, 16-09-020, 16-09-030, and 16-09-040.

Rules Proposed for Expedited Repeal Meet the Following Criteria: Rule is no longer necessary because of changed circumstances.

Any person who objects to the repeal of the rule must file a written objection to the repeal within thirty days after publication of this preproposal statement of inquiry.

Address Your Objection to: Dannie McQueen, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560.

Reason the Expedited Repeal of the Rule is Appropriate: The current agency rule on executive conflict of interest is superseded by the passage of the ethics law in 1994.

June 28, 1996  
 William E. Brookreson  
 Assistant Director

**Table of WAC Sections Affected**

**KEY TO TABLE**

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

**Suffixes:**

- C = Continuance of previous proposal
  - E = Emergency action
  - P = Proposed action
  - S = Supplemental notice
  - W = Withdrawal of proposed action
  - X = Expedited repeal
- Note: These filings will appear in a special section of Issue 96-14
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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4-25-530	AMD-P	96-09-065	12-10-405	PREP-X	96-13-023	12-20-050	DECOD-P	96-14-024
4-25-530	AMD	96-12-060	12-10-410	PREP-X	96-13-023	12-24-002	DECOD-P	96-14-024
4-25-722	PREP	96-05-082	12-10-420	PREP-X	96-13-023	12-24-005	DECOD-P	96-14-024
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12-10-355	PREP-X	96-13-023	12-18-020	PREP	96-10-041	12-40-070	DECOD-P	96-14-024
12-10-360	PREP-X	96-13-023	12-18-020	AMD-P	96-14-024	12-40-080	DECOD-P	96-14-024
12-10-365	PREP-X	96-13-023	12-18-020	DECOD-P	96-14-024	12-40-090	DECOD-P	96-14-024
12-10-370	PREP-X	96-13-023	12-18-030	DECOD-P	96-14-024	12-40-100	DECOD-P	96-14-024
12-10-375	PREP-X	96-13-023	12-18-040	DECOD-P	96-14-024	12-40-110	DECOD-P	96-14-024
12-10-390	PREP-X	96-13-023	12-18-050	DECOD-P	96-14-024	12-40-120	DECOD-P	96-14-024

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
12-40-130	DECOD-P	96-14-024	16-06-160	NEW-P	96-06-082	16-101-500	PREP-X	96-14-009
12-40-140	DECOD-P	96-14-024	16-06-160	NEW-C	96-11-119	16-101-510	PREP-X	96-14-009
12-40-150	DECOD-P	96-14-024	16-06-160	NEW	96-14-086	16-101-520	PREP-X	96-14-009
12-40-160	DECOD-P	96-14-024	16-06-165	NEW-P	96-06-082	16-101-530	PREP-X	96-14-009
12-40-170	DECOD-P	96-14-024	16-06-165	NEW-C	96-11-119	16-101-540	PREP-X	96-14-009
16-05-001	NEW-P	96-10-080	16-06-165	NEW	96-14-086	16-101-550	PREP-X	96-14-009
16-05-001	NEW	96-13-082	16-06-170	NEW-P	96-06-082	16-101-560	PREP-X	96-14-009
16-05-005	NEW-P	96-10-080	16-06-170	NEW-C	96-11-119	16-101-570	PREP-X	96-14-009
16-05-005	NEW	96-13-082	16-06-170	NEW	96-14-086	16-101-580	PREP-X	96-14-009
16-05-010	NEW-P	96-10-080	16-06-175	NEW-P	96-06-082	16-101-590	PREP-X	96-14-009
16-05-010	NEW	96-13-082	16-06-175	NEW-C	96-11-119	16-101-600	PREP-X	96-14-009
16-05-015	NEW-P	96-10-080	16-06-175	NEW	96-14-086	16-101-610	PREP-X	96-14-009
16-05-015	NEW	96-13-082	16-06-180	NEW-P	96-06-082	16-101-620	PREP-X	96-14-009
16-05-020	NEW-P	96-10-080	16-06-180	NEW-C	96-11-119	16-101-630	PREP-X	96-14-009
16-05-020	NEW	96-13-082	16-06-180	NEW	96-14-086	16-101-640	PREP-X	96-14-009
16-05-025	NEW-P	96-10-080	16-06-185	NEW-P	96-06-082	16-101-650	PREP-X	96-14-009
16-05-025	NEW	96-13-082	16-06-185	NEW-C	96-11-119	16-101-660	PREP-X	96-14-009
16-05-030	NEW-P	96-10-080	16-06-185	NEW	96-14-086	16-101-670	PREP-X	96-14-009
16-05-030	NEW	96-13-082	16-06-190	NEW-P	96-06-082	16-101-680	PREP-X	96-14-009
16-05-035	NEW-P	96-10-080	16-06-190	NEW-C	96-11-119	16-101-700	PREP	96-13-093
16-05-035	NEW	96-13-082	16-06-190	NEW	96-14-086	16-114-001	PREP-X	96-14-017
16-05-040	NEW-P	96-10-080	16-06-195	NEW-P	96-06-082	16-114-010	PREP-X	96-14-017
16-05-040	NEW	96-13-082	16-06-195	NEW-C	96-11-119	16-114-015	PREP-X	96-14-017
16-05-045	NEW-P	96-10-080	16-06-195	NEW	96-14-086	16-114-020	PREP-X	96-14-017
16-05-045	NEW	96-13-082	16-06-200	NEW-P	96-06-082	16-114-025	PREP-X	96-14-017
16-06-010	REP-P	96-06-082	16-06-200	NEW-C	96-11-119	16-114-030	PREP-X	96-14-017
16-06-010	REP-C	96-11-119	16-06-200	NEW	96-14-086	16-114-040	PREP-X	96-14-017
16-06-010	REP	96-14-086	16-06-205	NEW-P	96-06-082	16-114-045	PREP-X	96-14-017
16-06-020	REP-P	96-06-082	16-06-205	NEW-C	96-11-119	16-114-050	PREP-X	96-14-017
16-06-020	REP-C	96-11-119	16-06-205	NEW	96-14-086	16-114-055	PREP-X	96-14-017
16-06-020	REP	96-14-086	16-06-210	NEW-P	96-06-082	16-114-060	PREP-X	96-14-017
16-06-030	REP-P	96-06-082	16-06-210	NEW-C	96-11-119	16-114-065	PREP-X	96-14-017
16-06-030	REP-C	96-11-119	16-06-210	NEW	96-14-086	16-114-070	PREP-X	96-14-017
16-06-030	REP	96-14-086	16-06-215	NEW-P	96-06-082	16-114-075	PREP-X	96-14-017
16-06-040	REP-P	96-06-082	16-06-215	NEW-C	96-11-119	16-114-080	PREP-X	96-14-017
16-06-040	REP-C	96-11-119	16-06-215	NEW	96-14-086	16-114-085	PREP-X	96-14-017
16-06-040	REP	96-14-086	16-06-220	NEW-P	96-06-082	16-114-090	PREP-X	96-14-017
16-06-050	REP-P	96-06-082	16-06-220	NEW-C	96-11-119	16-114-095	PREP-X	96-14-017
16-06-050	REP-C	96-11-119	16-06-220	NEW	96-14-086	16-114-100	PREP-X	96-14-017
16-06-050	REP	96-14-086	16-06-225	NEW-P	96-06-082	16-114-105	PREP-X	96-14-017
16-06-060	REP-P	96-06-082	16-06-225	NEW-C	96-11-119	16-114-110	PREP-X	96-14-017
16-06-060	REP-C	96-11-119	16-06-225	NEW	96-14-086	16-114-115	PREP-X	96-14-017
16-06-060	REP	96-14-086	16-06-230	NEW-P	96-06-082	16-114-120	PREP-X	96-14-017
16-06-070	REP-P	96-06-082	16-06-230	NEW-C	96-11-119	16-114-125	PREP-X	96-14-017
16-06-070	REP-C	96-11-119	16-06-230	NEW	96-14-086	16-114-130	PREP-X	96-14-017
16-06-070	REP	96-14-086	16-06-235	NEW-P	96-06-082	16-114-135	PREP-X	96-14-017
16-06-080	REP-P	96-06-082	16-06-235	NEW-C	96-11-119	16-114-140	PREP-X	96-14-017
16-06-080	REP-C	96-11-119	16-06-235	NEW	96-14-086	16-116-001	PREP-X	96-14-012
16-06-080	REP	96-14-086	16-09-001	PREP-X	96-14-072	16-116-010	PREP-X	96-14-012
16-06-090	REP-P	96-06-082	16-09-010	PREP-X	96-14-072	16-116-020	PREP-X	96-14-012
16-06-090	REP-C	96-11-119	16-09-020	PREP-X	96-14-072	16-116-030	PREP-X	96-14-012
16-06-090	REP	96-14-086	16-09-030	PREP-X	96-14-072	16-116-040	PREP-X	96-14-012
16-06-100	REP-P	96-06-082	16-09-040	PREP-X	96-14-072	16-120-001	PREP-X	96-14-014
16-06-100	REP-C	96-11-119	16-49-001	PREP-X	96-14-011	16-120-005	PREP-X	96-14-014
16-06-100	REP	96-14-086	16-49-010	PREP-X	96-14-011	16-120-010	PREP-X	96-14-014
16-06-110	REP-P	96-06-082	16-49-020	PREP-X	96-14-011	16-120-020	PREP-X	96-14-014
16-06-110	REP-C	96-11-119	16-49-030	PREP-X	96-14-011	16-120-030	PREP-X	96-14-014
16-06-110	REP	96-14-086	16-49-040	PREP-X	96-14-011	16-120-040	PREP-X	96-14-014
16-06-120	REP-P	96-06-082	16-54-082	PREP	96-13-095	16-120-050	PREP-X	96-14-014
16-06-120	REP-C	96-11-119	16-54-125	PREP	96-13-096	16-120-060	PREP-X	96-14-014
16-06-120	REP	96-14-086	16-86-015	PREP	96-13-095	16-120-070	PREP-X	96-14-014
16-06-130	REP-P	96-06-082	16-101-410	PREP-X	96-14-009	16-120-080	PREP-X	96-14-014
16-06-130	REP-C	96-11-119	16-101-420	PREP-X	96-14-009	16-120-090	PREP-X	96-14-014
16-06-130	REP	96-14-086	16-101-430	PREP-X	96-14-009	16-120-100	PREP-X	96-14-014
16-06-140	REP-P	96-06-082	16-101-440	PREP-X	96-14-009	16-120-110	PREP-X	96-14-014
16-06-140	REP-C	96-11-119	16-101-450	PREP-X	96-14-009	16-120-120	PREP-X	96-14-014
16-06-140	REP	96-14-086	16-101-455	PREP-X	96-14-009	16-120-130	PREP-X	96-14-014
16-06-150	NEW-P	96-06-082	16-101-460	PREP-X	96-14-009	16-122	PREP	96-13-092
16-06-150	NEW-C	96-11-119	16-101-465	PREP-X	96-14-009	16-124-011	PREP	96-13-091
16-06-150	NEW	96-14-086	16-101-470	PREP-X	96-14-009	16-126-001	PREP-X	96-14-014
16-06-155	NEW-P	96-06-082	16-101-475	PREP-X	96-14-009	16-128-001	PREP-X	96-14-016
16-06-155	NEW-C	96-11-119	16-101-480	PREP-X	96-14-009	16-128-010	PREP-X	96-14-016
16-06-155	NEW	96-14-086	16-101-490	PREP-X	96-14-009	16-128-020	PREP-X	96-14-016

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Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
16-128-030	PREP-X	96-14-016	16-200-750	AMD-P	96-10-071	16-400-040	AMD	96-10-060
16-128-040	PREP-X	96-14-016	16-200-755	NEW-P	96-10-071	16-400-100	AMD-P	96-05-071
16-128-050	PREP-X	96-14-016	16-200-760	AMD-P	96-10-071	16-400-100	AMD	96-10-060
16-128-060	PREP-X	96-14-016	16-200-770	AMD-P	96-10-071	16-400-210	AMD-P	96-05-071
16-128-070	PREP-X	96-14-016	16-200-780	REP-P	96-10-071	16-400-210	AMD	96-10-060
16-128-080	PREP-X	96-14-016	16-200-790	AMD-P	96-10-071	16-409-020	PREP	96-09-090
16-128-090	PREP-X	96-14-016	16-200-795	NEW-P	96-10-071	16-409-030	PREP	96-09-090
16-128-100	PREP-X	96-14-016	16-200-800	REP-P	96-10-071	16-409-060	PREP	96-09-090
16-128-110	PREP-X	96-14-016	16-200-805	AMD-P	96-10-071	16-409-065	PREP	96-09-090
16-128-120	PREP-X	96-14-016	16-200-810	REP-P	96-10-071	16-473-005	NEW-E	96-10-036
16-128-130	PREP-X	96-14-016	16-200-815	AMD-P	96-10-071	16-473-010	NEW-E	96-10-036
16-132-001	PREP-X	96-14-014	16-200-830	AMD-P	96-10-071	16-473-015	NEW-E	96-10-036
16-132-010	PREP-X	96-14-014	16-200-850	REP-P	96-10-071	16-473-020	NEW-E	96-10-036
16-132-020	PREP-X	96-14-014	16-200-860	AMD-P	96-10-071	16-473-025	NEW-E	96-10-036
16-132-030	PREP-X	96-14-014	16-200-865	NEW-P	96-10-071	16-473-030	NEW-E	96-10-036
16-132-040	PREP-X	96-14-014	16-200-870	REP-P	96-10-071	16-473-035	NEW-E	96-10-036
16-132-050	PREP-X	96-14-014	16-200-885	NEW-P	96-10-071	16-529-150	AMD	96-03-151
16-132-060	PREP-X	96-14-014	16-200-887	NEW-P	96-10-071	16-532-010	AMD-P	96-05-086
16-136-001	PREP-X	96-14-013	16-233-001	NEW-P	96-14-108	16-532-040	PREP	96-02-082
16-136-010	PREP-X	96-14-013	16-233-005	NEW-P	96-14-108	16-532-0402	NEW-P	96-05-086
16-136-020	PREP-X	96-14-013	16-233-010	NEW-P	96-14-108	16-532-0404	NEW-P	96-05-086
16-138-010	NEW-E	96-11-001	16-233-020	NEW-P	96-14-108	16-532-0406	NEW-P	96-05-086
16-138-020	NEW-E	96-11-001	16-233-025	NEW-P	96-14-108	16-532-0408	NEW-P	96-05-086
16-138-030	NEW-E	96-11-001	16-233-100	NEW-P	96-14-108	16-532-0410	NEW-P	96-05-086
16-138-035	NEW-E	96-11-001	16-233-105	NEW-P	96-14-108	16-532-0412	NEW-P	96-05-086
16-138-040	NEW-E	96-11-001	16-233-110	NEW-P	96-14-108	16-532-0414	NEW-P	96-05-086
16-140-001	PREP-X	96-14-016	16-233-115	NEW-P	96-14-108	16-540-040	AMD	96-03-150
16-140-010	PREP-X	96-14-016	16-233-120	NEW-P	96-14-108	16-560-06001	AMD	96-07-054
16-140-020	PREP-X	96-14-016	16-233-125	NEW-P	96-14-108	16-750	AMD-C	96-03-093
16-140-030	PREP-X	96-14-016	16-233-130	NEW-P	96-14-108	16-750-005	AMD	96-06-030
16-140-040	PREP-X	96-14-016	16-233-135	NEW-P	96-14-108	16-750-011	AMD	96-06-030
16-140-050	PREP-X	96-14-016	16-233-140	NEW-P	96-14-108	16-750-015	AMD	96-06-030
16-140-060	PREP-X	96-14-016	16-233-145	NEW-P	96-14-108	36-08-010	PREP-X	96-13-021
16-140-070	PREP-X	96-14-016	16-233-150	NEW-P	96-14-108	36-08-020	PREP-X	96-13-021
16-140-080	PREP-X	96-14-016	16-233-155	NEW-P	96-14-108	36-08-030	PREP-X	96-13-021
16-140-090	PREP-X	96-14-016	16-233-200	NEW-P	96-14-108	36-08-040	PREP-X	96-13-021
16-140-100	PREP-X	96-14-016	16-233-205	NEW-P	96-14-108	36-08-050	PREP-X	96-13-021
16-144-001	PREP-X	96-14-010	16-233-210	NEW-P	96-14-108	36-08-060	PREP-X	96-13-021
16-144-010	PREP-X	96-14-010	16-233-215	NEW-P	96-14-108	36-08-070	PREP-X	96-13-021
16-144-020	PREP-X	96-14-010	16-233-220	NEW-P	96-14-108	36-08-080	PREP-X	96-13-021
16-144-030	PREP-X	96-14-010	16-233-225	NEW-P	96-14-108	36-08-090	PREP-X	96-13-021
16-144-040	PREP-X	96-14-010	16-233-230	NEW-P	96-14-108	36-08-100	PREP-X	96-13-021
16-144-050	PREP-X	96-14-010	16-233-235	NEW-P	96-14-108	36-08-110	PREP-X	96-13-021
16-144-060	PREP-X	96-14-010	16-233-240	NEW-P	96-14-108	36-08-120	PREP-X	96-13-021
16-144-070	PREP-X	96-14-010	16-233-245	NEW-P	96-14-108	36-08-130	PREP-X	96-13-021
16-144-080	PREP-X	96-14-010	16-233-250	NEW-P	96-14-108	36-08-140	PREP-X	96-13-021
16-148-001	PREP-X	96-14-015	16-233-255	NEW-P	96-14-108	36-08-150	PREP-X	96-13-021
16-148-010	PREP-X	96-14-015	16-300-010	AMD	96-04-058	36-08-160	PREP-X	96-13-021
16-148-020	PREP-X	96-14-015	16-304-110	AMD-P	96-09-091	36-08-170	PREP-X	96-13-021
16-148-030	PREP-X	96-14-015	16-304-110	AMD	96-12-066	36-08-180	PREP-X	96-13-021
16-156	PREP	96-08-074	16-304-130	AMD-P	96-09-091	36-08-190	PREP-X	96-13-021
16-168-010	NEW-P	96-05-027	16-304-130	AMD	96-12-066	36-08-200	PREP-X	96-13-021
16-168-010	NEW	96-09-037	16-316	PREP	96-07-085	36-08-210	PREP-X	96-13-021
16-168-020	NEW-P	96-05-027	16-316	PREP	96-07-086	36-08-220	PREP-X	96-13-021
16-168-020	NEW	96-09-037	16-316-280	AMD-P	96-07-087	36-08-230	PREP-X	96-13-021
16-168-030	NEW-P	96-05-027	16-316-280	AMD-C	96-11-121	36-08-240	PREP-X	96-13-021
16-168-030	NEW	96-09-037	16-316-280	AMD	96-14-088	36-08-250	PREP-X	96-13-021
16-168-040	NEW-P	96-05-027	16-316-315	AMD-P	96-11-120	36-08-260	PREP-X	96-13-021
16-168-040	NEW	96-09-037	16-316-315	AMD	96-14-087	36-08-270	PREP-X	96-13-021
16-168-050	NEW-P	96-05-027	16-316-327	AMD-P	96-07-087	36-08-280	PREP-X	96-13-021
16-168-050	NEW	96-09-037	16-316-327	AMD-C	96-11-121	36-08-290	PREP-X	96-13-021
16-168-060	NEW-P	96-05-027	16-316-327	AMD	96-14-088	36-08-300	PREP-X	96-13-021
16-168-060	NEW	96-09-037	16-316-455	AMD-P	96-11-122	36-08-310	PREP-X	96-13-021
16-168-070	NEW-P	96-05-027	16-316-455	AMD	96-14-089	36-08-320	PREP-X	96-13-021
16-168-070	NEW	96-09-037	16-316-474	AMD-P	96-11-124	36-08-330	PREP-X	96-13-021
16-168-080	NEW-P	96-05-027	16-316-474	AMD	96-14-091	36-08-340	PREP-X	96-13-021
16-168-080	NEW	96-09-037	16-316-724	AMD-P	96-11-124	36-08-350	PREP-X	96-13-021
16-168-090	NEW-P	96-05-027	16-316-724	AMD	96-14-091	36-08-360	PREP-X	96-13-021
16-168-090	NEW	96-09-037	16-316-921	AMD-P	96-11-123	36-08-370	PREP-X	96-13-021
16-168-100	NEW-P	96-05-027	16-316-921	AMD	96-14-090	36-08-380	PREP-X	96-13-021
16-168-100	NEW	96-09-037	16-319-041	AMD-P	96-03-065	36-08-390	PREP-X	96-13-021
16-200-640	REP-P	96-10-071	16-319-041	AMD	96-11-044	36-08-400	PREP-X	96-13-021
16-200-650	REP-P	96-10-071	16-400-040	AMD-P	96-05-071	36-08-410	PREP-X	96-13-021

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
36-08-420	PREP-X	96-13-021	50-08-240	PREP-X	96-14-037	50-30-010	AMD	96-03-059
36-08-430	PREP-X	96-13-021	50-08-250	PREP-X	96-14-037	50-30-010	DECOD	96-03-059
36-08-440	PREP-X	96-13-021	50-08-260	PREP-X	96-14-037	50-30-015	NEW	96-03-059
36-08-450	PREP-X	96-13-021	50-08-270	PREP-X	96-14-037	50-30-015	DECOD	96-03-059
36-08-460	PREP-X	96-13-021	50-08-280	PREP-X	96-14-037	50-30-020	AMD	96-03-059
36-08-470	PREP-X	96-13-021	50-08-290	PREP-X	96-14-037	50-30-020	DECOD	96-03-059
36-08-480	PREP-X	96-13-021	50-08-300	PREP-X	96-14-037	50-30-025	NEW	96-03-059
36-08-490	PREP-X	96-13-021	50-08-310	PREP-X	96-14-037	50-30-025	DECOD	96-03-059
36-08-500	PREP-X	96-13-021	50-08-320	PREP-X	96-14-037	50-30-030	AMD	96-03-059
36-08-510	PREP-X	96-13-021	50-08-330	PREP-X	96-14-037	50-30-030	DECOD	96-03-059
36-08-520	PREP-X	96-13-021	50-08-340	PREP-X	96-14-037	50-30-035	NEW	96-03-059
36-08-530	PREP-X	96-13-021	50-08-350	PREP-X	96-14-037	50-30-035	DECOD	96-03-059
36-08-540	PREP-X	96-13-021	50-08-360	PREP-X	96-14-037	50-30-040	AMD	96-03-059
36-08-550	PREP-X	96-13-021	50-08-370	PREP-X	96-14-037	50-30-040	DECOD	96-03-059
36-08-560	PREP-X	96-13-021	50-08-380	PREP-X	96-14-037	50-30-050	AMD	96-03-059
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44-10-020	NEW	96-03-155	50-08-440	PREP-X	96-14-037	50-30-068	NEW	96-03-059
44-10-030	AMD	96-03-155	50-08-450	PREP-X	96-14-037	50-30-068	DECOD	96-03-059
44-10-031	NEW	96-03-155	50-08-460	PREP-X	96-14-037	50-30-070	AMD	96-03-059
44-10-040	AMD	96-03-155	50-08-470	PREP-X	96-14-037	50-30-070	DECOD	96-03-059
44-10-050	AMD	96-03-155	50-08-480	PREP-X	96-14-037	50-30-075	NEW	96-03-059
44-10-060	AMD	96-03-155	50-08-490	PREP-X	96-14-037	50-30-075	DECOD	96-03-059
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44-10-160	AMD	96-03-155	50-08-590	PREP-X	96-14-037	50-30-100	DECOD	96-03-059
44-10-165	REP	96-03-155	50-20-100	AMD	96-04-013	50-30-110	REP	96-03-059
44-10-170	AMD	96-03-155	50-20-100	DECOD	96-04-013	50-40-010	PREP-X	96-14-041
44-10-180	AMD	96-03-155	50-20-110	AMD	96-04-013	50-40-020	PREP-X	96-14-041
44-10-200	AMD	96-03-155	50-20-110	DECOD	96-04-013	50-40-040	PREP-X	96-14-041
44-10-210	AMD	96-03-155	50-20-120	AMD	96-04-013	50-40-050	PREP-X	96-14-041
44-10-220	REP	96-03-155	50-20-120	DECOD	96-04-013	50-40-060	PREP-X	96-14-041
44-10-221	NEW	96-03-155	50-20-130	AMD	96-04-013	50-40-070	PREP-X	96-14-041
44-10-222	NEW	96-03-155	50-20-130	DECOD	96-04-013	50-40-990	PREP-X	96-14-041
44-10-223	NEW	96-03-155	50-20-140	AMD	96-04-013	50-44-020	AMD	96-04-022
44-10-230	REP	96-03-155	50-20-140	DECOD	96-04-013	50-44-025	NEW	96-04-022
44-10-300	AMD	96-03-155	50-20-150	AMD	96-04-013	50-60-010	DECOD	96-04-028
44-10-310	AMD	96-03-155	50-20-150	DECOD	96-04-013	50-60-020	DECOD	96-04-028
44-10-320	REP	96-03-155	50-20-160	AMD	96-04-013	50-60-030	DECOD	96-04-028
50-08-009	PREP-X	96-14-037	50-20-160	DECOD	96-04-013	50-60-035	DECOD	96-04-028
50-08-010	PREP-X	96-14-037	50-20-170	REP	96-04-013	50-60-040	DECOD	96-04-028
50-08-020	PREP-X	96-14-037	50-20-180	DECOD	96-04-013	50-60-042	DECOD	96-04-028
50-08-040	PREP-X	96-14-037	50-20-190	AMD	96-04-013	50-60-045	DECOD	96-04-028
50-08-050	PREP-X	96-14-037	50-20-190	DECOD	96-04-013	50-60-050	DECOD	96-04-028
50-08-060	PREP-X	96-14-037	50-20-200	REP	96-04-013	50-60-060	DECOD	96-04-028
50-08-070	PREP-X	96-14-037	50-24-010	PREP-X	96-14-040	50-60-070	DECOD	96-04-028
50-08-080	PREP-X	96-14-037	50-24-020	PREP-X	96-14-040	50-60-080	DECOD	96-04-028
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50-08-170	PREP-X	96-14-037	50-24-120	PREP-X	96-14-040	50-60-090	DECOD	96-04-028
50-08-180	PREP-X	96-14-037	50-24-130	PREP-X	96-14-040	50-60-09005	DECOD	96-04-028
50-08-190	PREP-X	96-14-037	50-24-140	PREP-X	96-14-040	50-60-09010	DECOD	96-04-028
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50-60-130	DECOD	96-04-028	132N-276-130	AMD-P	96-07-029	132Z-276-070	NEW	96-14-098
50-60-140	DECOD	96-04-028	132N-276-130	AMD	96-12-041	132Z-276-080	NEW-P	96-09-074
50-60-145	DECOD	96-04-028	132N-276-140	AMD-P	96-07-029	132Z-276-080	NEW	96-14-098
50-60-150	DECOD	96-04-028	132N-276-140	AMD	96-12-041	132Z-276-090	NEW-P	96-09-074
50-60-160	DECOD	96-04-028	132N-276-150	AMD-P	96-07-029	132Z-276-090	NEW	96-14-098
50-60-165	DECOD	96-04-028	132N-276-150	AMD	96-12-041	132Z-276-100	NEW-P	96-09-074
50-60-170	DECOD	96-04-028	132V-11	PREP	96-09-050	132Z-276-100	NEW	96-14-098
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50-60-200	DECOD	96-04-028	132V-15-010	AMD-P	96-12-005	132Z-276-110	NEW	96-14-098
50-60-210	DECOD	96-04-028	132V-15-020	AMD-P	96-12-005	132Z-276-120	NEW-P	96-09-074
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51-32-1119	NEW-E	96-13-047	132V-15-040	AMD-P	96-12-005	132Z-276-130	NEW-P	96-09-074
51-34-6308	NEW-E	96-13-047	132V-15-050	AMD-P	96-12-005	132Z-276-130	NEW	96-14-098
51-34-6309	NEW-E	96-13-047	132V-15-060	AMD-P	96-12-005	132Z-276-140	NEW-P	96-09-074
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55-01-010	REP-P	96-09-102	132V-15-100	AMD-P	96-12-005	132Z-300-010	NEW	96-14-098
55-01-010	AMD-E	96-11-097	132V-15-110	AMD-P	96-12-005	132Z-300-020	NEW-P	96-09-074
55-01-020	AMD-E	96-03-104	132V-15-120	AMD-P	96-12-005	132Z-300-020	NEW	96-14-098
55-01-020	REP-P	96-09-102	132V-24	PREP	96-09-050B	132Z-300-030	NEW-P	96-09-074
55-01-020	AMD-E	96-11-097	132V-24-030	AMD-P	96-12-006	132Z-300-030	NEW	96-14-098
55-01-030	AMD-E	96-03-104	132V-24-040	AMD-P	96-12-006	132Z-300-040	NEW-P	96-09-074
55-01-030	REP-P	96-09-102	132V-24-090	AMD-P	96-12-006	132Z-300-040	NEW	96-14-098
55-01-030	AMD-E	96-11-097	132V-24-120	AMD-P	96-12-006	132Z-310-010	NEW-P	96-09-074
55-01-040	AMD-E	96-03-104	132V-130	PREP	96-09-050C	132Z-310-010	NEW	96-14-098
55-01-040	REP-P	96-09-102	132V-130-010	NEW-P	96-12-007	132Z-310-020	NEW-P	96-09-074
55-01-040	AMD-E	96-11-097	132V-130-020	NEW-P	96-12-007	132Z-310-020	NEW	96-14-098
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55-01-050	REP-P	96-09-102	132Z-104-010	NEW-P	96-09-074	132Z-310-030	NEW	96-14-098
55-01-050	AMD-E	96-11-097	132Z-104-010	NEW	96-14-098	132Z-310-040	NEW-P	96-09-074
55-01-060	AMD-E	96-03-104	132Z-104-020	NEW-P	96-09-074	132Z-310-040	NEW	96-14-098
55-01-060	REP-P	96-09-102	132Z-104-020	NEW	96-14-098	132Z-325-010	NEW-P	96-09-074
55-01-060	AMD-E	96-11-097	132Z-104-030	NEW-P	96-09-074	132Z-325-010	NEW	96-14-098
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55-01-070	REP-P	96-09-102	132Z-108-010	NEW-P	96-09-074	136-01-010	AMD-P	96-11-052
55-01-070	AMD-E	96-11-097	132Z-108-010	NEW	96-14-098	136-02	AMD-P	96-11-052
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132N-276-005	AMD-P	96-07-029	132Z-108-070	NEW	96-14-098	136-04-070	AMD-P	96-11-052
132N-276-005	AMD	96-12-041	132Z-108-080	NEW-P	96-09-074	136-04-080	AMD-P	96-11-052
132N-276-010	AMD-P	96-07-029	132Z-108-080	NEW	96-14-098	136-04-090	AMD-P	96-11-052
132N-276-010	AMD	96-12-041	132Z-122-010	NEW-P	96-09-074	136-04-100	AMD-P	96-11-052
132N-276-020	AMD-P	96-07-029	132Z-122-010	NEW	96-14-098	136-04-110	NEW-P	96-11-052
132N-276-020	AMD	96-12-041	132Z-122-020	NEW-P	96-09-074	136-10	AMD-P	96-11-052
132N-276-030	AMD-P	96-07-029	132Z-122-020	NEW	96-14-098	136-10-020	AMD-P	96-11-052
132N-276-030	AMD	96-12-041	132Z-122-030	NEW-P	96-09-074	136-10-030	AMD-P	96-11-052
132N-276-040	AMD-P	96-07-029	132Z-122-030	NEW	96-14-098	136-11-010	AMD-P	96-11-052
132N-276-040	AMD	96-12-041	132Z-133-010	NEW-P	96-09-074	136-11-020	AMD-P	96-11-052
132N-276-050	AMD-P	96-07-029	132Z-133-010	NEW	96-14-098	136-11-030	AMD-P	96-11-052
132N-276-050	AMD	96-12-041	132Z-134-010	NEW-P	96-09-074	136-12	AMD-P	96-11-052
132N-276-060	AMD-P	96-07-029	132Z-134-010	NEW	96-14-098	136-12-010	AMD-P	96-11-052
132N-276-060	AMD	96-12-041	132Z-276-010	NEW-P	96-09-074	136-12-070	AMD-P	96-11-052
132N-276-070	AMD-P	96-07-029	132Z-276-010	NEW	96-14-098	136-12-080	AMD-P	96-11-052
132N-276-070	AMD	96-12-041	132Z-276-020	NEW-P	96-09-074	136-14-030	AMD-P	96-11-052
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132N-276-080	AMD	96-12-041	132Z-276-030	NEW-P	96-09-074	136-14-050	AMD-P	96-11-052
132N-276-090	AMD-P	96-07-029	132Z-276-030	NEW	96-14-098	136-14-060	AMD-P	96-11-052
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136-16-042	AMD-P	96-11-052	136-250-020	REP-P	96-11-052	154-110-015	REP-P	96-13-100
136-16-050	AMD-P	96-11-052	136-250-030	REP-P	96-11-052	154-110-020	REP-P	96-13-100
136-18	AMD-P	96-11-052	136-250-040	REP-P	96-11-052	154-110-030	REP-P	96-13-100
136-18-010	AMD-P	96-11-052	136-250-050	REP-P	96-11-052	154-120-010	REP-P	96-13-100
136-18-020	AMD-P	96-11-052	136-300	AMD-P	96-11-052	154-120-015	REP-P	96-13-100
136-18-030	AMD-P	96-11-052	136-300-010	AMD-P	96-11-052	154-120-020	REP-P	96-13-100
136-18-060	AMD-P	96-11-052	136-300-020	AMD-P	96-11-052	154-120-025	REP-P	96-13-100
136-18-070	AMD-P	96-11-052	136-310-010	AMD-P	96-11-052	154-120-030	REP-P	96-13-100
136-18-080	AMD-P	96-11-052	136-310-020	AMD-P	96-11-052	154-120-035	REP-P	96-13-100
136-18-090	AMD-P	96-11-052	136-310-050	AMD-P	96-11-052	154-120-040	REP-P	96-13-100
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136-20-020	AMD-P	96-11-052	136-340-020	AMD-P	96-11-052	154-120-050	REP-P	96-13-100
136-20-030	AMD-P	96-11-052	136-340-030	AMD-P	96-11-052	154-120-055	REP-P	96-13-100
136-20-040	AMD-P	96-11-052	136-340-040	AMD-P	96-11-052	154-130-010	REP-P	96-13-100
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136-20-060	AMD-P	96-11-052	136-400-060	AMD-P	96-11-052	154-130-030	REP-P	96-13-100
136-24-010	REP-P	96-11-052	136-400-100	AMD-P	96-11-052	154-140-010	REP-P	96-13-100
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136-28-020	AMD-P	96-11-052	136-400-120	AMD-P	96-11-052	154-140-030	REP-P	96-13-100
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136-40-060	REP-P	96-11-052	154-01-010	REP-P	96-13-100	154-150-050	REP-P	96-13-100
136-60	AMD-P	96-11-052	154-04-010	REP-P	96-13-100	154-160-010	REP-P	96-13-100
136-60-010	AMD-P	96-11-052	154-04-020	REP-P	96-13-100	154-160-020	REP-P	96-13-100
136-60-030	AMD-P	96-11-052	154-04-030	REP-P	96-13-100	154-170-010	REP-P	96-13-100
136-60-060	AMD-P	96-11-052	154-04-041	REP-P	96-13-100	154-180-010	REP-P	96-13-100
136-100-010	AMD-P	96-11-052	154-04-050	REP-P	96-13-100	154-180-020	REP-P	96-13-100
136-100-020	AMD-P	96-11-052	154-04-065	REP-P	96-13-100	154-180-030	REP-P	96-13-100
136-100-030	AMD-P	96-11-052	154-04-070	REP-P	96-13-100	154-180-040	REP-P	96-13-100
136-100-040	AMD-P	96-11-052	154-04-075	REP-P	96-13-100	154-180-050	REP-P	96-13-100
136-110-010	AMD-P	96-11-052	154-04-080	REP-P	96-13-100	154-180-060	REP-P	96-13-100
136-110-030	AMD-P	96-11-052	154-04-100	REP-P	96-13-100	154-180-070	REP-P	96-13-100
136-110-040	AMD-P	96-11-052	154-08-010	REP-P	96-13-100	154-190-010	REP-P	96-13-100
136-110-050	AMD-P	96-11-052	154-08-020	REP-P	96-13-100	154-200-010	REP-P	96-13-100
136-120	AMD-P	96-11-052	154-08-030	REP-P	96-13-100	154-200-020	REP-P	96-13-100
136-120-010	AMD-P	96-11-052	154-08-040	REP-P	96-13-100	154-200-030	REP-P	96-13-100
136-120-020	AMD-P	96-11-052	154-08-050	REP-P	96-13-100	154-200-040	REP-P	96-13-100
136-120-030	AMD-P	96-11-052	154-12-010	REP-P	96-13-100	154-300-005	REP-P	96-13-100
136-130	AMD-P	96-11-052	154-12-015	REP-P	96-13-100	154-300-010	REP-P	96-13-100
136-130-010	AMD-P	96-11-052	154-12-020	REP-P	96-13-100	154-300-020	REP-P	96-13-100
136-130-040	AMD-P	96-11-052	154-12-030	REP-P	96-13-100	154-300-030	REP-P	96-13-100
136-150-010	AMD-P	96-11-052	154-12-040	REP-P	96-13-100	154-300-040	REP-P	96-13-100
136-150-020	AMD-P	96-11-052	154-12-050	REP-P	96-13-100	154-300-050	REP-P	96-13-100
136-150-022	AMD-P	96-11-052	154-12-070	REP-P	96-13-100	154-300-060	REP-P	96-13-100
136-150-023	AMD-P	96-11-052	154-12-075	REP-P	96-13-100	154-300-070	REP-P	96-13-100
136-161-060	AMD-P	96-11-052	154-12-080	REP-P	96-13-100	154-300-080	REP-P	96-13-100
136-161-070	AMD-P	96-11-052	154-12-085	REP-P	96-13-100	154-300-090	REP-P	96-13-100
136-161-100	REP-P	96-11-052	154-12-086	REP-P	96-13-100	154-300-100	REP-P	96-13-100
136-163-010	NEW-P	96-11-051	154-12-087	REP-P	96-13-100	154-300-110	REP-P	96-13-100
136-163-020	NEW-P	96-11-051	154-12-090	REP-P	96-13-100	154-300-120	REP-P	96-13-100
136-163-030	NEW-P	96-11-051	154-12-110	REP-P	96-13-100	162-04	PREP	96-02-081
136-163-040	NEW-P	96-11-051	154-24-010	REP-P	96-13-100	162-08	PREP	96-02-081
136-163-050	NEW-P	96-11-051	154-28-010	REP-P	96-13-100	162-08-061	AMD-P	96-06-087
136-163-060	NEW-P	96-11-051	154-32-010	REP-P	96-13-100	162-08-061	AMD	96-13-045
136-170-010	AMD-P	96-11-052	154-32-020	REP-P	96-13-100	162-08-062	AMD-P	96-06-087
136-170-030	AMD-P	96-11-052	154-36-010	REP-P	96-13-100	162-08-062	AMD	96-13-045
136-180-010	AMD-P	96-11-052	154-40-010	REP-P	96-13-100	162-08-071	AMD-P	96-06-087
136-180-030	AMD-P	96-11-052	154-44-010	REP-P	96-13-100	162-08-071	AMD	96-13-045
136-180-040	AMD-P	96-11-052	154-48-010	REP-P	96-13-100	162-08-072	AMD-P	96-06-087
136-190-010	AMD-P	96-11-052	154-52-010	REP-P	96-13-100	162-08-072	AMD	96-13-045
136-200	AMD-P	96-11-052	154-56-010	REP-P	96-13-100	162-08-093	AMD-P	96-06-087
136-200-010	AMD-P	96-11-052	154-60-010	REP-P	96-13-100	162-08-093	AMD	96-13-045
136-200-020	AMD-P	96-11-052	154-64-010	REP-P	96-13-100	162-08-094	AMD-P	96-06-087
136-210-010	AMD-P	96-11-052	154-64-020	REP-P	96-13-100	162-08-094	AMD	96-13-045
136-210-020	AMD-P	96-11-052	154-64-030	REP-P	96-13-100	162-08-09401	NEW-P	96-06-087
136-210-030	AMD-P	96-11-052	154-64-040	REP-P	96-13-100	162-08-09401	NEW	96-13-045
136-210-040	AMD-P	96-11-052	154-64-050	REP-P	96-13-100	162-08-099	AMD-P	96-06-087
136-210-050	AMD-P	96-11-052	154-64-060	REP-P	96-13-100	162-08-099	AMD	96-13-045

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
162-08-102	AMD-P	96-06-087	162-38-050	AMD-P	96-06-087	173-19-1202	REP-P	96-13-103
162-08-102	AMD	96-13-045	162-38-050	AMD	96-13-045	173-19-1203	REP-P	96-13-103
162-08-104	AMD-P	96-06-087	162-38-060	AMD-P	96-06-087	173-19-1204	REP-P	96-13-103
162-08-104	AMD	96-13-045	162-38-060	AMD	96-13-045	173-19-1205	REP-P	96-13-103
162-08-106	AMD-P	96-06-087	162-38-070	AMD-P	96-06-087	173-19-130	REP-P	96-13-103
162-08-106	AMD	96-13-045	162-38-070	AMD	96-13-045	173-19-1301	REP-P	96-13-103
162-08-107	NEW-P	96-06-087	162-38-080	AMD-P	96-06-087	173-19-140	REP-P	96-13-103
162-08-107	NEW	96-13-045	162-38-080	AMD	96-13-045	173-19-1401	REP-P	96-13-103
162-08-261	AMD-P	96-06-087	162-38-090	AMD-P	96-06-087	173-19-1402	REP-P	96-13-103
162-08-261	AMD	96-13-045	162-38-090	AMD	96-13-045	173-19-1403	REP-P	96-13-103
162-08-268	AMD-P	96-06-087	162-38-100	AMD-P	96-06-087	173-19-1404	REP-P	96-13-103
162-08-268	AMD	96-13-045	162-38-100	AMD-W	96-13-044	173-19-1405	REP-P	96-13-103
162-08-288	AMD-P	96-06-087	162-38-110	AMD-P	96-06-087	173-19-150	REP-P	96-13-103
162-08-288	AMD	96-13-045	162-38-110	AMD	96-13-045	173-19-1501	REP-P	96-13-103
162-08-298	AMD-P	96-06-087	162-38-120	AMD-P	96-06-087	173-19-1502	REP-P	96-13-103
162-08-298	AMD	96-13-045	162-38-120	AMD	96-13-045	173-19-160	REP-P	96-13-103
162-08-305	AMD-P	96-06-087	173-09-010	AMD-P	96-11-136	173-19-1601	REP-P	96-13-103
162-08-305	AMD	96-13-045	173-09-020	AMD-P	96-11-136	173-19-1602	REP-P	96-13-103
162-12-100	AMD-P	96-08-055	173-09-040	NEW-P	96-11-136	173-19-1603	REP-P	96-13-103
162-12-110	REP-P	96-08-055	173-14-010	REP-P	96-13-103	173-19-1604	REP-P	96-13-103
162-12-120	AMD-P	96-08-055	173-14-020	REP-P	96-13-103	173-19-1605	REP-P	96-13-103
162-12-130	AMD-P	96-08-055	173-14-030	REP-P	96-13-103	173-19-170	REP-P	96-13-103
162-12-135	AMD-P	96-08-055	173-14-040	REP-P	96-13-103	173-19-1701	REP-P	96-13-103
162-12-140	AMD-P	96-08-055	173-14-050	REP-P	96-13-103	173-19-1702	REP-P	96-13-103
162-12-150	AMD-P	96-08-055	173-14-055	REP-P	96-13-103	173-19-1703	REP-P	96-13-103
162-12-160	AMD-P	96-08-055	173-14-060	REP-P	96-13-103	173-19-180	REP-P	96-13-103
162-12-170	AMD-P	96-08-055	173-14-062	REP-P	96-13-103	173-19-1801	REP-P	96-13-103
162-12-180	AMD-P	96-08-055	173-14-064	REP-P	96-13-103	173-19-190	REP-P	96-13-103
162-22	AMD-P	96-08-055	173-14-070	REP-P	96-13-103	173-19-1901	REP-P	96-13-103
162-22-010	AMD-P	96-08-055	173-14-080	REP-P	96-13-103	173-19-200	REP-P	96-13-103
162-22-020	AMD-P	96-08-055	173-14-090	REP-P	96-13-103	173-19-210	REP-P	96-13-103
162-22-030	REP-P	96-08-055	173-14-100	REP-P	96-13-103	173-19-2101	REP-P	96-13-103
162-22-040	REP-P	96-08-055	173-14-110	REP-P	96-13-103	173-19-2102	REP-P	96-13-103
162-22-050	AMD-P	96-08-055	173-14-115	REP-P	96-13-103	173-19-2103	REP-P	96-13-103
162-22-060	AMD-P	96-08-055	173-14-120	REP-P	96-13-103	173-19-2104	REP-P	96-13-103
162-22-070	AMD-P	96-08-055	173-14-130	REP-P	96-13-103	173-19-220	REP-P	96-13-103
162-22-080	AMD-P	96-08-055	173-14-140	REP-P	96-13-103	173-19-2201	REP-P	96-13-103
162-22-090	AMD-P	96-08-055	173-14-150	REP-P	96-13-103	173-19-2202	REP-P	96-13-103
162-22-100	NEW-P	96-08-055	173-14-155	REP-P	96-13-103	173-19-2203	REP-P	96-13-103
162-30	AMD-P	96-08-055	173-14-170	REP-P	96-13-103	173-19-2204	REP-P	96-13-103
162-30-010	AMD-P	96-08-055	173-14-174	REP-P	96-13-103	173-19-2205	REP-P	96-13-103
162-30-020	AMD-P	96-08-055	173-17-010	REP-P	96-13-103	173-19-2206	REP-P	96-13-103
162-30-030	NEW-P	96-08-055	173-17-020	REP-P	96-13-103	173-19-2207	REP-P	96-13-103
162-30-035	NEW-P	96-08-055	173-17-030	REP-P	96-13-103	173-19-2208	REP-P	96-13-103
162-30-040	NEW-P	96-08-055	173-17-040	REP-P	96-13-103	173-19-230	REP-P	96-13-103
162-30-050	NEW-P	96-08-055	173-17-050	REP-P	96-13-103	173-19-2301	REP-P	96-13-103
162-30-060	NEW-P	96-08-055	173-17-060	REP-P	96-13-103	173-19-2302	REP-P	96-13-103
162-30-070	NEW-P	96-08-055	173-17-070	REP-P	96-13-103	173-19-2303	REP-P	96-13-103
162-30-080	NEW-P	96-08-055	173-17-080	REP-P	96-13-103	173-19-240	REP-P	96-13-103
162-30-090	NEW-P	96-08-055	173-19-010	REP-P	96-13-103	173-19-2401	REP-P	96-13-103
162-30-100	NEW-P	96-08-055	173-19-020	REP-P	96-13-103	173-19-250	REP-P	96-13-103
162-36	PREP	96-02-081	173-19-030	REP-P	96-13-103	173-19-2501	REP-P	96-13-103
162-36-001	NEW-P	96-06-087	173-19-040	REP-P	96-13-103	173-19-2502	REP-P	96-13-103
162-36-001	NEW	96-13-045	173-19-044	REP-P	96-13-103	173-19-2503	REP-P	96-13-103
162-36-005	NEW-P	96-06-087	173-19-050	REP-P	96-13-103	173-19-2504	REP-P	96-13-103
162-36-005	NEW	96-13-045	173-19-060	REP-P	96-13-103	173-19-2505	REP-P	96-13-103
162-36-006	NEW-P	96-06-087	173-19-061	REP-P	96-13-103	173-19-2506	REP-P	96-13-103
162-36-006	NEW	96-13-045	173-19-062	REP-P	96-13-103	173-19-2507	REP-P	96-13-103
162-36-010	AMD-P	96-06-087	173-19-064	REP-P	96-13-103	173-19-2508	REP-P	96-13-103
162-36-010	AMD	96-13-045	173-19-070	REP-P	96-13-103	173-19-2509	REP-P	96-13-103
162-36-020	AMD-P	96-06-087	173-19-080	REP-P	96-13-103	173-19-2510	REP-P	96-13-103
162-36-020	AMD	96-13-045	173-19-090	REP-P	96-13-103	173-19-2511	REP-P	96-13-103
162-38	PREP	96-02-081	173-19-100	REP-P	96-13-103	173-19-2512	REP-P	96-13-103
162-38-010	AMD-P	96-06-087	173-19-1001	REP-P	96-13-103	173-19-2513	REP-P	96-13-103
162-38-010	AMD	96-13-045	173-19-1002	REP-P	96-13-103	173-19-2514	REP-P	96-13-103
162-38-020	REP-P	96-06-087	173-19-110	REP-P	96-13-103	173-19-2515	REP-P	96-13-103
162-38-020	REP	96-13-045	173-19-1101	REP-P	96-13-103	173-19-2516	REP-P	96-13-103
162-38-030	REP-P	96-06-087	173-19-1102	REP-P	96-13-103	173-19-2517	REP-P	96-13-103
162-38-030	REP	96-13-045	173-19-1103	REP-P	96-13-103	173-19-2518	REP-P	96-13-103
162-38-035	AMD-P	96-06-087	173-19-1104	REP-P	96-13-103	173-19-2519	REP-P	96-13-103
162-38-035	AMD	96-13-045	173-19-1105	REP-P	96-13-103	173-19-2520	REP-P	96-13-103
162-38-040	AMD-P	96-06-087	173-19-120	REP-P	96-13-103	173-19-2521	REP-P	96-13-103
162-38-040	AMD	96-13-045	173-19-1201	REP-P	96-13-103	173-19-2522	REP-P	96-13-103



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173-354-008	NEW-W	96-05-020	174-120-045	NEW-P	96-08-066	180-85-025	AMD	96-08-013
173-354-010	NEW-W	96-05-020	174-120-045	NEW	96-13-086	180-85-030	PREP	96-13-050
173-354-020	NEW-W	96-05-020	174-120-050	REP-P	96-08-066	180-85-032	NEW-P	96-04-074
173-354-050	NEW-W	96-05-020	174-120-050	REP	96-13-086	180-85-032	NEW	96-08-013
173-354-070	NEW-W	96-05-020	174-120-055	NEW-P	96-08-066	180-86	PREP	96-06-038
173-354-090	NEW-W	96-05-020	174-120-055	NEW	96-13-086	180-87-093	NEW-P	96-04-072
173-354-100	NEW-W	96-05-020	174-120-060	REP-P	96-08-066	180-87-093	NEW	96-08-012
173-354-150	NEW-W	96-05-020	174-120-060	REP	96-13-086	180-90	PREP	96-09-026
173-354-200	NEW-W	96-05-020	174-120-065	NEW-P	96-08-066	180-90-115	AMD-P	96-12-087
173-354-230	NEW-W	96-05-020	174-120-065	NEW	96-13-086	180-90-125	AMD-P	96-12-087
173-354-300	NEW-W	96-05-020	174-120-070	REP-P	96-08-066	180-90-160	AMD-P	96-12-087
173-354-320	NEW-W	96-05-020	174-120-070	REP	96-13-086	182-08-010	AMD-P	96-02-079
173-354-340	NEW-W	96-05-020	174-120-075	NEW-P	96-08-066	182-08-010	AMD	96-08-042
173-354-360	NEW-W	96-05-020	174-120-075	NEW	96-13-086	182-08-015	NEW-P	96-02-079
173-354-380	NEW-W	96-05-020	174-120-080	REP-P	96-08-066	182-08-015	NEW	96-08-042
173-354-400	NEW-W	96-05-020	174-120-080	REP	96-13-086	182-08-020	AMD-P	96-02-079
173-354-440	NEW-W	96-05-020	174-120-085	NEW-P	96-08-066	182-08-020	AMD	96-08-042
173-354-460	NEW-W	96-05-020	174-120-085	NEW	96-13-086	182-08-030	REP-P	96-02-079
173-354-500	NEW-W	96-05-020	174-120-090	REP-P	96-08-066	182-08-030	REP	96-08-042
173-354-515	NEW-W	96-05-020	174-120-090	REP	96-13-086	182-08-040	REP-P	96-02-079
173-354-525	NEW-W	96-05-020	174-122-010	PREP-X	96-14-007	182-08-040	REP	96-08-042
173-354-535	NEW-W	96-05-020	174-122-020	PREP-X	96-14-007	182-08-060	REP-P	96-02-079
173-354-545	NEW-W	96-05-020	174-122-030	PREP-X	96-14-007	182-08-060	REP	96-08-042
173-354-555	NEW-W	96-05-020	174-122-040	PREP-X	96-14-007	182-08-090	NEW-P	96-02-079
173-354-600	NEW-W	96-05-020	180-16-238	PREP	96-04-070	182-08-095	NEW	96-08-042
173-354-620	NEW-W	96-05-020	180-16-238	NEW-P	96-07-046	182-08-110	REP-P	96-02-079
173-354-640	NEW-W	96-05-020	180-16-238	NEW	96-11-111	182-08-110	REP	96-08-042
173-354-660	NEW-W	96-05-020	180-20	PREP	96-08-060	182-08-120	AMD-P	96-02-079
173-354-670	NEW-W	96-05-020	180-20-005	AMD-P	96-12-089	182-08-120	AMD	96-08-042
173-354-680	NEW-W	96-05-020	180-20-045	AMD-P	96-12-089	182-08-160	AMD-P	96-02-079
173-354-700	NEW-W	96-05-020	180-27-056	PREP	96-13-011	182-08-160	AMD	96-08-042
173-354-720	NEW-W	96-05-020	180-40	PREP	96-10-003	182-08-160	AMD-P	96-02-079
173-354-800	NEW-W	96-05-020	180-40-205	AMD-P	96-12-088	182-08-165	AMD	96-08-042
173-354-900	NEW-W	96-05-020	180-40-240	AMD-P	96-08-061	182-08-170	REP-P	96-02-079
173-354-990	NEW-W	96-05-020	180-40-240	AMD-W	96-09-025	182-08-170	REP	96-08-042
173-400	PREP	96-12-080	180-40-240	AMD-P	96-12-088	182-08-180	AMD-P	96-02-079
173-400	AMD-C	96-13-081	180-40-255	AMD-P	96-08-061	182-08-180	AMD	96-08-042
173-400-030	AMD-P	96-06-036	180-40-255	AMD-W	96-09-025	182-08-190	AMD-P	96-02-079
173-400-045	AMD-P	96-06-036	180-40-255	AMD-P	96-12-088	182-08-190	AMD	96-08-042
173-400-070	AMD-P	96-06-036	180-40-310	AMD-P	96-08-061	182-08-195	REP-P	96-02-079
173-400-075	AMD-P	96-06-036	180-40-310	AMD-W	96-09-025	182-08-195	REP	96-08-042
173-400-105	AMD-P	96-06-036	180-40-310	AMD-P	96-12-088	182-08-200	AMD-P	96-02-079
173-400-115	AMD-P	96-06-036	180-40-310	AMD-P	96-08-061	182-08-200	AMD	96-08-042
173-400-116	AMD-P	96-06-036	180-40-315	AMD-W	96-09-025	182-08-210	AMD-P	96-02-079
173-400-141	AMD-P	96-06-036	180-40-315	AMD-P	96-12-088	182-08-210	AMD	96-08-042
173-401	PREP	96-11-134	180-40-317	NEW-P	96-08-061	182-08-220	AMD-P	96-02-079
173-401	PREP-W	96-14-052	180-40-317	NEW-W	96-09-025	182-08-220	AMD	96-08-042
173-422-030	AMD-P	96-12-023	180-40-317	NEW-P	96-12-088	182-08-300	REP-P	96-02-079
173-422-050	AMD-P	96-12-023	180-40-320	AMD-P	96-08-061	182-08-300	REP	96-08-042
173-422-060	AMD-P	96-12-023	180-40-320	AMD-W	96-09-025	182-12-110	AMD-P	96-02-080
173-422-070	AMD-P	96-12-023	180-40-320	AMD-P	96-12-088	182-12-110	AMD	96-08-043
173-422-170	AMD-P	96-12-023	180-51-050	AMD-P	96-04-071	182-12-111	AMD-P	96-02-080
173-422-190	AMD-P	96-12-023	180-51-050	AMD-C	96-09-010	182-12-111	AMD	96-08-043
173-430	PREP	96-12-081	180-51-050	AMD	96-09-027	182-12-115	AMD-P	96-02-080
173-430-040	AMD-E	96-08-041	180-75-047	AMD	96-08-022	182-12-115	AMD	96-08-043
173-492	PREP	96-11-135	180-78-145	PREP	96-13-051	182-12-117	NEW-P	96-02-080
173-492-010	AMD-P	96-14-084	180-78-160	PREP	96-07-102	182-12-117	NEW	96-08-043
173-492-050	AMD-P	96-14-084	180-78-160	AMD-P	96-12-086	182-12-119	NEW-P	96-02-080
173-492-070	AMD-P	96-14-084	180-79-086	AMD-P	96-04-047	182-12-119	NEW	96-08-043
173-806	PREP	96-06-018	180-79-086	AMD	96-08-023	182-12-122	REP-P	96-02-080
174-120	PREP	96-03-138	180-79-230	AMD	96-08-022	182-12-122	REP	96-08-043
174-120-010	REP-P	96-08-066	180-79-311	AMD-P	96-04-048	182-12-130	REP-P	96-02-080
174-120-010	REP	96-13-086	180-79-311	AMD	96-08-024	182-12-130	REP	96-08-043
174-120-015	NEW-P	96-08-066	180-79-334	AMD-P	96-04-049	182-12-132	AMD-P	96-02-080
174-120-015	NEW	96-13-086	180-79-334	AMD	96-08-025	182-12-132	AMD	96-08-043
174-120-025	NEW-P	96-08-066	180-83-010	NEW	96-04-073	182-12-145	AMD-P	96-02-080
174-120-025	NEW	96-13-086	180-83-020	NEW	96-04-073	182-12-145	AMD	96-08-043
174-120-030	REP-P	96-08-066	180-83-030	NEW	96-04-073	182-12-151	REP-P	96-02-080
174-120-030	REP	96-13-086	180-83-040	NEW	96-04-073	182-12-151	REP	96-08-043
174-120-035	NEW-P	96-08-066	180-83-050	NEW	96-04-073	182-12-160	REP-P	96-02-080
174-120-035	NEW	96-13-086	180-83-060	NEW	96-04-073	182-12-160	REP	96-08-043
174-120-040	REP-P	96-08-066	180-83-070	NEW	96-04-073	182-12-165	REP-P	96-02-080
174-120-040	REP	96-13-086	180-85-025	AMD-P	96-04-074	182-12-165	REP	96-08-043

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Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
182-12-200	AMD-P	96-02-080	208-08-010	NEW-P	96-06-085	208-418-070	AMD-P	96-08-076
182-12-200	AMD	96-08-043	208-08-010	NEW	96-11-035	208-418-070	AMD	96-12-058
182-12-215	AMD-P	96-02-080	208-08-020	NEW-P	96-06-085	208-418-080	RECOD	96-06-011
182-12-215	AMD	96-08-043	208-08-020	NEW	96-11-035	208-418-080	REP-P	96-08-076
182-12-220	AMD-P	96-02-080	208-08-030	NEW-P	96-06-085	208-418-080	REP	96-12-058
182-12-220	AMD	96-08-043	208-08-030	NEW	96-11-035	208-436-010	RECOD	96-06-011
182-25-001	NEW-P	96-09-102	208-08-040	NEW-P	96-06-085	208-436-010	AMD-P	96-14-122
182-25-010	NEW-P	96-09-102	208-08-040	NEW	96-11-035	208-436-020	RECOD	96-06-011
182-25-020	NEW-P	96-09-102	208-08-050	NEW-P	96-06-085	208-436-020	AMD-P	96-14-122
182-25-030	NEW-P	96-09-102	208-08-050	NEW	96-11-035	208-436-030	RECOD	96-06-011
182-25-040	NEW-P	96-09-102	208-08-060	NEW-P	96-06-085	208-436-030	AMD-P	96-14-122
182-25-050	NEW-P	96-09-102	208-08-060	NEW	96-11-035	208-436-040	RECOD	96-06-011
182-25-060	NEW-P	96-09-102	208-08-070	NEW-P	96-06-085	208-436-040	AMD-P	96-14-122
182-25-070	NEW-P	96-09-102	208-08-070	NEW	96-11-035	208-436-050	RECOD	96-06-011
182-25-080	NEW-P	96-09-102	208-08-080	NEW-P	96-06-085	208-436-050	AMD-P	96-14-122
182-25-090	NEW-P	96-09-102	208-08-080	NEW	96-11-035	208-436-060	RECOD	96-06-011
182-25-100	NEW-P	96-09-102	208-08-090	NEW-P	96-06-085	208-436-060	AMD-P	96-14-122
182-25-105	NEW-P	96-09-102	208-08-090	NEW	96-11-035	208-436-070	RECOD	96-06-011
182-25-110	NEW-P	96-09-102	208-08-100	NEW-P	96-06-085	208-436-070	AMD-P	96-14-122
184-10-140	NEW-C	96-03-033	208-08-100	NEW	96-11-035	208-436-080	RECOD	96-06-011
192-12-300	PREP	96-03-158	208-08-110	NEW-P	96-06-085	208-436-080	AMD-P	96-14-122
192-12-300	AMD-P	96-12-082	208-08-110	NEW	96-11-035	208-436-090	RECOD	96-06-011
192-12-305	PREP	96-03-158	208-08-120	NEW-P	96-06-085	208-436-090	AMD-P	96-14-122
192-12-305	REP-P	96-12-082	208-08-120	NEW	96-11-035	208-440-010	RECOD	96-06-011
192-16-002	AMD-P	96-04-065	208-08-130	NEW-P	96-06-085	208-440-010	AMD-P	96-14-122
192-16-002	AMD	96-11-002	208-08-130	NEW	96-11-035	208-440-020	RECOD	96-06-011
192-16-024	NEW-P	96-04-065	208-08-140	NEW-P	96-06-085	208-440-030	RECOD	96-06-011
192-16-024	NEW	96-11-002	208-08-140	NEW	96-11-035	208-440-030	PREP-X	96-14-071
192-16-051	AMD-P	96-04-065	208-12-010	NEW-P	96-11-145	208-440-030	AMD-P	96-14-122
192-16-051	AMD	96-11-002	208-12-010	NEW	96-14-082	208-440-040	RECOD	96-06-011
192-16-052	NEW-P	96-04-065	208-12-020	NEW-P	96-11-145	208-440-050	RECOD	96-06-011
192-16-052	NEW	96-11-002	208-12-020	NEW	96-14-082	208-444-010	RECOD	96-06-011
192-28-105	PREP	96-03-159	208-12-030	NEW-P	96-11-145	208-444-010	AMD-P	96-14-122
192-28-120	PREP	96-03-159	208-12-030	NEW	96-14-082	208-464-010	RECOD	96-06-011
192-33-001	NEW-E	96-09-004	208-12-040	NEW-P	96-11-145	208-464-010	AMD-P	96-14-122
192-36-010	NEW-P	96-08-062	208-12-040	NEW	96-14-082	208-464-020	RECOD	96-06-011
192-36-010	NEW	96-11-141	208-12-050	NEW-P	96-11-145	208-464-030	RECOD	96-06-011
192-36-015	NEW-P	96-08-062	208-12-050	NEW	96-14-082	208-464-030	AMD-P	96-14-122
192-36-015	NEW	96-11-141	208-12-070	NEW-P	96-11-145	208-464-040	RECOD	96-06-011
192-36-020	NEW-P	96-08-062	208-12-070	NEW	96-14-082	208-464-050	RECOD	96-06-011
192-36-020	NEW	96-11-141	208-12-080	NEW-P	96-11-145	208-464-050	AMD-P	96-14-122
192-36-025	NEW-P	96-08-062	208-12-080	NEW	96-14-082	208-464-060	RECOD	96-06-011
192-36-025	NEW	96-11-141	208-12-090	NEW-P	96-11-145	208-464-060	AMD-P	96-14-122
192-42-060	PREP-X	96-14-042	208-12-090	NEW	96-14-082	208-464-070	RECOD	96-06-011
196-16-005	REP-P	96-07-052	208-12-100	NEW-P	96-11-145	208-464-070	AMD-P	96-14-122
196-16-005	REP	96-11-086	208-12-100	NEW	96-14-082	208-464-080	RECOD	96-06-011
196-16-007	AMD-P	96-07-052	208-12-110	NEW-P	96-11-145	208-464-090	RECOD	96-06-011
196-16-007	AMD	96-11-086	208-12-110	NEW	96-14-082	208-472-010	RECOD	96-06-011
196-16-010	AMD-P	96-07-052	208-12-120	NEW-P	96-11-145	208-472-012	RECOD	96-06-011
196-16-010	AMD	96-11-086	208-12-120	NEW	96-14-082	208-472-015	RECOD	96-06-011
196-16-020	AMD-P	96-07-052	208-12-130	NEW-P	96-11-145	208-472-015	AMD-P	96-14-123
196-16-020	AMD	96-11-086	208-12-130	NEW	96-14-082	208-472-020	RECOD	96-06-011
196-16-031	AMD-P	96-07-052	208-418	AMD-P	96-08-076	208-472-020	AMD-P	96-14-122
196-16-031	AMD	96-11-086	208-418	AMD	96-12-058	208-472-025	RECOD	96-06-011
196-20-010	AMD-P	96-07-052	208-418-020	RECOD	96-06-011	208-472-025	AMD-P	96-14-122
196-20-010	AMD	96-11-086	208-418-020	AMD-P	96-08-076	208-472-041	RECOD	96-06-011
196-20-020	AMD-P	96-07-052	208-418-020	AMD	96-12-058	208-472-041	AMD-P	96-14-122
196-20-020	AMD	96-11-086	208-418-030	RECOD	96-06-011	208-472-045	RECOD	96-06-011
196-20-030	AMD-P	96-07-052	208-418-030	REP-P	96-08-076	208-472-045	AMD-P	96-14-122
196-20-030	AMD	96-11-086	208-418-030	REP	96-12-058	208-472-050	RECOD	96-06-011
196-21-010	NEW-P	96-07-052	208-418-040	RECOD	96-06-011	208-472-060	RECOD	96-06-011
196-21-010	NEW	96-11-086	208-418-040	AMD-P	96-08-076	208-472-060	AMD-P	96-14-122
196-21-020	NEW-P	96-07-052	208-418-040	AMD	96-12-058	208-472-065	RECOD	96-06-011
196-21-020	NEW	96-11-086	208-418-045	RECOD	96-06-011	208-472-065	AMD-P	96-14-122
196-21-030	NEW-P	96-07-052	208-418-045	AMD-P	96-08-076	208-472-070	RECOD	96-06-011
196-21-030	NEW	96-11-086	208-418-045	PREP-X	96-14-038	208-472-070	AMD-P	96-14-122
196-24-058	NEW-P	96-07-037	208-418-050	RECOD	96-06-011	208-472-075	RECOD	96-06-011
196-24-058	NEW	96-11-085	208-418-050	AMD-P	96-08-076	208-472-075	AMD-P	96-14-122
204-10-045	PREP	96-14-077	208-418-050	AMD	96-12-058	208-472-080	RECOD	96-06-011
204-56	PREP	96-06-060	208-418-060	RECOD	96-06-011	208-480-010	RECOD	96-06-011
204-56-085	AMD-P	96-09-080	208-418-060	AMD-P	96-08-076	208-480-020	RECOD	96-06-011
204-56-085	AMD	96-14-008	208-418-060	AMD	96-12-058	208-480-030	RECOD	96-06-011
204-91A-140	PREP	96-14-076	208-418-070	RECOD	96-06-011	208-480-030	AMD-P	96-14-122

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
208-480-040	RECOD	96-06-011	208-660-120	RECOD	96-04-028	212-17-21512	PREP	96-12-063
208-480-050	RECOD	96-06-011	208-660-125	RECOD	96-04-028	212-17-21515	NEW-E	96-11-068
208-480-050	AMD-P	96-14-122	208-660-130	RECOD	96-04-028	212-17-21515	PREP	96-12-063
208-480-060	RECOD	96-06-011	208-660-140	RECOD	96-04-028	212-17-21518	NEW-E	96-11-068
208-480-070	RECOD	96-06-011	208-660-145	RECOD	96-04-028	212-17-21518	PREP	96-12-063
208-620-010	NEW	96-04-013	208-660-150	RECOD	96-04-028	212-17-21521	NEW-E	96-11-068
208-620-020	NEW	96-04-013	208-660-160	RECOD	96-04-028	212-17-21521	PREP	96-12-063
208-620-030	NEW	96-04-013	208-660-165	RECOD	96-04-028	212-17-21525	NEW-E	96-11-068
208-620-040	NEW	96-04-013	208-660-170	RECOD	96-04-028	212-17-21525	PREP	96-12-063
208-620-050	NEW	96-04-013	208-660-190	RECOD	96-04-028	218-04-010	NEW-P	96-13-063
208-620-060	NEW	96-04-013	208-660-200	RECOD	96-04-028	218-04-020	NEW-P	96-13-063
208-620-070	NEW	96-04-013	208-660-210	RECOD	96-04-028	218-04-030	NEW-P	96-13-063
208-620-080	NEW	96-04-013	208-680A	PREP	96-06-084	218-04-040	NEW-P	96-13-063
208-620-090	NEW	96-04-013	208-680A-010	RECOD	96-05-018	218-04-050	NEW-P	96-13-063
208-620-100	RECOD	96-04-013	208-680A-020	RECOD	96-05-018	220-16-320	AMD-W	96-11-084
208-620-110	RECOD	96-04-013	208-680A-030	RECOD	96-05-018	220-32-05100S	NEW-E	96-04-039
208-620-120	RECOD	96-04-013	208-680A-040	RECOD	96-05-018	220-32-05100S	REP-E	96-04-039
208-620-130	RECOD	96-04-013	208-680B	PREP	96-06-084	220-32-05500V	NEW-E	96-10-015
208-620-140	RECOD	96-04-013	208-680B-010	RECOD	96-05-018	220-32-05500V	REP-E	96-12-029
208-620-150	NEW	96-04-013	208-680B-020	RECOD	96-05-018	220-32-05500W	NEW-E	96-12-029
208-620-160	RECOD	96-04-013	208-680B-030	RECOD	96-05-018	220-32-05500W	REP-E	96-12-069
208-620-170	RECOD	96-04-013	208-680B-050	RECOD	96-05-018	220-32-05500X	NEW-E	96-12-069
208-620-180	NEW	96-04-013	208-680B-070	RECOD	96-05-018	220-32-05500X	REP-E	96-14-060
208-620-190	RECOD	96-04-013	208-680B-080	RECOD	96-05-018	220-32-05500Y	NEW-E	96-14-060
208-620-200	NEW	96-04-013	208-680B-090	RECOD	96-05-018	220-32-05700S	NEW-E	96-08-064
208-620-210	RECOD	96-04-013	208-680C	PREP	96-06-084	220-32-05700S	REP-E	96-08-064
208-620-220	NEW	96-04-013	208-680C-020	RECOD	96-05-018	220-32-05700T	NEW-E	96-11-092
208-630-005	RECOD	96-03-059	208-680C-030	RECOD	96-05-018	220-32-05700T	REP-E	96-11-092
208-630-010	RECOD	96-03-059	208-680C-040	RECOD	96-05-018	220-33-01000D	NEW-E	96-05-055
208-630-015	RECOD	96-03-059	208-680C-050	RECOD	96-05-018	220-33-01000D	REP-E	96-05-055
208-630-020	RECOD	96-03-059	208-680D	PREP	96-06-084	220-33-03000J	NEW-E	96-11-032
208-630-025	RECOD	96-03-059	208-680D-010	RECOD	96-05-018	220-33-03000J	REP-E	96-11-032
208-630-030	RECOD	96-03-059	208-680D-020	RECOD	96-05-018	220-33-04000B	NEW-E	96-04-026
208-630-035	RECOD	96-03-059	208-680D-030	RECOD	96-05-018	220-33-04000B	REP-E	96-04-026
208-630-040	RECOD	96-03-059	208-680D-040	RECOD	96-05-018	220-36-021	AMD-P	96-09-104
208-630-050	RECOD	96-03-059	208-680D-050	RECOD	96-05-018	220-36-021	AMD	96-13-035
208-630-060	RECOD	96-03-059	208-680D-060	RECOD	96-05-018	220-36-023	AMD-P	96-09-104
208-630-065	RECOD	96-03-059	208-680D-070	RECOD	96-05-018	220-36-023	AMD	96-13-035
208-630-068	RECOD	96-03-059	208-680D-080	RECOD	96-05-018	220-40-021	AMD-P	96-09-104
208-630-070	RECOD	96-03-059	208-680E	PREP	96-06-084	220-40-021	AMD	96-13-035
208-630-075	RECOD	96-03-059	208-680E-011	RECOD	96-05-018	220-40-027	AMD-P	96-09-104
208-630-080	RECOD	96-03-059	208-680F	PREP	96-06-084	220-40-027	AMD	96-13-035
208-630-085	RECOD	96-03-059	208-680F-010	RECOD	96-05-018	220-44-030	AMD-P	96-03-154
208-630-090	RECOD	96-03-059	208-680F-020	RECOD	96-05-018	220-44-030	AMD	96-11-055
208-630-095	RECOD	96-03-059	208-680F-040	RECOD	96-05-018	220-44-050	AMD-P	96-03-154
208-630-100	RECOD	96-03-059	208-680F-050	RECOD	96-05-018	220-44-050	AMD	96-11-055
208-660-010	RECOD	96-04-028	208-680F-060	RECOD	96-05-018	220-44-05000W	REP-E	96-11-094
208-660-020	RECOD	96-04-028	208-680F-070	RECOD	96-05-018	220-44-05000X	NEW-E	96-11-094
208-660-030	RECOD	96-04-028	212-17-185	REP-E	96-11-068	220-44-05000X	REP-E	96-14-066
208-660-035	RECOD	96-04-028	212-17-185	PREP	96-12-063	220-44-05000Y	NEW-E	96-14-066
208-660-040	RECOD	96-04-028	212-17-190	REP-E	96-11-068	220-47-304	AMD-P	96-09-105
208-660-042	RECOD	96-04-028	212-17-190	PREP	96-12-063	220-47-307	AMD-P	96-09-105
208-660-045	RECOD	96-04-028	212-17-195	REP-E	96-11-068	220-47-311	AMD-P	96-09-105
208-660-050	RECOD	96-04-028	212-17-195	PREP	96-12-063	220-47-401	AMD-P	96-09-105
208-660-060	RECOD	96-04-028	212-17-200	REP-E	96-11-068	220-47-411	AMD-P	96-09-105
208-660-070	RECOD	96-04-028	212-17-200	PREP	96-12-063	220-47-427	NEW-P	96-09-105
208-660-080	RECOD	96-04-028	212-17-203	REP-E	96-11-068	220-47-428	NEW-P	96-09-105
208-660-08005	RECOD	96-04-028	212-17-203	PREP	96-12-063	220-49-02000I	NEW-E	96-10-002
208-660-08010	RECOD	96-04-028	212-17-205	REP-E	96-11-068	220-49-02000I	REP-E	96-10-002
208-660-08015	RECOD	96-04-028	212-17-205	PREP	96-12-063	220-52-03000J	NEW-E	96-11-117
208-660-08020	RECOD	96-04-028	212-17-210	REP-E	96-11-068	220-52-03000J	REP-E	96-11-117
208-660-08025	RECOD	96-04-028	212-17-210	PREP	96-12-063	220-52-04600L	REP-E	96-02-065
208-660-08030	RECOD	96-04-028	212-17-215	AMD-E	96-11-068	220-52-04600M	NEW-E	96-03-055
208-660-08035	RECOD	96-04-028	212-17-215	PREP	96-12-063	220-52-04600N	NEW-E	96-06-006
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208-660-09005	RECOD	96-04-028	212-17-21503	PREP	96-12-063	220-52-07100Z	NEW-E	96-12-043
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232-12-107	AMD-P	96-14-134	232-28-254	AMD-P	96-06-073	236-60-020	PREP-X	96-13-036
232-12-114	AMD-P	96-14-127	232-28-254	AMD	96-12-051	236-60-030	PREP-X	96-13-036
232-12-121	AMD-P	96-14-135	232-28-256	AMD-P	96-06-074	236-60-040	PREP-X	96-13-036
232-12-124	AMD-P	96-14-128	232-28-256	AMD	96-12-052	236-60-050	PREP-X	96-13-036
232-12-128	NEW-P	96-14-136	232-28-257	AMD	96-04-027	236-60-060	PREP-X	96-13-036
232-12-131	AMD	96-04-027	232-28-260	NEW	96-04-027	236-60-070	PREP-X	96-13-036
232-12-144	AMD-C	96-05-044	232-28-260	AMD-P	96-14-132	236-60-080	PREP-X	96-13-036
232-12-144	AMD-W	96-11-083	232-28-261	NEW-P	96-06-075	236-60-090	PREP-X	96-13-036
232-12-147	AMD-C	96-05-044	232-28-261	NEW	96-12-053	236-60-100	PREP-X	96-13-036
232-12-147	AMD-W	96-11-083	232-28-262	NEW-P	96-06-076	245-02-040	PREP	96-04-059
232-12-168	AMD-C	96-05-044	232-28-262	NEW	96-12-054	245-02-040	AMD-P	96-08-090
232-12-168	AMD	96-11-079	232-28-263	NEW-P	96-14-133	245-02-040	AMD	96-11-133
232-12-168	AMD-P	96-06-063	232-28-404	REP	96-04-027	246-08-104	PREP-X	96-14-046
232-12-16800A	NEW-E	96-10-070	232-28-407	REP	96-04-027	246-08-105	PREP-X	96-14-046
232-12-16800A	REP-E	96-10-070	232-28-419	REP-P	96-06-077	246-10	PREP	96-06-048
232-12-275	AMD-P	96-06-064	232-28-419	REP	96-12-055	246-10-107	AMD-P	96-14-069
232-12-275	AMD	96-12-045	232-28-420	NEW-P	96-14-124	246-10-124	AMD-P	96-14-069
232-12-284	AMD-P	96-14-143	232-28-514	AMD-P	96-14-137	246-10-204	AMD-P	96-14-069
232-12-619	AMD-C	96-05-044	232-28-60101	REP	96-04-027	246-10-403	AMD-P	96-14-069
232-12-619	AMD	96-11-079	232-28-60102	REP	96-04-027	246-10-501	AMD-P	96-14-069
232-12-61900B	NEW-E	96-10-070	232-28-6014	REP	96-04-027	246-10-502	AMD-P	96-14-069
232-12-61900B	REP-E	96-10-070	232-28-60415	REP	96-04-027	246-10-503	AMD-P	96-14-069
232-12-827	REP	96-04-027	232-28-605	REP	96-04-027	246-11	PREP	96-06-048
232-12-828	NEW	96-03-084	232-28-60508	REP	96-04-027	246-11-380	AMD-P	96-14-069
232-12-829	REP-E	96-03-083	232-28-61610	REP	96-04-027	246-11-430	AMD-P	96-14-069
232-12-829	REP	96-03-084	232-28-619	AMD-C	96-05-044	246-11-550	AMD-P	96-14-069
232-12-829	REP-P	96-06-065	232-28-619	AMD	96-11-079	246-50-001	AMD-P	96-04-082
232-12-829	REP	96-12-056	232-28-61900K	NEW-E	96-03-053	246-50-001	AMD	96-09-042
232-12-831	REP	96-04-027	232-28-61900K	REP-E	96-03-053	246-50-010	AMD-P	96-04-082
232-16-080	AMD-P	96-06-066	232-28-61900L	NEW-E	96-03-054	246-50-010	AMD	96-09-042
232-16-080	AMD	96-12-046	232-28-61900L	REP-E	96-03-054	246-100-042	AMD-P	96-04-078
232-16-080	REP-P	96-14-126	232-28-61900M	NEW-E	96-04-043	246-100-042	AMD	96-11-077
232-16-410	REP-P	96-06-067	232-28-61900M	REP-E	96-04-043	246-100-166	AMD	96-04-079
232-16-410	REP	96-12-057	232-28-61900P	NEW-E	96-06-007	246-100-218	NEW-P	96-04-077
232-16-730	NEW-P	96-14-141	232-28-61900P	REP-E	96-06-007	246-100-218	NEW	96-08-028
232-16-740	NEW-P	96-14-140	232-28-61900P	REP-E	96-13-019	246-100-221	PREP-X	96-14-067
232-16-750	NEW-P	96-14-125	232-28-61900Q	NEW-E	96-10-070	246-100-226	PREP-X	96-14-067
232-16-760	NEW-P	96-14-139	232-28-61900Q	REP-E	96-10-070	246-201-001	PREP-X	96-14-067
232-16-770	NEW-P	96-14-138	232-28-61900R	NEW-E	96-13-019	246-201-020	PREP-X	96-14-067
232-24-120	REP	96-04-027	232-28-61900R	NEW-P	96-14-145	246-201-030	PREP-X	96-14-067
232-28-02203	AMD	96-04-027	232-28-61900R	REP-P	96-14-145	246-201-040	PREP-X	96-14-067
232-28-02204	AMD	96-04-027	232-28-812	REP	96-04-027	246-201-050	PREP-X	96-14-067
232-28-02205	AMD	96-04-027	236-12-015	AMD-E	96-09-006	246-201-060	PREP-X	96-14-067
232-28-02210	AMD	96-04-027	236-12-015	AMD-P	96-10-019	246-201-070	PREP-X	96-14-067
232-28-02220	AMD	96-04-027	236-12-015	AMD	96-13-001	246-201-080	PREP-X	96-14-067
232-28-02240	AMD	96-04-027	236-12-351	AMD-E	96-09-006	246-201-090	PREP-X	96-14-067
232-28-02250	AMD	96-04-027	236-12-351	AMD-P	96-10-019	246-201-100	PREP-X	96-14-067
232-28-02270	AMD	96-04-027	236-12-351	AMD	96-13-001	246-201-110	PREP-X	96-14-067
232-28-02280	AMD	96-04-027	236-12-360	AMD-E	96-09-006	246-201-120	PREP-X	96-14-067
232-28-02290	AMD	96-04-027	236-12-360	AMD-P	96-10-019	246-201-130	PREP-X	96-14-067
232-28-206	REP	96-04-027	236-12-360	AMD	96-13-001	246-201-140	PREP-X	96-14-067
232-28-209	REP	96-04-027	236-12-361	AMD-E	96-09-006	246-201-150	PREP-X	96-14-067
232-28-21201	REP	96-04-027	236-12-361	AMD-P	96-10-019	246-201-160	PREP-X	96-14-067
232-28-215	REP	96-04-027	236-12-361	AMD	96-13-001	246-201-170	PREP-X	96-14-067
232-28-216	REP	96-04-027	236-12-362	REP-E	96-09-006	246-201-180	PREP-X	96-14-067
232-28-225	REP	96-04-027	236-12-362	REP-P	96-10-019	246-201-190	PREP-X	96-14-067
232-28-240	AMD	96-04-027	236-12-362	REP	96-13-001	246-201-200	PREP-X	96-14-067
232-28-240	AMD-P	96-12-093	236-12-370	AMD-E	96-09-006	246-201-210	PREP-X	96-14-067
232-28-241	AMD	96-04-027	236-12-370	AMD-P	96-10-019	246-249-080	PREP	96-11-129
232-28-241	AMD-P	96-06-068	236-12-370	AMD	96-13-001	246-254-053	AMD-P	96-07-103
232-28-241	AMD	96-12-044	236-12-371	AMD-E	96-09-006	246-254-053	AMD	96-11-043
232-28-242	AMD	96-04-027	236-12-371	AMD-P	96-10-019	246-254-070	AMD-P	96-07-103
232-28-246	AMD	96-04-027	236-12-371	AMD	96-13-001	246-254-070	AMD	96-11-043
232-28-248	AMD	96-04-027	236-24-010	PREP-X	96-13-040	246-254-080	AMD-P	96-07-103
232-28-249	AMD	96-04-027	236-24-020	PREP-X	96-13-040	246-254-080	AMD	96-11-043
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232-28-250	AMD	96-12-047	236-48-095	PREP-X	96-13-038	246-254-090	AMD	96-11-043
232-28-251	AMD-P	96-06-070	236-48-131	PREP-X	96-13-038	246-254-100	AMD-P	96-07-103



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246-810-990	AMD	96-08-069	246-917-990	REP	96-03-073	246-919-710	NEW	96-03-073
246-838-010	PREP-W	96-06-028	246-918	AMD	96-03-073	246-919-720	NEW	96-03-073
246-838-130	PREP-W	96-06-028	246-918-005	AMD	96-03-073	246-919-730	NEW	96-03-073
246-839-120	PREP-W	96-06-028	246-918-006	AMD	96-03-073	246-919-740	NEW	96-03-073
246-840-910	NEW	96-05-060	246-918-007	AMD	96-03-073	246-919-750	NEW	96-03-073
246-840-920	NEW	96-05-060	246-918-008	AMD	96-03-073	246-919-760	NEW	96-03-073
246-840-930	NEW	96-05-060	246-918-009	AMD	96-03-073	246-919-770	NEW	96-03-073
246-840-940	NEW	96-05-060	246-918-030	AMD	96-03-073	246-919-990	NEW	96-03-073
246-840-950	NEW	96-05-060	246-918-035	AMD	96-03-073	246-920-020	REP	96-03-073
246-840-960	NEW	96-05-060	246-918-050	AMD	96-03-073	246-920-030	REP	96-03-073
246-840-970	NEW	96-05-060	246-918-070	AMD	96-03-073	246-920-040	REP	96-03-073
246-840-980	NEW	96-05-060	246-918-080	AMD	96-03-073	246-920-120	REP	96-03-073
246-841-405	NEW	96-06-029	246-918-085	AMD	96-03-073	246-920-130	REP	96-03-073
246-841-990	AMD	96-03-051	246-918-090	AMD	96-03-073	246-920-140	REP	96-03-073
246-851-080	PREP	96-11-049	246-918-095	AMD	96-03-073	246-920-150	REP	96-03-073
246-851-080	REP-P	96-14-044	246-918-110	AMD	96-03-073	246-920-160	REP	96-03-073
246-851-480	PREP	96-11-049	246-918-120	AMD	96-03-073	246-920-170	REP	96-03-073
246-851-480	REP-P	96-14-044	246-918-130	AMD	96-03-073	246-920-180	REP	96-03-073
246-851-490	PREP	96-11-049	246-918-140	AMD	96-03-073	246-920-190	REP	96-03-073
246-851-490	AMD-P	96-14-044	246-918-170	AMD	96-03-073	246-920-200	REP	96-03-073
246-851-500	PREP	96-11-049	246-918-180	AMD	96-03-073	246-920-210	REP	96-03-073
246-851-500	AMD-P	96-14-044	246-918-250	AMD	96-03-073	246-920-220	REP	96-03-073
246-861-040	AMD-P	96-04-080	246-918-260	AMD	96-03-073	246-920-230	REP	96-03-073
246-861-040	AMD	96-11-042	246-918-310	AMD	96-03-073	246-920-240	REP	96-03-073
246-869-240	REP	96-03-016	246-918-990	AMD	96-03-073	246-920-250	REP	96-03-073
246-883-020	PREP	96-03-012	246-919-010	NEW	96-03-073	246-920-260	REP	96-03-073
246-883-020	AMD-P	96-11-041	246-919-020	NEW	96-03-073	246-920-270	REP	96-03-073
246-883-020	AMD-C	96-14-109	246-919-030	NEW	96-03-073	246-920-280	REP	96-03-073
246-885-030	NEW-P	96-03-134	246-919-100	NEW	96-03-073	246-920-290	REP	96-03-073
246-885-030	NEW	96-07-012	246-919-110	NEW	96-03-073	246-920-300	REP	96-03-073
246-887-170	PREP	96-10-038	246-919-120	NEW	96-03-073	246-920-310	REP	96-03-073
246-904	PREP	96-11-130	246-919-130	NEW	96-03-073	246-920-320	REP	96-03-073
246-904-010	NEW-E	96-11-103	246-919-140	NEW	96-03-073	246-920-330	REP	96-03-073
246-904-020	NEW-E	96-11-103	246-919-150	NEW	96-03-073	246-920-340	REP	96-03-073
246-904-030	NEW-E	96-11-103	246-919-200	NEW	96-03-073	246-920-350	REP	96-03-073
246-904-040	NEW-E	96-11-103	246-919-200	PREP-X	96-14-045	246-920-360	REP	96-03-073
246-904-050	NEW-E	96-11-103	246-919-210	NEW	96-03-073	246-920-370	REP	96-03-073
246-904-060	NEW-E	96-11-103	246-919-210	PREP-X	96-14-045	246-920-380	REP	96-03-073
246-904-070	NEW-E	96-11-103	246-919-220	NEW	96-03-073	246-920-390	REP	96-03-073
246-904-080	NEW-E	96-11-103	246-919-220	PREP-X	96-14-045	246-920-400	REP	96-03-073
246-904-090	NEW-E	96-11-103	246-919-230	NEW	96-03-073	246-920-410	REP	96-03-073
246-904-100	NEW-E	96-11-103	246-919-230	PREP-X	96-14-045	246-920-420	REP	96-03-073
246-915-030	AMD-E	96-03-050	246-919-240	NEW	96-03-073	246-920-430	REP	96-03-073
246-915-030	AMD-P	96-08-068	246-919-240	PREP-X	96-14-045	246-920-440	REP	96-03-073
246-915-030	AMD	96-13-008	246-919-300	NEW	96-03-073	246-920-450	REP	96-03-073
246-917-020	REP	96-03-073	246-919-305	NEW	96-03-073	246-920-460	REP	96-03-073
246-917-025	REP	96-03-073	246-919-310	NEW	96-03-073	246-920-470	REP	96-03-073
246-917-026	REP	96-03-073	246-919-320	NEW	96-03-073	246-920-480	REP	96-03-073
246-917-030	REP	96-03-073	246-919-330	NEW	96-03-073	246-920-490	REP	96-03-073
246-917-040	REP	96-03-073	246-919-340	NEW	96-03-073	246-920-500	REP	96-03-073
246-917-050	REP	96-03-073	246-919-350	NEW	96-03-073	246-920-510	REP	96-03-073
246-917-060	REP	96-03-073	246-919-355	NEW	96-03-073	246-920-520	REP	96-03-073
246-917-070	REP	96-03-073	246-919-360	NEW	96-03-073	246-920-530	REP	96-03-073
246-917-080	REP	96-03-073	246-919-365	NEW	96-03-073	246-920-540	REP	96-03-073
246-917-090	REP	96-03-073	246-919-370	NEW	96-03-073	246-920-550	REP	96-03-073
246-917-100	REP	96-03-073	246-919-380	NEW	96-03-073	246-920-560	REP	96-03-073
246-917-110	REP	96-03-073	246-919-390	NEW	96-03-073	246-920-570	REP	96-03-073
246-917-120	REP	96-03-073	246-919-395	NEW	96-03-073	246-920-580	REP	96-03-073
246-917-121	REP	96-03-073	246-919-400	NEW	96-03-073	246-920-590	REP	96-03-073
246-917-125	REP	96-03-073	246-919-410	NEW	96-03-073	246-920-600	REP	96-03-073
246-917-126	REP	96-03-073	246-919-420	NEW	96-03-073	246-920-610	REP	96-03-073
246-917-130	REP	96-03-073	246-919-430	NEW	96-03-073	246-920-620	REP	96-03-073
246-917-135	REP	96-03-073	246-919-440	NEW	96-03-073	246-920-630	REP	96-03-073
246-917-140	REP	96-03-073	246-919-450	NEW	96-03-073	246-920-640	REP	96-03-073
246-917-150	REP	96-03-073	246-919-460	NEW	96-03-073	246-920-650	REP	96-03-073
246-917-160	REP	96-03-073	246-919-470	NEW	96-03-073	246-920-660	REP	96-03-073
246-917-170	REP	96-03-073	246-919-480	NEW	96-03-073	246-920-670	REP	96-03-073
246-917-180	REP	96-03-073	246-919-500	NEW	96-03-073	246-920-680	REP	96-03-073
246-917-190	REP	96-03-073	246-919-510	NEW	96-03-073	246-920-690	REP	96-03-073
246-917-200	REP	96-03-073	246-919-600	NEW	96-03-073	246-920-710	REP	96-03-073
246-917-210	REP	96-03-073	246-919-610	NEW	96-03-073	246-920-720	REP	96-03-073
246-917-220	REP	96-03-073	246-919-620	NEW	96-03-073	246-920-730	REP	96-03-073

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246-920-740	REP	96-03-073	251-14-110	AMD-C	96-07-091	260-24-340	REP-P	96-09-097
246-920-750	REP	96-03-073	251-14-110	AMD	96-09-055	260-24-350	REP-P	96-09-097
246-920-760	REP	96-03-073	251-14-130	NEW-P	96-04-053	260-24-360	REP-P	96-09-097
246-920-770	REP	96-03-073	251-14-130	NEW-C	96-07-091	260-24-370	REP-P	96-09-097
246-920-780	REP	96-03-073	251-14-130	NEW	96-09-055	260-24-380	REP-P	96-09-097
246-920-890	REP	96-03-073	251-17-010	AMD	96-02-072	260-24-390	REP-P	96-09-097
246-924-080	AMD-P	96-02-086	251-17-150	AMD-P	96-08-086	260-24-400	REP-P	96-09-097
246-924-080	AMD	96-08-007	251-17-150	AMD	96-11-061	260-24-410	REP-P	96-09-097
246-924-250	AMD-P	96-02-086	251-17-170	AMD	96-02-072	260-24-420	REP-P	96-09-097
246-924-250	AMD	96-08-007	251-19-105	REP-W	96-02-069	260-24-430	REP-P	96-09-097
246-924-470	AMD-P	96-02-086	251-19-105	AMD-P	96-02-071	260-24-440	REP-P	96-09-097
246-924-470	AMD	96-08-007	251-19-105	AMD	96-05-026	260-24-450	REP-P	96-09-097
246-924-500	NEW-P	96-02-086	251-22-116	AMD-P	96-08-081	260-24-460	REP-P	96-09-097
246-924-500	NEW	96-08-007	251-22-116	AMD-C	96-09-089	260-24-465	REP-P	96-09-097
246-924-990	AMD-P	96-02-085	251-22-116	AMD	96-13-077	260-24-470	REP-P	96-09-097
246-924-990	AMD	96-08-006	251-22-167	AMD-P	96-08-081	260-24-480	REP-P	96-09-097
246-976-010	AMD	96-03-052	251-22-167	AMD-C	96-09-089	260-24-500	NEW-P	96-09-097
246-976-045	NEW	96-03-052	251-22-167	AMD	96-13-077	260-24-510	NEW-P	96-09-097
246-976-076	PREP	96-06-049	251-22-195	AMD-P	96-08-081	260-24-520	NEW-P	96-09-097
246-976-076	NEW-P	96-14-111	251-22-195	AMD-C	96-09-089	260-24-530	NEW-P	96-09-097
246-976-077	PREP	96-06-049	251-22-195	AMD	96-13-077	260-24-540	NEW-P	96-09-097
246-976-077	NEW-P	96-14-111	251-22-197	REP-P	96-08-081	260-24-550	NEW-P	96-09-097
246-976-140	PREP	96-06-049	251-22-197	REP-C	96-09-089	260-24-560	NEW-P	96-09-097
246-976-140	AMD-P	96-14-111	251-22-197	REP	96-13-077	260-24-570	NEW-P	96-09-097
246-976-165	NEW	96-03-052	251-22-200	AMD-P	96-08-081	260-24-580	NEW-P	96-09-097
246-976-181	PREP	96-06-049	251-22-200	AMD-C	96-09-089	260-24-590	NEW-P	96-09-097
246-976-181	NEW-P	96-14-111	251-22-200	AMD	96-13-077	260-24-600	NEW-P	96-09-097
250-20-021	AMD	96-04-019	251-22-250	AMD-P	96-08-084	260-24-610	NEW-P	96-09-097
250-20-021	PREP	96-07-096	251-22-250	AMD	96-11-059	260-24-620	NEW-P	96-09-097
250-20-021	AMD-P	96-11-101	251-22-270	AMD-W	96-02-069	260-24-630	NEW-P	96-09-097
250-65	PREP	96-07-095	251-22-270	AMD-P	96-08-084	260-24-640	NEW-P	96-09-097
250-65-020	AMD-P	96-11-090	251-22-270	AMD	96-11-059	260-24-650	NEW-P	96-09-097
250-65-060	AMD-P	96-11-090	251-22-280	AMD-P	96-08-084	260-24-660	NEW-P	96-09-097
250-74-010	PREP-X	96-13-028	251-22-280	AMD	96-11-059	260-24-670	NEW-P	96-09-097
250-74-020	PREP-X	96-13-028	251-22-290	AMD-P	96-08-084	260-24-680	NEW-P	96-09-097
250-74-030	PREP-X	96-13-028	251-22-290	AMD	96-11-059	260-24-690	NEW-P	96-09-097
250-74-040	PREP-X	96-13-028	260-12	PREP	96-03-142	260-34	PREP	96-03-144
250-74-050	PREP-X	96-13-028	260-12	PREP	96-12-084	260-48-010	REP-P	96-04-066
250-74-060	PREP-X	96-13-028	260-20	PREP	96-03-143	260-48-010	REP	96-10-014
251-04-050	AMD-P	96-08-088	260-24	PREP	96-06-086	260-48-020	REP-P	96-04-066
251-04-050	AMD	96-11-063	260-24-010	REP-P	96-09-097	260-48-020	REP	96-10-014
251-06-020	AMD-P	96-08-088	260-24-020	REP-P	96-09-097	260-48-030	REP-P	96-04-066
251-06-020	AMD	96-11-063	260-24-030	REP-P	96-09-097	260-48-030	REP	96-10-014
251-10-030	AMD-P	96-10-065	260-24-040	REP-P	96-09-097	260-48-035	REP-P	96-04-066
251-10-030	AMD	96-13-078	260-24-050	REP-P	96-09-097	260-48-035	REP	96-10-014
251-12-099	AMD-P	96-04-053	260-24-060	REP-P	96-09-097	260-48-040	REP-P	96-04-066
251-12-099	AMD-C	96-07-091	260-24-070	REP-P	96-09-097	260-48-040	REP	96-10-014
251-12-099	AMD	96-09-055	260-24-080	REP-P	96-09-097	260-48-050	REP-P	96-04-066
251-12-100	AMD-P	96-04-053	260-24-090	REP-P	96-09-097	260-48-050	REP	96-10-014
251-12-100	AMD-C	96-07-091	260-24-100	REP-P	96-09-097	260-48-060	REP-P	96-04-066
251-12-100	AMD	96-09-055	260-24-110	REP-P	96-09-097	260-48-060	REP	96-10-014
251-12-101	REP-P	96-04-053	260-24-120	REP-P	96-09-097	260-48-070	REP-P	96-04-066
251-12-101	REP-C	96-07-091	260-24-130	REP-P	96-09-097	260-48-070	REP	96-10-014
251-12-101	REP	96-09-055	260-24-140	REP-P	96-09-097	260-48-080	REP-P	96-04-066
251-12-102	AMD-P	96-04-053	260-24-150	REP-P	96-09-097	260-48-080	REP	96-10-014
251-12-102	AMD-C	96-07-091	260-24-160	REP-P	96-09-097	260-48-090	REP-P	96-04-066
251-12-102	AMD	96-09-055	260-24-170	REP-P	96-09-097	260-48-090	REP	96-10-014
251-12-104	NEW-P	96-04-053	260-24-180	REP-P	96-09-097	260-48-100	REP-P	96-04-066
251-12-104	NEW-C	96-07-091	260-24-190	REP-P	96-09-097	260-48-100	REP	96-10-014
251-12-104	NEW	96-09-055	260-24-200	REP-P	96-09-097	260-48-110	REP-P	96-04-066
251-12-105	NEW-P	96-04-053	260-24-210	REP-P	96-09-097	260-48-110	REP	96-10-014
251-12-105	NEW-C	96-07-091	260-24-220	REP-P	96-09-097	260-48-120	REP-P	96-04-066
251-12-105	NEW	96-09-055	260-24-230	REP-P	96-09-097	260-48-120	REP	96-10-014
251-12-106	NEW-P	96-04-053	260-24-240	REP-P	96-09-097	260-48-130	REP-P	96-04-066
251-12-106	NEW-C	96-07-091	260-24-250	REP-P	96-09-097	260-48-130	REP	96-10-014
251-12-106	NEW	96-09-055	260-24-260	REP-P	96-09-097	260-48-140	REP-P	96-04-066
251-12-180	AMD-P	96-04-053	260-24-270	REP-P	96-09-097	260-48-140	REP	96-10-014
251-12-180	AMD-C	96-07-091	260-24-280	REP-P	96-09-097	260-48-150	REP-P	96-04-066
251-12-180	AMD	96-09-055	260-24-290	REP-P	96-09-097	260-48-150	REP	96-10-014
251-12-232	AMD-P	96-04-053	260-24-300	REP-P	96-09-097	260-48-160	REP-P	96-04-066
251-12-232	AMD-C	96-07-091	260-24-310	REP-P	96-09-097	260-48-160	REP	96-10-014
251-12-232	AMD	96-09-055	260-24-320	REP-P	96-09-097	260-48-170	REP-P	96-04-066
251-14-110	AMD-P	96-04-053	260-24-330	REP-P	96-09-097	260-48-170	REP	96-10-014

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
260-48-180	REP-P	96-04-066	260-48-610	NEW	96-10-014	260-60-170	REP	96-12-008
260-48-180	REP	96-10-014	260-48-620	NEW-P	96-04-066	260-60-180	REP-P	96-09-098
260-48-190	REP-P	96-04-066	260-48-620	NEW	96-10-014	260-60-180	REP	96-12-008
260-48-190	REP	96-10-014	260-48-630	NEW-P	96-04-066	260-60-190	REP-P	96-09-098
260-48-200	REP-P	96-04-066	260-48-630	NEW	96-10-014	260-60-190	REP	96-12-008
260-48-200	REP	96-10-014	260-48-640	NEW-P	96-04-066	260-60-200	REP-P	96-09-098
260-48-210	REP-P	96-04-066	260-48-640	NEW	96-10-014	260-60-200	REP	96-12-008
260-48-210	REP	96-10-014	260-48-650	NEW-P	96-04-066	260-60-210	REP-P	96-09-098
260-48-220	REP-P	96-04-066	260-48-650	NEW	96-10-014	260-60-210	REP	96-12-008
260-48-220	REP	96-10-014	260-48-660	NEW-P	96-04-066	260-60-230	REP-P	96-09-098
260-48-230	REP-P	96-04-066	260-48-660	NEW	96-10-014	260-60-230	REP	96-12-008
260-48-230	REP	96-10-014	260-48-670	NEW-P	96-04-066	260-60-300	NEW-P	96-09-098
260-48-240	REP-P	96-04-066	260-48-670	NEW	96-10-014	260-60-300	NEW	96-12-008
260-48-240	REP	96-10-014	260-48-800	NEW-P	96-04-066	260-60-310	NEW-P	96-09-098
260-48-250	REP-P	96-04-066	260-48-800	NEW	96-10-014	260-60-310	NEW	96-12-008
260-48-250	REP	96-10-014	260-48-810	NEW-P	96-04-066	260-60-320	NEW-P	96-09-098
260-48-260	REP-P	96-04-066	260-48-810	NEW	96-10-014	260-60-320	NEW	96-12-008
260-48-260	REP	96-10-014	260-48-820	NEW-P	96-04-066	260-60-330	NEW-P	96-09-098
260-48-270	REP-P	96-04-066	260-48-820	NEW	96-10-014	260-60-330	NEW	96-12-008
260-48-270	REP	96-10-014	260-48-830	NEW-P	96-04-066	260-60-340	NEW-P	96-09-098
260-48-280	REP-P	96-04-066	260-48-830	NEW	96-10-014	260-60-340	NEW	96-12-008
260-48-280	REP	96-10-014	260-48-840	NEW-P	96-04-066	260-60-350	NEW-P	96-09-098
260-48-290	REP-P	96-04-066	260-48-840	NEW	96-10-014	260-60-350	NEW	96-12-008
260-48-290	REP	96-10-014	260-48-850	NEW-P	96-04-066	260-60-360	NEW-P	96-09-098
260-48-300	REP-P	96-04-066	260-48-850	NEW	96-10-014	260-60-360	NEW	96-12-008
260-48-300	REP	96-10-014	260-48-860	NEW-P	96-04-066	260-60-370	NEW-P	96-09-098
260-48-305	REP-P	96-04-066	260-48-860	NEW	96-10-014	260-60-370	NEW	96-12-008
260-48-305	REP	96-10-014	260-48-870	NEW-P	96-04-066	260-60-380	NEW-P	96-09-098
260-48-310	REP-P	96-04-066	260-48-870	NEW	96-10-014	260-60-380	NEW	96-12-008
260-48-310	REP	96-10-014	260-48-890	NEW-P	96-04-066	260-60-390	NEW-P	96-09-098
260-48-320	REP-P	96-04-066	260-48-890	NEW	96-10-014	260-60-390	NEW	96-12-008
260-48-320	REP	96-10-014	260-48-900	NEW-P	96-04-066	260-60-400	NEW-P	96-09-098
260-48-322	REP-P	96-04-066	260-48-900	NEW	96-10-014	260-60-400	NEW	96-12-008
260-48-322	REP	96-10-014	260-48-910	NEW-P	96-04-066	260-60-410	NEW-P	96-09-098
260-48-324	REP-P	96-04-066	260-48-920	NEW-P	96-04-066	260-60-410	NEW	96-12-008
260-48-324	REP	96-10-014	260-48-920	NEW	96-10-014	260-60-420	NEW-P	96-09-098
260-48-326	REP-P	96-04-066	260-52	PREP	96-12-085	260-60-420	NEW	96-12-008
260-48-326	REP	96-10-014	260-60	PREP	96-03-145	260-60-430	NEW-P	96-09-098
260-48-327	REP-P	96-04-066	260-60-010	REP-P	96-09-098	260-60-430	NEW	96-12-008
260-48-327	REP	96-10-014	260-60-010	REP	96-12-008	260-60-440	NEW-P	96-09-098
260-48-328	REP-P	96-04-066	260-60-020	REP-P	96-09-098	260-60-440	NEW	96-12-008
260-48-328	REP	96-10-014	260-60-020	REP	96-12-008	260-60-450	NEW-P	96-09-098
260-48-330	REP-P	96-04-066	260-60-030	REP-P	96-09-098	260-60-450	NEW	96-12-008
260-48-330	REP	96-10-014	260-60-030	REP	96-12-008	260-60-460	NEW-P	96-09-098
260-48-331	REP-P	96-04-066	260-60-040	REP-P	96-09-098	260-60-460	NEW	96-12-008
260-48-331	REP	96-10-014	260-60-040	REP	96-12-008	260-60-470	NEW-P	96-09-098
260-48-340	REP-P	96-04-066	260-60-050	REP-P	96-09-098	260-60-470	NEW	96-12-008
260-48-340	REP	96-10-014	260-60-050	REP	96-12-008	260-70-010	REP-P	96-04-067
260-48-350	REP-P	96-04-066	260-60-060	REP-P	96-09-098	260-70-010	REP	96-10-001
260-48-350	REP	96-10-014	260-60-060	REP	96-12-008	260-70-021	REP-P	96-04-067
260-48-500	NEW-P	96-04-066	260-60-070	REP-P	96-09-098	260-70-021	REP	96-10-001
260-48-500	NEW	96-10-014	260-60-070	REP	96-12-008	260-70-025	REP-P	96-04-067
260-48-510	NEW-P	96-04-066	260-60-080	REP-P	96-09-098	260-70-025	REP	96-10-001
260-48-510	NEW	96-10-014	260-60-080	REP	96-12-008	260-70-026	REP-P	96-04-067
260-48-520	NEW-P	96-04-066	260-60-090	REP-P	96-09-098	260-70-026	REP	96-10-001
260-48-520	NEW	96-10-014	260-60-090	REP	96-12-008	260-70-027	REP-P	96-04-067
260-48-530	NEW-P	96-04-066	260-60-100	REP-P	96-09-098	260-70-027	REP	96-10-001
260-48-530	NEW	96-10-014	260-60-100	REP	96-12-008	260-70-028	REP-P	96-04-067
260-48-540	NEW-P	96-04-066	260-60-110	REP-P	96-09-098	260-70-028	REP	96-10-001
260-48-540	NEW	96-10-014	260-60-110	REP	96-12-008	260-70-029	REP-P	96-04-067
260-48-550	NEW-P	96-04-066	260-60-115	REP-P	96-09-098	260-70-029	REP	96-10-001
260-48-550	NEW	96-10-014	260-60-115	REP	96-12-008	260-70-031	REP-P	96-04-067
260-48-560	NEW-P	96-04-066	260-60-120	REP-P	96-09-098	260-70-031	REP	96-10-001
260-48-560	NEW	96-10-014	260-60-120	REP	96-12-008	260-70-032	REP-P	96-04-067
260-48-570	NEW-P	96-04-066	260-60-130	REP-P	96-09-098	260-70-032	REP	96-10-001
260-48-570	NEW	96-10-014	260-60-130	REP	96-12-008	260-70-040	REP-P	96-04-067
260-48-580	NEW-P	96-04-066	260-60-140	REP-P	96-09-098	260-70-040	REP	96-10-001
260-48-580	NEW	96-10-014	260-60-140	REP	96-12-008	260-70-050	REP-P	96-04-067
260-48-590	NEW-P	96-04-066	260-60-150	REP-P	96-09-098	260-70-050	REP	96-10-001
260-48-590	NEW	96-10-014	260-60-150	REP	96-12-008	260-70-060	REP-P	96-04-067
260-48-600	NEW-P	96-04-066	260-60-160	REP-P	96-09-098	260-70-060	REP	96-10-001
260-48-600	NEW	96-10-014	260-60-160	REP	96-12-008	260-70-070	REP-P	96-04-067
260-48-610	NEW-P	96-04-066	260-60-170	REP-P	96-09-098	260-70-070	REP	96-10-001

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
260-70-080	REP-P	96-04-067	260-70-630	NEW	96-10-001	284-02-100	AMD-P	96-04-087
260-70-080	REP	96-10-001	260-70-640	NEW-P	96-04-067	284-02-100	AMD	96-09-038
260-70-090	REP-P	96-04-067	260-70-640	NEW	96-10-001	284-07	AMD-C	96-08-017
260-70-090	REP	96-10-001	260-70-650	NEW-P	96-04-067	284-07	AMD-C	96-09-046
260-70-100	REP-P	96-04-067	260-70-650	NEW	96-10-001	284-07	AMD-C	96-11-046
260-70-100	REP	96-10-001	260-70-660	NEW-P	96-04-067	284-07-050	AMD-P	96-05-091
260-70-110	REP-P	96-04-067	260-70-660	NEW	96-10-001	284-07-050	AMD-C	96-11-046
260-70-110	REP	96-10-001	260-70-670	NEW-P	96-04-067	284-07-070	AMD-P	96-05-091
260-70-120	REP-P	96-04-067	260-70-670	NEW	96-10-001	284-07-070	AMD-C	96-11-046
260-70-120	REP	96-10-001	260-70-680	NEW-P	96-04-067	284-10-140	NEW-C	96-03-033
260-70-130	REP-P	96-04-067	260-70-680	NEW	96-10-001	284-10-140	NEW-C	96-03-075
260-70-130	REP	96-10-001	260-70-690	NEW-P	96-04-067	284-10-140	NEW	96-04-060
260-70-140	REP-P	96-04-067	260-70-690	NEW	96-10-001	284-17-220	AMD-P	96-11-144
260-70-140	REP	96-10-001	260-70-700	NEW-P	96-04-067	284-17-230	AMD-P	96-11-144
260-70-150	REP-P	96-04-067	260-70-700	NEW	96-10-001	284-43	AMD-P	96-12-072
260-70-150	REP	96-10-001	260-70-710	NEW-P	96-04-067	284-43-100	NEW-P	96-12-072
260-70-160	REP-P	96-04-067	260-70-710	NEW	96-10-001	284-44-140	AMD-P	96-07-081
260-70-160	REP	96-10-001	260-70-720	NEW-P	96-04-067	284-44-140	AMD	96-11-004
260-70-170	REP-P	96-04-067	260-70-720	NEW	96-10-001	284-44-345	REP-P	96-05-091
260-70-170	REP	96-10-001	260-70-730	NEW-P	96-04-067	284-44-345	REP-C	96-08-017
260-70-180	REP-P	96-04-067	260-70-730	NEW	96-10-001	284-44-345	REP-C	96-09-046
260-70-180	REP	96-10-001	275-16-085	PREP	96-14-002	284-44-345	REP-C	96-11-046
260-70-190	REP-P	96-04-067	275-26-010	AMD-P	96-07-090	284-46-025	NEW-P	96-07-081
260-70-190	REP	96-10-001	275-26-010	AMD	96-10-076	284-46-025	NEW	96-11-004
260-70-200	REP-P	96-04-067	275-26-074	NEW-P	96-07-090	284-46-060	REP-P	96-05-091
260-70-200	REP	96-10-001	275-26-074	NEW	96-10-076	284-46-060	REP-C	96-08-017
260-70-210	REP-P	96-04-067	275-26-076	NEW-P	96-07-090	284-46-060	REP-C	96-09-046
260-70-210	REP	96-10-001	275-26-076	NEW	96-10-076	284-46-060	REP-C	96-11-046
260-70-220	REP-P	96-04-067	275-26-077	NEW-P	96-07-090	284-54-170	NEW-W	96-04-018
260-70-220	REP	96-10-001	275-26-077	NEW	96-10-076	284-58-030	AMD-P	96-07-081
260-70-230	REP-P	96-04-067	275-27	PREP	96-12-015	284-58-030	AMD	96-11-004
260-70-230	REP	96-10-001	275-27-020	PREP	96-12-034	284-58-250	AMD-P	96-07-081
260-70-240	REP-P	96-04-067	275-27-026	PREP	96-12-034	284-58-250	AMD	96-11-004
260-70-240	REP	96-10-001	275-27-030	PREP	96-12-034	284-66	AMD-C	96-08-016
260-70-250	REP-P	96-04-067	275-27-031	PREP	96-12-034	284-66-020	AMD-P	96-04-086
260-70-250	REP	96-10-001	275-27-032	PREP	96-12-034	284-66-020	AMD	96-09-047
260-70-260	REP-P	96-04-067	275-27-033	PREP	96-12-034	284-66-063	AMD-P	96-04-086
260-70-260	REP	96-10-001	275-27-034	PREP	96-12-034	284-66-063	AMD	96-09-047
260-70-270	REP-P	96-04-067	275-27-035	PREP	96-12-034	284-66-077	AMD-P	96-04-086
260-70-270	REP	96-10-001	275-27-036	PREP	96-12-034	284-66-077	AMD	96-09-047
260-70-280	REP-P	96-04-067	275-27-037	PREP	96-12-034	284-66-110	AMD-P	96-04-086
260-70-280	REP	96-10-001	275-27-040	PREP	96-12-034	284-66-110	AMD	96-09-047
260-70-290	REP-P	96-04-067	275-27-050	PREP	96-12-034	284-66-120	AMD-P	96-04-086
260-70-290	REP	96-10-001	275-27-220	PREP	96-12-016	284-66-120	AMD	96-09-047
260-70-300	REP-P	96-04-067	275-27-221	PREP	96-12-016	284-66-130	AMD-P	96-04-086
260-70-300	REP	96-10-001	275-27-223	PREP	96-12-016	284-66-130	AMD	96-09-047
260-70-500	NEW-P	96-04-067	275-30-020	PREP	96-10-058	284-66-135	NEW-P	96-04-086
260-70-500	NEW	96-10-001	275-46-005	NEW-P	96-14-056	284-66-135	NEW	96-09-047
260-70-510	NEW-P	96-04-067	275-46-010	NEW-P	96-14-056	284-66-142	AMD-P	96-04-086
260-70-510	NEW	96-10-001	275-46-020	NEW-P	96-14-056	284-66-142	AMD	96-09-047
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296-65-005	AMD	96-05-056	296-155-24525	AMD-P	96-11-116	296-305-02013	NEW-C	96-03-026
296-65-007	AMD	96-05-056	296-155-325	AMD-P	96-11-116	296-305-02013	NEW	96-11-067
296-65-010	AMD	96-05-056	296-155-429	AMD-P	96-10-085	296-305-02015	NEW-C	96-03-026
296-65-012	AMD	96-05-056	296-155-477	AMD-P	96-11-116	296-305-02015	NEW	96-11-067
296-65-015	AMD	96-05-056	296-155-480	AMD-P	96-11-116	296-305-02017	NEW-C	96-03-026

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296-305-02019	NEW-C	96-03-026	296-305-06505	AMD	96-11-067	296-306-055	REP-P	96-14-121
296-305-02019	NEW	96-11-067	296-305-06507	AMD-C	96-03-026	296-306-057	REP-P	96-14-121
296-305-025	AMD-C	96-03-026	296-305-06507	AMD	96-11-067	296-306-061	REP-P	96-14-121
296-305-025	REP	96-11-067	296-305-06509	AMD-C	96-03-026	296-306-06101	REP-P	96-14-121
296-305-02501	NEW-C	96-03-026	296-305-06509	AMD	96-11-067	296-306-06103	REP-P	96-14-121
296-305-02501	NEW	96-11-067	296-305-06511	AMD-C	96-03-026	296-306-06105	REP-P	96-14-121
296-305-030	AMD-C	96-03-026	296-305-06511	AMD	96-11-067	296-306-06107	REP-P	96-14-121
296-305-030	REP	96-11-067	296-305-06513	AMD-C	96-03-026	296-306-06109	REP-P	96-14-121
296-305-03001	NEW-C	96-03-026	296-305-06513	AMD	96-11-067	296-306-065	REP-P	96-14-121
296-305-03001	NEW	96-11-067	296-305-06515	AMD-C	96-03-026	296-306-070	REP-P	96-14-121
296-305-035	AMD-C	96-03-026	296-305-06515	AMD	96-11-067	296-306-075	REP-P	96-14-121
296-305-035	REP	96-11-067	296-305-06517	AMD-C	96-03-026	296-306-07501	REP-P	96-14-121
296-305-040	AMD-C	96-03-026	296-305-06517	AMD	96-11-067	296-306-07503	REP-P	96-14-121
296-305-040	REP	96-11-067	296-305-06519	NEW-C	96-03-026	296-306-080	REP-P	96-14-121
296-305-04001	NEW-C	96-03-026	296-305-06519	NEW	96-11-067	296-306-084	REP-P	96-14-121
296-305-04001	NEW	96-11-067	296-305-06519	AMD-C	96-03-026	296-306-085	REP-P	96-14-121
296-305-045	AMD-C	96-03-026	296-305-070	REP	96-11-067	296-306-08501	REP-P	96-14-121
296-305-045	REP	96-11-067	296-305-07001	AMD-C	96-03-026	296-306-08503	REP-P	96-14-121
296-305-04501	NEW-C	96-03-026	296-305-07001	AMD	96-11-067	296-306-08505	REP-P	96-14-121
296-305-04501	NEW	96-11-067	296-305-07003	AMD-C	96-03-026	296-306-08507	REP-P	96-14-121
296-305-04503	NEW-C	96-03-026	296-305-07003	AMD	96-11-067	296-306-08509	REP-P	96-14-121
296-305-04503	NEW	96-11-067	296-305-07005	AMD-C	96-03-026	296-306-090	REP-P	96-14-121
296-305-04505	NEW-C	96-03-026	296-305-07005	AMD	96-11-067	296-306-09001	REP-P	96-14-121
296-305-04505	NEW	96-11-067	296-305-07007	AMD-C	96-03-026	296-306-09003	REP-P	96-14-121
296-305-04507	NEW-C	96-03-026	296-305-07007	AMD	96-11-067	296-306-095	REP-P	96-14-121
296-305-04507	NEW	96-11-067	296-305-07009	AMD-C	96-03-026	296-306-100	REP-P	96-14-121
296-305-04509	NEW-C	96-03-026	296-305-07009	AMD	96-11-067	296-306-105	REP-P	96-14-121
296-305-04509	NEW	96-11-067	296-305-07011	NEW-C	96-03-026	296-306-110	REP-P	96-14-121
296-305-04511	NEW-C	96-03-026	296-305-07011	NEW	96-11-067	296-306-115	REP-P	96-14-121
296-305-04511	NEW	96-11-067	296-305-07013	NEW-C	96-03-026	296-306-120	REP-P	96-14-121
296-305-05001	NEW-C	96-03-026	296-305-07013	NEW	96-11-067	296-306-125	REP-P	96-14-121
296-305-05001	NEW	96-11-067	296-305-07015	NEW-C	96-03-026	296-306-130	REP-P	96-14-121
296-305-05003	NEW-C	96-03-026	296-305-07015	NEW	96-11-067	296-306-135	REP-P	96-14-121
296-305-05003	NEW	96-11-067	296-305-07017	NEW-C	96-03-026	296-306-140	REP-P	96-14-121
296-305-05005	NEW-C	96-03-026	296-305-07017	NEW	96-11-067	296-306-145	REP-P	96-14-121
296-305-05005	NEW	96-11-067	296-305-07019	NEW-C	96-03-026	296-306-14501	REP-P	96-14-121
296-305-05007	NEW-C	96-03-026	296-305-07019	NEW	96-11-067	296-306-14503	REP-P	96-14-121
296-305-05007	NEW	96-11-067	296-305-075	AMD-C	96-03-026	296-306-14505	REP-P	96-14-121
296-305-05009	NEW-C	96-03-026	296-305-075	REP	96-11-067	296-306-14507	REP-P	96-14-121
296-305-05009	NEW	96-11-067	296-305-080	AMD-C	96-03-026	296-306-14509	REP-P	96-14-121
296-305-05011	NEW-C	96-03-026	296-305-080	REP	96-11-067	296-306-14511	REP-P	96-14-121
296-305-05011	NEW	96-11-067	296-305-08000	NEW-C	96-03-026	296-306-14513	REP-P	96-14-121
296-305-05013	NEW-C	96-03-026	296-305-08000	NEW	96-11-067	296-306-14515	REP-P	96-14-121
296-305-05013	NEW	96-11-067	296-305-085	AMD-C	96-03-026	296-306-150	REP-P	96-14-121
296-305-05501	NEW-C	96-03-026	296-305-085	REP	96-11-067	296-306-155	REP-P	96-14-121
296-305-05501	NEW	96-11-067	296-305-090	AMD-C	96-03-026	296-306-160	REP-P	96-14-121
296-305-05503	NEW-C	96-03-026	296-305-090	REP	96-11-067	296-306-165	REP-P	96-14-121
296-305-05503	NEW	96-11-067	296-305-095	AMD-C	96-03-026	296-306-170	REP-P	96-14-121
296-305-060	AMD-C	96-03-026	296-305-095	REP	96-11-067	296-306-175	REP-P	96-14-121
296-305-060	REP	96-11-067	296-305-100	AMD-C	96-03-026	296-306-180	REP-P	96-14-121
296-305-06001	AMD-C	96-03-026	296-305-100	REP	96-11-067	296-306-200	REP-P	96-14-121
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296-305-06005	AMD	96-11-067	296-305-115	AMD-C	96-03-026	296-306-25009	REP-P	96-14-121
296-305-06007	AMD-C	96-03-026	296-305-115	REP	96-11-067	296-306-25013	REP-P	96-14-121
296-305-06007	AMD	96-11-067	296-306	PREP	96-06-034	296-306-25017	REP-P	96-14-121
296-305-06009	AMD-C	96-03-026	296-306	PREP	96-06-078	296-306-25019	REP-P	96-14-121
296-305-06009	REP	96-11-067	296-306-003	REP-P	96-14-121	296-306-25021	REP-P	96-14-121
296-305-06011	AMD-C	96-03-026	296-306-006	REP-P	96-14-121	296-306-25023	REP-P	96-14-121
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296-305-06503	AMD-C	96-03-026	296-306-040	REP-P	96-14-121	296-306-320	REP-P	96-14-121
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308-13-005	AMD-C	96-04-040	308-93-010	AMD-S	96-11-128	308-128B-070	DECOD	96-05-018
308-13-005	AMD	96-10-013	308-93-050	AMD-P	96-07-030	308-128B-080	DECOD	96-05-018
308-13-015	AMD-P	96-04-009	308-93-050	AMD-S	96-11-128	308-128B-090	DECOD	96-05-018
308-13-015	AMD-C	96-04-040	308-93-070	AMD	96-04-004	308-128C	PREP	96-06-084
308-13-015	AMD	96-10-013	308-93-088	AMD	96-03-046	308-128C-020	DECOD	96-05-018
308-13-024	AMD-P	96-04-009	308-93-174	REP-P	96-09-041	308-128C-030	DECOD	96-05-018
308-13-024	AMD-C	96-04-040	308-93-174	REP	96-13-055	308-128C-040	DECOD	96-05-018
308-13-024	AMD	96-10-013	308-93-440	AMD	96-03-046	308-128C-050	DECOD	96-05-018
308-13-050	AMD-P	96-04-009	308-93-670	AMD	96-03-046	308-128D	PREP	96-06-084
308-13-050	AMD-C	96-04-040	308-93-700	NEW-P	96-07-030	308-128D-010	DECOD	96-05-018
308-13-050	AMD	96-10-013	308-93-700	NEW-S	96-11-128	308-128D-020	DECOD	96-05-018
308-13-110	REP-P	96-04-009	308-93-710	NEW-P	96-07-030	308-128D-030	DECOD	96-05-018
308-13-110	REP-C	96-04-040	308-93-710	NEW-S	96-11-128	308-128D-040	DECOD	96-05-018
308-13-110	REP	96-10-013	308-93-720	NEW-P	96-07-030	308-128D-050	DECOD	96-05-018
308-13-150	PREP	96-04-007	308-93-720	NEW-S	96-11-128	308-128D-060	DECOD	96-05-018
308-13-150	AMD-P	96-08-005	308-93-730	NEW-P	96-07-030	308-128D-070	DECOD	96-05-018
308-13-150	AMD	96-11-132	308-93-730	NEW-S	96-11-128	308-128D-080	DECOD	96-05-018
308-14-080	PREP-X	96-13-021	308-93-740	NEW-P	96-07-030	308-128E	PREP	96-06-084
308-14-110	PREP-X	96-13-021	388-93-740	NEW-S	96-11-128	308-128E-011	DECOD	96-05-018
308-20-020	PREP-X	96-13-021	308-93-750	NEW-P	96-07-030	308-128F	PREP	96-06-084
308-20-050	PREP-X	96-13-021	308-93-750	NEW-S	96-11-128	308-128F-010	DECOD	96-05-018
308-20-060	PREP-X	96-13-021	308-93-760	NEW-P	96-07-030	308-128F-020	DECOD	96-05-018
308-20-070	PREP-X	96-13-021	308-93-760	NEW-S	96-11-128	308-128F-040	DECOD	96-05-018
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308-20-109	PREP-X	96-13-021	308-94-030	AMD	96-04-004	308-128F-070	DECOD	96-05-018
308-20-140	PREP-X	96-13-021	308-94-035	REP-P	96-09-039	308-129-010	NEW-W	96-08-057
308-20-175	PREP-X	96-13-021	308-94-035	REP	96-13-053	308-129-010	NEW-P	96-11-102
308-20-205	PREP-X	96-13-021	308-96A-035	AMD	96-04-004	308-129-010	NEW	96-14-092
308-20-208	PREP-X	96-13-021	308-96A-505	AMD-P	96-09-040	308-129-011	NEW-E	96-09-056
308-20-510	PREP-X	96-13-021	308-96A-505	AMD	96-13-054	308-129-020	NEW-W	96-08-057
308-20-540	PREP-X	96-13-021	308-102-006	PREP	96-14-095	308-129-020	NEW-P	96-11-102
308-20-545	PREP-X	96-13-021	308-104	PREP	96-14-095	308-129-020	NEW	96-14-092
308-48-140	PREP-X	96-13-021	308-124D-040	PREP	96-13-049	308-129-021	NEW-E	96-09-056
308-56A-030	AMD	96-04-004	308-126A-010	PREP-X	96-13-021	308-129-030	NEW-W	96-08-057
308-56A-090	AMD	96-03-047	308-126A-020	PREP-X	96-13-021	308-129-030	NEW-P	96-11-102
308-56A-210	AMD	96-03-047	308-126A-030	PREP-X	96-13-021	308-129-030	NEW	96-14-092
308-57	PREP	96-11-104	308-126A-040	PREP-X	96-13-021	308-129-031	NEW-E	96-09-056
308-66-110	AMD-P	96-13-042	308-126B-010	PREP-X	96-13-021	308-129-100	NEW-W	96-08-057
308-66-120	AMD-P	96-13-042	308-126B-020	PREP-X	96-13-021	308-129-100	NEW-P	96-11-102
308-66-150	AMD-P	96-13-042	308-126B-030	PREP-X	96-13-021	308-129-100	NEW	96-14-092
308-66-155	AMD-P	96-13-042	308-126B-040	PREP-X	96-13-021	308-129-101	NEW-E	96-09-056
308-66-160	AMD-P	96-13-042	308-126B-050	PREP-X	96-13-021	308-129-110	NEW-W	96-08-057
308-66-170	AMD-P	96-13-042	308-126B-060	PREP-X	96-13-021	308-129-110	NEW-P	96-11-102
308-66-180	AMD-P	96-13-042	308-126B-070	PREP-X	96-13-021	308-129-110	NEW	96-14-092
308-66-190	AMD-P	96-13-042	308-126B-080	PREP-X	96-13-021	308-129-111	NEW-E	96-09-056
308-66-200	AMD-P	96-13-042	308-126B-090	PREP-X	96-13-021	308-129-120	NEW-W	96-08-057
308-66-205	AMD-P	96-13-042	308-126B-100	PREP-X	96-13-021	308-129-120	NEW-P	96-11-102
308-66-206	REP-P	96-13-042	308-126B-110	PREP-X	96-13-021	308-129-120	NEW	96-14-092
308-66-210	AMD-P	96-13-042	308-126B-120	PREP-X	96-13-021	308-129-130	NEW-W	96-08-057
308-66-211	AMD-P	96-13-042	308-126B-130	PREP-X	96-13-021	308-129-130	NEW-P	96-11-102
308-66-212	AMD-P	96-13-042	308-126B-140	PREP-X	96-13-021	308-129-130	NEW	96-14-092
308-66-214	AMD-P	96-13-042	308-126C-010	PREP-X	96-13-021	308-129-200	NEW-W	96-08-057
308-66-215	REP-P	96-13-042	308-126C-020	PREP-X	96-13-021	308-129-210	NEW-W	96-08-057
308-66-227	NEW-P	96-13-042	308-126C-030	PREP-X	96-13-021	308-129-220	NEW-W	96-08-057
308-66-230	REP-P	96-13-042	308-126C-040	PREP-X	96-13-021	308-129-230	NEW-W	96-08-057
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308-87-020	NEW-P	96-11-006	308-126C-060	PREP-X	96-13-021	308-129-230	NEW	96-14-092
308-87-020	NEW-E	96-12-076	308-126C-070	PREP-X	96-13-021	308-129-240	NEW-W	96-08-057
308-87-030	NEW-P	96-11-006	308-126C-080	PREP-X	96-13-021	308-129-300	NEW-W	96-08-057
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308-87-050	NEW-P	96-11-006	308-126C-100	PREP-X	96-13-021	308-129-300	NEW	96-14-092
308-87-060	NEW-P	96-11-006	308-126C-110	PREP-X	96-13-021	308-129-310	NEW-W	96-08-057
308-87-060	NEW-E	96-12-076	308-128A	PREP	96-06-084	308-129-310	NEW-P	96-11-102
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308-87-080	NEW-P	96-11-006	308-128A-020	DECOD	96-05-018	308-129-320	NEW-P	96-11-102
308-89-010	AMD-P	96-11-006	308-128A-030	DECOD	96-05-018	308-129-320	NEW	96-14-092
308-89-020	AMD-P	96-11-006	308-128A-040	DECOD	96-05-018	308-330-300	AMD-P	96-10-039
308-89-030	AMD-P	96-11-006	308-128B	PREP	96-06-084	308-330-300	AMD	96-13-089
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308-89-050	AMD-P	96-11-006	308-128B-020	DECOD	96-05-018	308-330-305	AMD	96-13-089
308-89-060	AMD-P	96-11-006	308-128B-030	DECOD	96-05-018	308-330-307	AMD-P	96-10-039

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308-330-316	AMD	96-13-089	315-11A-170	NEW-P	96-07-104	317-31-020	NEW-P	96-03-071
308-330-400	AMD-P	96-10-039	315-11A-170	NEW	96-11-107	317-31-020	NEW	96-12-077
308-330-400	AMD	96-13-089	315-11A-171	NEW-P	96-07-104	317-31-030	NEW-P	96-03-071
314-10-090	AMD-P	96-13-043	315-11A-171	NEW	96-11-107	317-31-030	NEW	96-12-077
314-12-020	AMD	96-03-004	315-11A-172	NEW-P	96-07-104	317-31-100	NEW-P	96-03-071
314-12-025	AMD	96-03-004	315-11A-172	NEW	96-11-107	317-31-100	NEW	96-12-077
314-12-035	AMD	96-03-004	315-11A-173	NEW-P	96-07-104	317-31-110	NEW-P	96-03-071
314-12-070	AMD	96-03-004	315-11A-173	NEW	96-11-107	317-31-110	NEW	96-12-077
314-12-080	AMD	96-03-004	315-11A-174	NEW-P	96-12-096	317-31-120	NEW-P	96-03-071
314-14-010	NEW	96-03-074	315-11A-175	NEW-P	96-12-096	317-31-120	NEW	96-12-077
314-14-020	NEW	96-03-074	315-11A-176	NEW-P	96-12-096	317-31-130	NEW-P	96-03-071
314-14-030	NEW	96-03-074	315-11A-177	NEW-P	96-12-096	317-31-130	NEW	96-12-077
314-14-040	NEW	96-03-074	315-11A-178	NEW-P	96-12-096	317-31-140	NEW-P	96-03-071
314-14-050	NEW	96-03-074	315-11A-179	NEW-P	96-12-096	317-31-140	NEW	96-12-077
314-14-060	NEW	96-03-074	315-34	PREP	96-08-004	317-31-200	NEW-P	96-03-071
314-14-070	NEW	96-03-074	315-34-010	AMD-P	96-12-096	317-31-200	NEW	96-12-077
314-14-080	NEW	96-03-074	315-34-020	AMD-P	96-12-096	317-31-210	NEW-P	96-03-071
314-14-090	NEW	96-03-074	315-34-040	AMD-P	96-12-096	317-31-210	NEW	96-12-077
314-14-100	NEW	96-03-074	315-34-070	NEW-P	96-12-096	317-31-220	NEW-P	96-03-071
314-14-110	NEW	96-03-074	315-34-080	NEW-P	96-12-096	317-31-220	NEW	96-12-077
314-14-120	NEW	96-03-074	315-34-090	NEW-P	96-12-096	317-31-230	NEW-P	96-03-071
314-14-130	NEW	96-03-074	315-34-100	NEW-P	96-12-096	317-31-230	NEW	96-12-077
314-14-140	NEW	96-03-074	317-21-020	AMD	96-03-070	317-31-240	NEW-P	96-03-071
314-14-150	NEW	96-03-074	317-21-030	AMD	96-03-070	317-31-240	NEW	96-12-077
314-14-160	NEW	96-03-074	317-21-120	AMD	96-03-070	317-31-250	NEW-P	96-03-071
314-14-170	NEW-W	96-13-087	317-21-200	AMD	96-03-070	317-31-250	NEW	96-12-077
314-16-196	AMD	96-03-005	317-21-205	AMD	96-03-070	317-31-300	NEW-P	96-03-071
314-20-100	AMD-P	96-07-101	317-21-210	AMD	96-03-070	317-31-300	NEW	96-12-077
314-20-100	AMD-W	96-11-075	317-21-215	AMD	96-03-070	317-31-310	NEW-P	96-03-071
314-24-190	AMD-P	96-07-101	317-21-235	AMD	96-03-070	317-31-310	NEW	96-12-077
314-24-190	AMD-W	96-11-075	317-21-245	AMD	96-03-070	317-31-900	NEW-P	96-03-071
314-24-220	AMD-P	96-07-100	317-21-265	AMD	96-03-070	317-31-900	NEW	96-12-077
314-24-220	AMD	96-11-076	317-21-320	AMD	96-03-070	317-50-999	NEW-E	96-08-002
314-70-010	AMD	96-03-004	317-21-345	AMD	96-03-070	326-02-030	AMD-E	96-13-010
314-70-030	AMD	96-03-004	317-21-500	AMD	96-03-070	326-30-041	PREP	96-07-089
315-04-220	AMD	96-03-039	317-21-530	AMD	96-03-070	326-30-041	AMD-P	96-11-100
315-06	PREP	96-09-103	317-21-540	AMD	96-03-070	326-30-041	AMD	96-14-064
315-06-120	PREP	96-12-095	317-30	REP-C	96-09-008	326-30-051	AMD-E	96-13-010
315-06-120	AMD-P	96-12-096	317-30-010	REP-P	96-03-071	326-40-030	PREP	96-07-088
315-06-123	NEW-P	96-12-096	317-30-010	REP	96-12-077	326-40-060	AMD-E	96-13-010
315-10-050	PREP	96-03-156	317-30-020	REP-P	96-03-071	332-24-221	AMD-P	96-08-027
315-10-050	REP-P	96-07-104	317-30-020	REP	96-12-077	332-24-221	AMD	96-12-020
315-10-050	REP	96-11-107	317-30-030	REP-P	96-03-071	332-24-301	PREP	96-12-021
315-11A	PREP	96-08-004	317-30-030	REP	96-12-077	332-24-720	AMD	96-03-003
315-11A-157	NEW-W	96-03-038	317-30-040	REP-P	96-03-071	332-26-040	NEW-E	96-13-048
315-11A-157	NEW-P	96-03-157	317-30-040	REP	96-12-077	332-26-050	NEW-E	96-13-048
315-11A-157	NEW	96-07-015	317-30-050	REP-P	96-03-071	332-26-060	NEW-E	96-13-048
315-11A-158	NEW	96-03-039	317-30-050	REP	96-12-077	352-32-300	PREP	96-13-079
315-11A-159	NEW	96-03-039	317-30-060	REP-P	96-03-071	356-05-171	REP-P	96-08-082
315-11A-160	NEW	96-03-039	317-30-060	REP	96-12-077	356-05-171	REP-C	96-09-088
315-11A-161	NEW	96-03-039	317-30-070	REP-P	96-03-071	356-05-171	REP	96-13-076
315-11A-162	NEW-P	96-03-157	317-30-070	REP	96-12-077	356-05-415	AMD-W	96-02-069
315-11A-162	NEW	96-07-015	317-30-080	REP-P	96-03-071	356-06-080	AMD-P	96-08-087
315-11A-162	AMD-P	96-12-096	317-30-080	REP	96-12-077	356-06-080	AMD	96-11-062
315-11A-163	NEW-P	96-03-157	317-30-090	REP-P	96-03-071	356-10-020	AMD-P	96-08-087
315-11A-163	NEW	96-07-015	317-30-090	REP	96-12-077	356-10-020	AMD	96-11-062
315-11A-163	NEW	96-03-157	317-30-100	REP-P	96-03-071	356-14-240	AMD	96-02-073
315-11A-164	NEW-P	96-03-157	317-30-100	REP	96-12-077	356-14-260	AMD-P	96-08-082
315-11A-164	NEW	96-07-015	317-30-110	REP-P	96-03-071	356-14-260	AMD-C	96-09-088
315-11A-164	PREP	96-08-071	317-30-110	REP	96-12-077	356-14-260	AMD	96-13-076
315-11A-164	PREP	96-09-103	317-30-110	REP	96-12-077	356-15-030	AMD-P	96-08-082
315-11A-164	AMD-P	96-12-096	317-30-120	REP-P	96-03-071	356-15-030	AMD-C	96-09-088
315-11A-165	NEW-P	96-03-157	317-30-120	REP	96-12-077	356-15-030	AMD	96-13-076
315-11A-165	NEW	96-07-015	317-30-130	REP-P	96-03-071	356-15-030	AMD	96-02-073
315-11A-166	NEW-P	96-03-157	317-30-130	REP	96-12-077	356-15-050	AMD	96-02-073
315-11A-166	NEW	96-07-015	317-30-140	REP-P	96-03-071	356-15-060	AMD-P	96-02-070
315-11A-167	NEW-P	96-03-157	317-30-140	REP	96-12-077	356-15-060	AMD-C	96-07-092
315-11A-167	NEW	96-07-015	317-30-150	REP-P	96-03-071	356-15-060	AMD-W	96-09-053
315-11A-167	AMD-P	96-12-096	317-30-150	REP	96-12-077	356-15-060	AMD-P	96-10-064
315-11A-168	NEW-P	96-07-104	317-30-150	REP	96-12-077	356-15-060	AMD	96-13-075
315-11A-168	NEW	96-11-107	317-30-900	REP-P	96-03-071	356-15-070	AMD	96-02-073
315-11A-169	NEW-P	96-07-104	317-30-900	REP	96-12-077	356-15-090	AMD	96-02-073
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356-18-060	AMD-P	96-08-082	371-08-030	REP-P	96-10-063	371-08-405	NEW-P	96-10-063
356-18-060	AMD-C	96-09-088	371-08-032	REP-P	96-10-063	371-08-410	NEW-P	96-10-063
356-18-060	AMD	96-13-076	371-08-033	REP-P	96-10-063	371-08-415	NEW-P	96-10-063
356-18-080	AMD-P	96-08-082	371-08-035	REP-P	96-10-063	371-08-420	NEW-P	96-10-063
356-18-080	AMD-C	96-09-088	371-08-040	REP-P	96-10-063	371-08-425	NEW-P	96-10-063
356-18-080	AMD	96-13-076	371-08-050	REP-P	96-10-063	371-08-430	NEW-P	96-10-063
356-18-110	AMD-P	96-08-082	371-08-055	REP-P	96-10-063	371-08-435	NEW-P	96-10-063
356-18-110	AMD-C	96-09-088	371-08-061	REP-P	96-10-063	371-08-440	NEW-P	96-10-063
356-18-110	AMD	96-13-076	371-08-065	REP-P	96-10-063	371-08-445	NEW-P	96-10-063
356-18-112	AMD-W	96-02-069	371-08-071	REP-P	96-10-063	371-08-450	NEW-P	96-10-063
356-18-112	AMD-P	96-08-083	371-08-075	REP-P	96-10-063	371-08-455	NEW-P	96-10-063
356-18-112	AMD	96-11-058	371-08-080	REP-P	96-10-063	371-08-460	NEW-P	96-10-063
356-18-116	AMD	96-02-073	371-08-085	REP-P	96-10-063	371-08-465	NEW-P	96-10-063
356-18-140	AMD-P	96-08-082	371-08-100	REP-P	96-10-063	371-08-470	NEW-P	96-10-063
356-18-140	AMD-C	96-09-088	371-08-104	REP-P	96-10-063	371-08-475	NEW-P	96-10-063
356-18-140	AMD	96-13-076	371-08-106	REP-P	96-10-063	371-08-480	NEW-P	96-10-063
356-18-145	AMD-P	96-08-082	371-08-125	REP-P	96-10-063	371-08-485	NEW-P	96-10-063
356-18-145	AMD-C	96-09-088	371-08-130	REP-P	96-10-063	371-08-490	NEW-P	96-10-063
356-18-145	AMD	96-13-076	371-08-140	REP-P	96-10-063	371-08-500	NEW-P	96-10-063
356-18-150	AMD-P	96-08-082	371-08-144	REP-P	96-10-063	371-08-505	NEW-P	96-10-063
356-18-150	AMD-C	96-09-088	371-08-146	REP-P	96-10-063	371-08-505	NEW-S	96-13-065
356-18-150	AMD	96-13-076	371-08-147	REP-P	96-10-063	371-08-510	NEW-P	96-10-063
356-22-220	AMD-P	96-08-085	371-08-148	REP-P	96-10-063	371-08-515	NEW-P	96-10-063
356-22-220	AMD	96-11-060	371-08-150	REP-P	96-10-063	371-08-520	NEW-P	96-10-063
356-30-025	REP-W	96-02-069	371-08-155	REP-P	96-10-063	371-08-525	NEW-P	96-10-063
356-30-050	AMD	96-02-073	371-08-156	REP-P	96-10-063	371-08-530	NEW-P	96-10-063
356-30-065	AMD-W	96-02-069	371-08-162	REP-P	96-10-063	371-08-535	NEW-P	96-10-063
356-30-067	AMD-W	96-02-069	371-08-165	REP-P	96-10-063	371-08-540	NEW-P	96-10-063
356-30-230	AMD	96-02-073	371-08-167	REP-P	96-10-063	371-08-545	NEW-P	96-10-063
356-30-315	AMD	96-02-073	371-08-180	REP-P	96-10-063	371-08-550	NEW-P	96-10-063
356-30-330	AMD	96-02-073	371-08-183	REP-P	96-10-063	371-08-555	NEW-P	96-10-063
356-37-020	AMD-P	96-04-052A	371-08-184	REP-P	96-10-063	371-08-560	NEW-P	96-10-063
356-37-020	AMD	96-07-093	371-08-185	REP-P	96-10-063	371-08-565	NEW-P	96-10-063
356-37-030	AMD-P	96-04-052A	371-08-186	REP-P	96-10-063	371-08-570	NEW-P	96-10-063
356-37-030	AMD	96-07-093	371-08-187	REP-P	96-10-063	374-60-030	AMD	96-04-005
356-37-040	AMD-P	96-04-052A	371-08-188	REP-P	96-10-063	374-60-120	AMD	96-04-005
356-37-040	AMD	96-07-093	371-08-189	REP-P	96-10-063	388-08-425	AMD-P	96-14-102
356-37-050	AMD-P	96-04-052A	371-08-195	REP-P	96-10-063	388-08-449	AMD-P	96-14-102
356-37-050	AMD	96-07-093	371-08-196	REP-P	96-10-063	388-08-595	NEW-P	96-14-102
356-37-100	AMD-P	96-04-052A	371-08-197	REP-P	96-10-063	388-08-605	NEW-P	96-14-102
356-37-100	AMD	96-07-093	371-08-200	REP-P	96-10-063	388-11-010	REP-P	96-06-039
356-37-160	NEW-P	96-04-052A	371-08-215	REP-P	96-10-063	388-11-010	REP	96-09-036
356-37-160	NEW	96-07-093	371-08-220	REP-P	96-10-063	388-11-011	AMD-P	96-06-039
356-37-170	NEW-P	96-04-052A	371-08-230	REP-P	96-10-063	388-11-011	AMD	96-09-036
356-37-170	NEW	96-07-093	371-08-235	REP-P	96-10-063	388-11-015	AMD-P	96-06-039
356-42-020	AMD-P	96-06-059	371-08-240	REP-P	96-10-063	388-11-015	AMD	96-09-036
356-42-020	AMD-C	96-09-054	371-08-250	REP-P	96-10-063	388-11-030	REP-P	96-06-039
356-42-020	AMD-C	96-11-057	371-08-255	REP-P	96-10-063	388-11-030	REP	96-09-036
356-42-020	AMD	96-13-074	371-08-260	REP-P	96-10-063	388-11-032	REP-P	96-06-039
356-42-045	AMD-P	96-10-066	371-08-300	NEW-P	96-10-063	388-11-032	REP	96-09-036
356-42-045	AMD-W	96-13-073	371-08-305	NEW-P	96-10-063	388-11-035	REP-P	96-06-039
356-42-055	AMD-P	96-04-052A	371-08-310	NEW-P	96-10-063	388-11-035	REP	96-09-036
356-42-055	AMD	96-07-093	371-08-310	NEW-S	96-13-065	388-11-040	REP-P	96-06-039
356-46-080	AMD	96-02-073	371-08-315	NEW-P	96-10-063	388-11-040	REP	96-09-036
356-56-115	AMD-P	96-08-089	371-08-320	NEW-P	96-10-063	388-11-045	AMD-P	96-06-039
356-56-115	AMD	96-12-004	371-08-325	NEW-P	96-10-063	388-11-045	AMD	96-09-036
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365-185-020	NEW-E	96-03-045	371-08-335	NEW-S	96-13-065	388-11-055	REP-P	96-06-039
365-185-020	NEW	96-04-046	371-08-340	NEW-P	96-10-063	388-11-055	REP	96-09-036
365-185-030	NEW-E	96-03-045	371-08-345	NEW-P	96-10-063	388-11-060	REP-P	96-06-039
365-185-030	NEW	96-04-046	371-08-345	NEW-S	96-13-065	388-11-060	REP	96-09-036
365-185-040	NEW-E	96-03-045	371-08-350	NEW-P	96-10-063	388-11-065	AMD-P	96-06-039
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365-185-050	NEW-E	96-03-045	371-08-360	NEW-P	96-10-063	388-11-120	AMD-P	96-06-039
365-185-050	NEW	96-04-046	371-08-365	NEW-P	96-10-063	388-11-120	AMD	96-09-036
365-185-060	NEW-E	96-03-045	371-08-370	NEW-P	96-10-063	388-11-140	AMD-P	96-06-039
365-185-060	NEW	96-04-046	371-08-375	NEW-P	96-10-063	388-11-140	AMD	96-09-036
371-08-001	REP-P	96-10-063	371-08-380	NEW-P	96-10-063	388-11-150	AMD-P	96-06-039
371-08-002	REP-P	96-10-063	371-08-385	NEW-P	96-10-063	388-11-150	AMD	96-09-036
371-08-005	REP-P	96-10-063	371-08-390	NEW-P	96-10-063	388-11-210	AMD-P	96-06-039
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388-11-215	AMD	96-09-036	388-15-945	REP-P	96-04-084	388-73-048	AMD-P	96-06-051
388-11-220	AMD-P	96-06-039	388-15-945	REP	96-11-045	388-73-048	AMD-E	96-07-079
388-11-220	AMD	96-09-036	388-15-950	REP-P	96-04-084	388-73-048	AMD	96-10-032
388-11-280	NEW-P	96-06-039	388-15-950	REP	96-11-045	388-73-054	AMD-P	96-06-051
388-11-280	NEW	96-09-036	388-15-955	REP-P	96-04-084	388-73-054	AMD-E	96-07-079
388-11-285	NEW-P	96-06-039	388-15-955	REP	96-11-045	388-73-054	AMD	96-10-032
388-11-285	NEW	96-09-036	388-49-020	AMD-P	96-03-013	388-73-606	AMD-P	96-06-051
388-11-290	NEW-P	96-06-039	388-49-020	AMD	96-06-031	388-73-606	AMD-E	96-07-079
388-11-290	NEW	96-09-036	388-49-160	PREP	96-07-094	388-73-606	AMD	96-10-032
388-11-295	NEW-P	96-06-039	388-49-160	AMD-E	96-10-059	388-73-800	AMD-P	96-06-051
388-11-295	NEW	96-09-036	388-49-160	AMD-P	96-11-146	388-73-800	AMD-E	96-07-079
388-11-300	NEW-P	96-06-039	388-49-160	AMD	96-14-074	388-73-800	AMD	96-10-032
388-11-300	NEW	96-09-036	388-49-330	AMD-P	96-04-036	388-73-803	NEW-P	96-06-051
388-11-305	NEW-P	96-06-039	388-49-330	AMD	96-07-053	388-73-803	NEW-E	96-07-079
388-11-305	NEW	96-09-036	388-49-410	AMD-P	96-04-008	388-73-803	NEW	96-10-032
388-11-310	NEW-P	96-06-039	388-49-410	AMD	96-07-022	388-73-805	NEW-P	96-06-051
388-11-310	NEW	96-09-036	388-49-480	PREP	96-09-034	388-73-805	NEW-E	96-07-079
388-11-315	NEW-P	96-06-039	388-49-500	AMD-P	96-03-097	388-73-805	NEW	96-10-032
388-11-315	NEW	96-09-036	388-49-500	AMD	96-06-046	388-73-815	AMD-P	96-06-051
388-11-400	NEW-P	96-06-039	388-49-505	PREP	96-14-054	388-73-815	AMD-E	96-07-079
388-11-400	NEW	96-09-036	388-49-520	AMD-P	96-11-082	388-73-815	AMD	96-10-032
388-11-405	NEW-P	96-06-039	388-49-530	REP-P	96-11-081	388-73-821	NEW-P	96-06-051
388-11-405	NEW	96-09-036	388-49-535	AMD-P	96-11-080	388-73-821	NEW-E	96-07-079
388-11-410	NEW-P	96-06-039	388-49-670	AMD-P	96-03-095	388-73-821	NEW	96-10-032
388-11-410	NEW	96-09-036	388-49-670	AMD	96-06-042	388-73-822	NEW-P	96-06-051
388-11-415	NEW-P	96-06-039	388-55-006	NEW	96-05-009	388-73-822	NEW-E	96-07-079
388-11-415	NEW	96-09-036	388-55-008	NEW	96-05-009	388-73-822	NEW	96-10-032
388-11-420	NEW-P	96-06-039	388-55-010	AMD	96-05-009	388-73-823	NEW-P	96-06-051
388-11-420	NEW	96-09-036	388-55-020	AMD	96-05-009	388-73-823	NEW-E	96-07-079
388-11-425	NEW-P	96-06-039	388-55-024	NEW	96-05-009	388-73-823	NEW	96-10-032
388-11-425	NEW	96-09-036	388-55-027	NEW	96-05-009	388-73-825	NEW-P	96-06-051
388-11-430	NEW-P	96-06-039	388-55-030	AMD	96-05-009	388-73-825	NEW-E	96-07-079
388-11-430	NEW	96-09-036	388-55-040	AMD	96-05-009	388-73-825	NEW	96-10-032
388-15	PREP	96-06-009	388-55-050	NEW	96-05-009	388-76	AMD-C	96-11-106
388-15	PREP	96-12-015	388-55-060	NEW	96-05-009	388-76	AMD-C	96-13-018
388-15-030	AMD-P	96-13-107	388-60-005	AMD-P	96-14-101	388-76	AMD-C	96-13-058
388-15-134	PREP	96-09-076	388-60-120	AMD-P	96-14-101	388-76-010	REP-P	96-06-040
388-15-145	AMD-P	96-06-014	388-60-130	AMD-P	96-14-101	388-76-010	REP	96-14-003
388-15-145	AMD	96-09-035	388-60-140	AMD-P	96-14-101	388-76-020	REP-P	96-06-040
388-15-196	AMD-P	96-13-107	388-60-150	AMD-P	96-14-101	388-76-020	REP	96-14-003
388-15-198	NEW-P	96-13-107	388-60-160	AMD-P	96-14-101	388-76-030	REP-P	96-06-040
388-15-202	AMD-P	96-13-107	388-60-190	NEW-P	96-14-101	388-76-030	REP	96-14-003
388-15-203	AMD-P	96-13-107	388-60-200	NEW-P	96-14-101	388-76-040	REP-P	96-06-040
388-15-204	AMD-P	96-13-107	388-60-210	NEW-P	96-14-101	388-76-040	REP	96-14-003
388-15-206	AMD-P	96-13-107	388-60-220	NEW-P	96-14-101	388-76-045	REP-P	96-06-040
388-15-209	AMD-P	96-13-107	388-60-230	NEW-P	96-14-101	388-76-045	REP	96-14-003
388-15-219	AMD-P	96-13-107	388-60-240	NEW-P	96-14-101	388-76-050	REP-P	96-06-040
388-15-610	AMD-P	96-13-107	388-60-250	NEW-P	96-14-101	388-76-050	REP	96-14-003
388-15-620	AMD-P	96-13-107	388-70	PREP	96-12-015	388-76-050	REP	96-06-040
388-15-690	AMD-P	96-13-107	388-73	PREP	96-12-010	388-76-060	REP	96-14-003
388-15-695	AMD-P	96-13-107	388-73	PREP	96-12-015	388-76-060	REP	96-06-040
388-15-700	AMD-P	96-13-107	388-73-012	AMD-P	96-06-051	388-76-070	REP-P	96-06-040
388-15-705	AMD-P	96-13-107	388-73-012	AMD-E	96-07-079	388-76-070	REP	96-14-003
388-15-710	AMD-P	96-13-107	388-73-012	AMD	96-10-032	388-76-080	REP-P	96-06-040
388-15-715	AMD-P	96-13-107	388-73-014	AMD-P	96-06-051	388-76-080	REP	96-14-003
388-15-880	AMD-P	96-13-107	388-73-014	AMD-E	96-07-079	388-76-085	REP-P	96-06-040
388-15-890	AMD-P	96-13-107	388-73-014	AMD	96-10-032	388-76-085	REP	96-14-003
388-15-900	REP-P	96-04-084	388-73-014	AMD	96-10-032	388-76-087	REP-P	96-06-040
388-15-900	REP	96-11-045	388-73-0150	AMD-P	96-06-051	388-76-087	REP	96-14-003
388-15-905	REP-P	96-04-084	388-73-01950	AMD-E	96-07-079	388-76-087	REP-P	96-06-040
388-15-905	REP	96-11-045	388-73-01950	AMD	96-10-032	388-76-090	REP	96-14-003
388-15-910	REP-P	96-04-084	388-73-020	AMD-P	96-06-051	388-76-090	REP-P	96-06-040
388-15-910	REP	96-11-045	388-73-020	AMD-E	96-07-079	388-76-095	REP	96-14-003
388-15-915	REP-P	96-04-084	388-73-020	AMD	96-10-032	388-76-095	REP	96-06-040
388-15-915	REP	96-11-045	388-73-030	AMD-C	96-03-105	388-76-100	REP-P	96-06-040
388-15-920	REP-P	96-04-084	388-73-030	AMD-S	96-05-061	388-76-100	REP	96-14-003
388-15-920	REP	96-11-045	388-73-030	RESCIND	96-05-067	388-76-110	REP-P	96-06-040
388-15-925	REP-P	96-04-084	388-73-030	AMD-E	96-05-068	388-76-110	REP	96-14-003
388-15-925	REP	96-11-045	388-73-030	AMD	96-10-043	388-76-130	REP-P	96-06-040
388-15-935	REP-P	96-04-084	388-73-030	AMD-E	96-10-054	388-76-130	REP	96-14-003
388-15-935	REP	96-11-045	388-73-036	AMD-S	96-05-061	388-76-140	REP-P	96-06-040
388-15-940	REP-P	96-04-084	388-73-036	AMD-E	96-05-068	388-76-155	REP-P	96-06-040
			388-73-036	AMD	96-10-043	388-76-155	REP	96-14-003

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-76-160	REP-P	96-06-040	388-76-480	REP	96-14-003	388-76-695	NEW-P	96-06-040
388-76-160	REP	96-14-003	388-76-490	REP-P	96-06-040	388-76-695	NEW	96-14-003
388-76-170	REP-P	96-06-040	388-76-490	REP	96-14-003	388-76-700	NEW-P	96-06-040
388-76-170	REP	96-14-003	388-76-500	REP-P	96-06-040	388-76-700	NEW	96-14-003
388-76-180	REP-P	96-06-040	388-76-500	REP	96-14-003	388-76-705	NEW-P	96-06-040
388-76-180	REP	96-14-003	388-76-520	REP-P	96-06-040	388-76-705	NEW	96-14-003
388-76-185	REP-P	96-06-040	388-76-520	REP	96-14-003	388-76-710	NEW-P	96-06-040
388-76-185	REP	96-14-003	388-76-530	REP-P	96-06-040	388-76-710	NEW	96-14-003
388-76-190	REP-P	96-06-040	388-76-530	REP	96-14-003	388-76-715	NEW-P	96-06-040
388-76-190	REP	96-14-003	388-76-535	NEW-P	96-06-040	388-76-715	NEW	96-14-003
388-76-200	REP-P	96-06-040	388-76-535	NEW	96-14-003	388-76-720	NEW-P	96-06-040
388-76-200	REP	96-14-003	388-76-540	NEW-P	96-06-040	388-76-720	NEW	96-14-003
388-76-220	REP-P	96-06-040	388-76-540	NEW	96-14-003	388-76-725	NEW-P	96-06-040
388-76-220	REP	96-14-003	388-76-545	NEW-P	96-06-040	388-76-725	NEW	96-14-003
388-76-240	REP-P	96-06-040	388-76-545	NEW	96-14-003	388-76-730	NEW-P	96-06-040
388-76-240	REP	96-14-003	388-76-550	NEW-P	96-06-040	388-76-730	NEW	96-14-003
388-76-250	REP-P	96-06-040	388-76-550	NEW	96-14-003	388-76-735	NEW-P	96-06-040
388-76-250	REP	96-14-003	388-76-555	NEW-P	96-06-040	388-76-735	NEW	96-14-003
388-76-260	REP-P	96-06-040	388-76-555	NEW	96-14-003	388-76-740	NEW-P	96-06-040
388-76-260	REP	96-14-003	388-76-560	NEW-P	96-06-040	388-76-740	NEW	96-14-003
388-76-280	REP-P	96-06-040	388-76-560	NEW	96-14-003	388-76-745	NEW-P	96-06-040
388-76-280	REP	96-14-003	388-76-565	NEW-P	96-06-040	388-76-745	NEW	96-14-003
388-76-290	REP-P	96-06-040	388-76-565	NEW	96-14-003	388-76-750	NEW-P	96-06-040
388-76-290	REP	96-14-003	388-76-570	NEW-P	96-06-040	388-76-750	NEW	96-14-003
388-76-300	REP-P	96-06-040	388-76-570	NEW	96-14-003	388-76-755	NEW-P	96-06-040
388-76-300	REP	96-14-003	388-76-575	NEW-P	96-06-040	388-76-755	NEW	96-14-003
388-76-310	REP-P	96-06-040	388-76-575	NEW	96-14-003	388-76-760	NEW-P	96-06-040
388-76-310	REP	96-14-003	388-76-580	NEW-P	96-06-040	388-76-760	NEW	96-14-003
388-76-320	REP-P	96-06-040	388-76-580	NEW	96-14-003	388-76-765	NEW-P	96-06-040
388-76-320	REP	96-14-003	388-76-585	NEW-P	96-06-040	388-76-765	NEW	96-14-003
388-76-325	REP-P	96-06-040	388-76-585	NEW	96-14-003	388-76-770	NEW-P	96-06-040
388-76-325	REP	96-14-003	388-76-590	NEW-P	96-06-040	388-76-770	NEW	96-14-003
388-76-330	REP-P	96-06-040	388-76-590	NEW	96-14-003	388-76-775	NEW-P	96-06-040
388-76-330	REP	96-14-003	388-76-595	NEW-P	96-06-040	388-76-775	NEW	96-14-003
388-76-340	REP-P	96-06-040	388-76-595	NEW	96-14-003	388-76-780	NEW-P	96-06-040
388-76-340	REP	96-14-003	388-76-600	NEW-P	96-06-040	388-76-780	NEW	96-14-003
388-76-350	REP-P	96-06-040	388-76-600	NEW	96-14-003	388-76-785	NEW-P	96-06-040
388-76-350	REP	96-14-003	388-76-605	NEW-P	96-06-040	388-76-785	NEW	96-14-003
388-76-360	REP-P	96-06-040	388-76-605	NEW	96-14-003	388-76-790	NEW-P	96-06-040
388-76-360	REP	96-14-003	388-76-610	NEW-P	96-06-040	388-76-790	NEW	96-14-003
388-76-370	REP-P	96-06-040	388-76-610	NEW	96-14-003	388-76-795	NEW-P	96-06-040
388-76-370	REP	96-14-003	388-76-615	NEW-P	96-06-040	388-76-795	NEW	96-14-003
388-76-380	REP-P	96-06-040	388-76-615	NEW	96-14-003	388-86	PREP	96-07-042
388-76-380	REP	96-14-003	388-76-620	NEW-P	96-06-040	388-86	PREP	96-07-043
388-76-390	REP-P	96-06-040	388-76-620	NEW	96-14-003	388-86	PREP	96-07-044
388-76-390	REP	96-14-003	388-76-625	NEW-P	96-06-040	388-86	PREP	96-07-045
388-76-400	REP-P	96-06-040	388-76-625	NEW	96-14-003	388-86	PREP	96-12-015
388-76-400	REP	96-14-003	388-76-630	NEW-P	96-06-040	388-87	PREP	96-07-042
388-76-405	REP-P	96-06-040	388-76-630	NEW	96-14-003	388-87	PREP	96-07-043
388-76-405	REP	96-14-003	388-76-635	NEW-P	96-06-040	388-87	PREP	96-07-044
388-76-410	REP-P	96-06-040	388-76-635	NEW	96-14-003	388-87	PREP	96-07-045
388-76-410	REP	96-14-003	388-76-640	NEW-P	96-06-040	388-87-020	PREP	96-08-091
388-76-420	REP-P	96-06-040	388-76-640	NEW	96-14-003	388-96	PREP	96-07-024
388-76-420	REP	96-14-003	388-76-645	NEW-P	96-06-040	388-96-221	AMD-P	96-11-010
388-76-430	REP-P	96-06-040	388-76-645	NEW	96-14-003	388-96-534	AMD-P	96-11-010
388-76-430	REP	96-14-003	388-76-650	NEW-P	96-06-040	388-96-585	AMD-P	96-11-010
388-76-435	REP-P	96-06-040	388-76-650	NEW	96-14-003	388-96-708	NEW-P	96-11-010
388-76-435	REP	96-14-003	388-76-655	NEW-P	96-06-040	388-96-735	AMD-P	96-11-010
388-76-440	REP-P	96-06-040	388-76-655	NEW	96-14-003	388-96-745	AMD-P	96-11-010
388-76-440	REP	96-14-003	388-76-660	NEW-P	96-06-040	388-96-762	AMD-P	96-11-010
388-76-450	REP-P	96-06-040	388-76-660	NEW	96-14-003	388-96-774	AMD-P	96-11-010
388-76-450	REP	96-14-003	388-76-665	NEW-P	96-06-040	388-96-776	AMD-P	96-11-010
388-76-460	REP-P	96-06-040	388-76-665	NEW	96-14-003	388-96-810	AMD-P	96-11-010
388-76-460	REP	96-14-003	388-76-670	NEW-P	96-06-040	388-96-904	AMD-P	96-11-010
388-76-465	REP-P	96-06-040	388-76-670	NEW	96-14-003	388-97	PREP	96-14-100
388-76-465	REP	96-14-003	388-76-675	NEW-P	96-06-040	388-110	NEW-C	96-09-032
388-76-467	REP-P	96-06-040	388-76-675	NEW	96-14-003	388-110	NEW-C	96-10-010
388-76-467	REP	96-14-003	388-76-680	NEW-P	96-06-040	388-110	NEW-C	96-10-077
388-76-470	REP-P	96-06-040	388-76-680	NEW	96-14-003	388-110-005	NEW-P	96-04-084
388-76-470	REP	96-14-003	388-76-685	NEW-P	96-06-040	388-110-005	NEW	96-11-045
388-76-475	REP-P	96-06-040	388-76-685	NEW	96-14-003	388-110-010	NEW-P	96-04-084
388-76-475	REP	96-14-003	388-76-690	NEW-P	96-06-040	388-110-010	NEW	96-11-045
388-76-480	REP-P	96-06-040	388-76-690	NEW	96-14-003	388-110-020	NEW-P	96-04-084

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-110-020	NEW	96-11-045	388-151-090	AMD-P	96-14-027	388-160-500	PREP	96-05-057
388-110-030	NEW-P	96-04-084	388-151-092	NEW-P	96-14-027	388-160-500	AMD-P	96-14-099
388-110-030	NEW	96-11-045	388-151-093	NEW-P	96-14-027	388-160-530	AMD-P	96-14-099
388-110-040	NEW-P	96-04-084	388-151-094	NEW-P	96-14-027	388-160-550	NEW-P	96-14-099
388-110-040	NEW	96-11-045	388-151-095	NEW-P	96-14-027	388-200	PREP	96-07-041
388-110-050	NEW-P	96-04-084	388-151-096	NEW-P	96-14-027	388-200-1050	AMD-P	96-13-056
388-110-050	NEW	96-11-045	388-151-097	NEW-P	96-14-027	388-200-1100	AMD-P	96-13-056
388-110-060	NEW-P	96-04-084	388-151-098	NEW-P	96-14-027	388-200-1150	AMD-P	96-13-056
388-110-060	NEW	96-11-045	388-155	PREP	96-12-010	388-200-1160	AMD-P	96-13-056
388-110-070	NEW-P	96-04-084	388-155-020	AMD-P	96-14-027	388-200-1300	PREP	96-07-041
388-110-070	NEW	96-11-045	388-155-060	AMD-P	96-07-010	388-200-1300	NEW-P	96-13-056
388-110-080	NEW-P	96-04-084	388-155-060	AMD	96-10-042	388-200-1350	PREP	96-07-041
388-110-080	NEW	96-11-045	388-155-070	AMD-P	96-07-010	388-200-1350	NEW-P	96-13-056
388-110-090	NEW-P	96-04-084	388-155-070	AMD	96-10-042	388-201-200	AMD-P	96-04-034
388-110-090	NEW	96-11-045	388-155-085	NEW-P	96-14-027	388-201-200	AMD	96-07-021
388-110-100	NEW-P	96-04-084	388-155-090	AMD-C	96-03-105	388-201-300	AMD-P	96-04-034
388-110-100	NEW	96-11-045	388-155-090	AMD-S	96-05-061	388-201-300	AMD	96-07-021
388-110-110	NEW-P	96-04-084	388-155-090	RESCIND	96-05-067	388-201-400	AMD-P	96-04-034
388-110-110	NEW	96-11-045	388-155-090	AMD-E	96-05-068	388-201-400	AMD	96-07-021
388-110-120	NEW-P	96-04-084	388-155-090	AMD	96-10-043	388-201-410	AMD-P	96-04-034
388-110-120	NEW	96-11-045	388-155-090	AMD-E	96-10-054	388-201-410	AMD	96-07-021
388-110-140	NEW-P	96-04-084	388-155-090	AMD-P	96-14-027	388-201-420	AMD-P	96-04-034
388-110-140	NEW	96-11-045	388-155-092	NEW-P	96-14-027	388-201-420	AMD	96-07-021
388-110-150	NEW-P	96-04-084	388-155-093	NEW-P	96-14-027	388-201-430	AMD-P	96-04-034
388-110-150	NEW	96-11-045	388-155-093	NEW-P	96-14-027	388-201-430	AMD	96-07-021
388-110-170	NEW-P	96-04-084	388-155-094	NEW-P	96-14-027	388-201-440	AMD-P	96-04-034
388-110-170	NEW	96-11-045	388-155-095	NEW-P	96-14-027	388-201-440	AMD	96-07-021
388-110-180	NEW-P	96-04-084	388-155-096	NEW-P	96-14-027	388-201-450	AMD-P	96-04-034
388-110-180	NEW	96-11-045	388-155-097	NEW-P	96-14-027	388-201-450	AMD	96-07-021
388-110-190	NEW-P	96-04-084	388-155-098	NEW-P	96-14-027	388-201-460	AMD-P	96-04-034
388-110-190	NEW	96-11-045	388-155-098	NEW-P	96-07-010	388-201-460	AMD	96-07-021
388-110-200	NEW-P	96-04-084	388-155-600	NEW-P	96-10-042	388-201-470	AMD-P	96-04-034
388-110-200	NEW	96-11-045	388-155-600	NEW	96-10-042	388-201-470	AMD	96-07-021
388-110-210	NEW-P	96-04-084	388-155-605	NEW-P	96-07-010	388-201-480	AMD-P	96-04-034
388-110-210	NEW	96-11-045	388-155-610	NEW-P	96-07-010	388-201-480	AMD	96-07-021
388-110-220	NEW-P	96-04-084	388-155-610	NEW	96-10-042	388-215-1390	PREP	96-03-096
388-110-220	NEW	96-11-045	388-155-620	NEW-P	96-07-010	388-215-1390	AMD-E	96-04-001
388-110-230	NEW-P	96-04-084	388-155-620	NEW	96-10-042	388-215-1390	AMD-P	96-07-009
388-110-230	NEW	96-11-045	388-155-630	NEW-P	96-07-010	388-215-1390	AMD	96-10-045
388-110-240	NEW-P	96-04-084	388-155-630	NEW	96-10-042	388-215-1600	AMD-P	96-03-099
388-110-240	NEW	96-11-045	388-155-640	NEW-P	96-07-010	388-215-1600	AMD	96-06-045
388-110-250	NEW-P	96-04-084	388-155-640	NEW	96-10-042	388-215-1610	AMD-P	96-03-099
388-110-250	NEW	96-11-045	388-155-650	NEW-P	96-07-010	388-215-1610	AMD	96-06-045
388-110-260	NEW-P	96-04-084	388-155-650	NEW	96-10-042	388-218-1510	AMD	96-03-040
388-110-260	NEW	96-11-045	388-155-660	NEW-P	96-07-010	388-219-3000	AMD-P	96-07-014
388-110-270	NEW-P	96-04-084	388-155-660	NEW	96-10-042	388-219-3000	AMD-E	96-09-075
388-110-270	NEW	96-11-045	388-155-670	NEW-P	96-07-010	388-219-3000	AMD	96-10-031
388-110-280	NEW-P	96-04-084	388-155-680	NEW-P	96-07-010	388-235-5050	PREP	96-08-041A
388-110-280	NEW	96-11-045	388-155-680	NEW	96-10-042	388-235-5050	AMD-P	96-13-066
388-150	PREP	96-12-010	388-160	PREP	96-05-057	388-235-5050	AMD-E	96-14-036
388-150-085	NEW-P	96-14-027	388-160	PREP	96-12-010	388-235-7500	AMD-P	96-13-056
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392-163-500	PREP-X	96-14-019	392-167A-040	PREP-X	96-14-019	415-08-090	AMD	96-11-036
392-163-505	PREP-X	96-14-019	392-167A-045	PREP-X	96-14-019	415-08-100	AMD-P	96-07-080
392-163-510	PREP-X	96-14-019	392-167A-050	PREP-X	96-14-019	415-08-100	AMD	96-11-036
392-163-515	PREP-X	96-14-019	392-167A-055	PREP-X	96-14-019	415-08-105	AMD-P	96-07-080
392-163-520	PREP-X	96-14-019	392-167A-060	PREP-X	96-14-019	415-08-105	AMD	96-11-036
392-163-525	PREP-X	96-14-019	392-167A-065	PREP-X	96-14-019	415-08-280	AMD-P	96-07-080
392-163-530	PREP-X	96-14-019	392-167A-070	PREP-X	96-14-019	415-08-280	AMD	96-11-036
392-163-535	PREP-X	96-14-019	392-167A-075	PREP-X	96-14-019	415-08-420	AMD-P	96-07-080
392-163-540	PREP-X	96-14-019	392-167A-080	PREP-X	96-14-019	415-08-420	AMD	96-11-036
392-163-545	PREP-X	96-14-019	392-167A-085	PREP-X	96-14-019	415-104-0125	NEW	96-04-003
392-163-550	PREP-X	96-14-019	392-167A-090	PREP-X	96-14-019	415-104-108	AMD	96-03-100
392-163-555	PREP-X	96-14-019	392-193-005	PREP-X	96-14-019	415-108-340	AMD	96-03-100
392-163-560	PREP-X	96-14-019	392-193-010	PREP-X	96-14-019	415-112-040	AMD	96-03-100
392-163-565	PREP-X	96-14-019	392-193-020	PREP-X	96-14-019	415-501-010	NEW-P	96-13-100
392-163-570	PREP-X	96-14-019	392-193-025	PREP-X	96-14-019	415-501-020	NEW-P	96-13-100
392-163-575	PREP-X	96-14-019	392-193-030	PREP-X	96-14-019	415-504-010	NEW-P	96-13-100
392-163-580	PREP-X	96-14-019	392-193-035	PREP-X	96-14-019	415-504-020	NEW-P	96-13-100
392-163-585	PREP-X	96-14-019	392-193-045	PREP-X	96-14-019	415-504-030	NEW-P	96-13-100
392-163-590	PREP-X	96-14-019	392-193-050	PREP-X	96-14-019	415-504-040	NEW-P	96-13-100
392-163-595	PREP-X	96-14-019	392-193-055	PREP-X	96-14-019	415-504-050	NEW-P	96-13-100
392-163-600	PREP-X	96-14-019	392-193-060	PREP-X	96-14-019	415-504-060	NEW-P	96-13-100
392-163-605	PREP-X	96-14-019	392-196	PREP	96-11-140	415-504-070	NEW-P	96-13-100
392-163-610	PREP-X	96-14-019	392-300-001	NEW-P	96-14-093	415-504-080	NEW-P	96-13-100
392-163-615	PREP-X	96-14-019	392-300-005	NEW-P	96-14-093	415-504-090	NEW-P	96-13-100
392-163-620	PREP-X	96-14-019	392-300-010	NEW-P	96-14-093	415-504-100	NEW-P	96-13-100
392-163-625	PREP-X	96-14-019	392-300-015	NEW-P	96-14-093	415-504-110	NEW-P	96-13-100
392-163-630	PREP-X	96-14-019	392-300-020	NEW-P	96-14-093	415-508-010	NEW-P	96-13-100
392-163-635	PREP-X	96-14-019	392-300-025	NEW-P	96-14-093	415-508-020	NEW-P	96-13-100
392-163-640	PREP-X	96-14-019	392-300-030	NEW-P	96-14-093	415-508-030	NEW-P	96-13-100
392-163-645	PREP-X	96-14-019	392-300-035	NEW-P	96-14-093	415-508-040	NEW-P	96-13-100
392-166-100	PREP-X	96-14-019	392-300-040	NEW-P	96-14-093	415-508-050	NEW-P	96-13-100
392-166-105	PREP-X	96-14-019	392-300-045	NEW-P	96-14-093	415-512-010	NEW-P	96-13-100
392-166-110	PREP-X	96-14-019	392-300-050	NEW-P	96-14-093	415-512-015	NEW-P	96-13-100
392-166-115	PREP-X	96-14-019	392-300-055	NEW-P	96-14-093	415-512-020	NEW-P	96-13-100
392-166-120	PREP-X	96-14-019	392-300-060	NEW-P	96-14-093	415-512-030	NEW-P	96-13-100
392-166-125	PREP-X	96-14-019	392-310-010	PREP-X	96-14-019	415-512-040	NEW-P	96-13-100
392-166-130	PREP-X	96-14-019	392-310-015	PREP-X	96-14-019	415-512-050	NEW-P	96-13-100
392-166-135	PREP-X	96-14-019	392-310-020	PREP-X	96-14-019	415-512-070	NEW-P	96-13-100
392-166-140	PREP-X	96-14-019	392-310-025	PREP-X	96-14-019	415-512-075	NEW-P	96-13-100
392-166-145	PREP-X	96-14-019	392-320	PREP	96-07-050	415-512-080	NEW-P	96-13-100
392-166-150	PREP-X	96-14-019	392-320-005	AMD-P	96-12-075	415-512-085	NEW-P	96-13-100
392-166-155	PREP-X	96-14-019	392-320-015	AMD-P	96-12-075	415-512-086	NEW-P	96-13-100
392-166-160	PREP-X	96-14-019	392-320-025	AMD-P	96-12-075	415-512-087	NEW-P	96-13-100
392-166-165	PREP-X	96-14-019	392-320-040	AMD-P	96-12-075	415-512-090	NEW-P	96-13-100
392-166-170	PREP-X	96-14-019	392-320-045	AMD-P	96-12-075	415-512-110	NEW-P	96-13-100
392-166-175	PREP-X	96-14-019	392-320-050	AMD-P	96-12-075	415-524-010	NEW-P	96-13-100
392-166-180	PREP-X	96-14-019	415	PREP	96-06-079	415-528-010	NEW-P	96-13-100
392-166-185	PREP-X	96-14-019	415-02-099	REP	96-03-100	415-532-010	NEW-P	96-13-100
392-166-190	PREP-X	96-14-019	415-04	AMD-P	96-13-100	415-532-020	NEW-P	96-13-100
392-166-195	PREP-X	96-14-019	415-04-010	AMD-P	96-13-100	415-536-010	NEW-P	96-13-100
392-166-200	PREP-X	96-14-019	415-04-020	AMD-P	96-13-100	415-540-010	NEW-P	96-13-100
392-166-205	PREP-X	96-14-019	415-04-030	NEW-P	96-13-100	415-544-010	NEW-P	96-13-100
392-166-210	PREP-X	96-14-019	415-04-040	NEW-P	96-13-100	415-548-010	NEW-P	96-13-100
392-166-215	PREP-X	96-14-019	415-04-050	NEW-P	96-13-100	415-552-010	NEW-P	96-13-100
392-166-220	PREP-X	96-14-019	415-08-010	AMD-P	96-07-080	415-556-010	NEW-P	96-13-100
392-166-225	PREP-X	96-14-019	415-08-010	AMD	96-11-036	415-560-010	NEW-P	96-13-100
392-166-230	PREP-X	96-14-019	415-08-020	AMD-P	96-07-080	415-564-010	NEW-P	96-13-100
392-166-235	PREP-X	96-14-019	415-08-020	AMD	96-11-036	415-564-020	NEW-P	96-13-100
392-166-240	PREP-X	96-14-019	415-08-023	NEW-P	96-07-080	415-564-030	NEW-P	96-13-100
392-166-245	PREP-X	96-14-019	415-08-023	NEW	96-11-036	415-564-040	NEW-P	96-13-100
392-166-250	PREP-X	96-14-019	415-08-025	AMD-P	96-07-080	415-564-050	NEW-P	96-13-100
392-166-255	PREP-X	96-14-019	415-08-025	AMD	96-11-036	415-564-060	NEW-P	96-13-100
392-166-260	PREP-X	96-14-019	415-08-027	NEW-P	96-07-080	415-568-010	NEW-P	96-13-100
392-166-265	PREP-X	96-14-019	415-08-027	NEW	96-11-036	415-568-020	NEW-P	96-13-100
392-166-270	PREP-X	96-14-019	415-08-030	AMD-P	96-07-080	415-610-010	NEW-P	96-13-100
392-166-275	PREP-X	96-14-019	415-08-030	AMD	96-11-036	415-610-015	NEW-P	96-13-100
392-167A-005	PREP-X	96-14-019	415-08-040	AMD-P	96-07-080	415-610-020	NEW-P	96-13-100
392-167A-010	PREP-X	96-14-019	415-08-040	AMD	96-11-036	415-610-030	NEW-P	96-13-100
392-167A-015	PREP-X	96-14-019	415-08-050	AMD-P	96-07-080	415-620-010	NEW-P	96-13-100
392-167A-020	PREP-X	96-14-019	415-08-050	AMD	96-11-036	415-620-015	NEW-P	96-13-100
392-167A-025	PREP-X	96-14-019	415-08-080	AMD-P	96-07-080	415-620-020	NEW-P	96-13-100
392-167A-030	PREP-X	96-14-019	415-08-080	AMD	96-11-036	415-620-025	NEW-P	96-13-100
392-167A-035	PREP-X	96-14-019	415-08-090	AMD-P	96-07-080	415-620-030	NEW-P	96-13-100

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
415-620-035	NEW-P	96-13-100	419-36-060	DECOD	96-06-011	434-75-120	AMD-E	96-03-140
415-620-040	NEW-P	96-13-100	419-36-070	DECOD	96-06-011	434-75-120	AMD	96-03-141
415-620-045	NEW-P	96-13-100	419-36-080	DECOD	96-06-011	434-75-120	DECOD	96-03-141
415-620-050	NEW-P	96-13-100	419-36-090	DECOD	96-06-011	434-75-130	AMD-E	96-03-140
415-620-055	NEW-P	96-13-100	419-40-010	DECOD	96-06-011	434-75-130	AMD	96-03-141
415-630-010	NEW-P	96-13-100	419-40-020	DECOD	96-06-011	434-75-130	DECOD	96-03-141
415-630-020	NEW-P	96-13-100	419-40-030	DECOD	96-06-011	434-75-140	AMD-E	96-03-140
415-630-030	NEW-P	96-13-100	419-40-040	DECOD	96-06-011	434-75-140	AMD	96-03-141
415-640-010	NEW-P	96-13-100	419-40-050	DECOD	96-06-011	434-75-140	DECOD	96-03-141
415-640-020	NEW-P	96-13-100	419-44-010	DECOD	96-06-011	434-75-150	AMD-E	96-03-140
415-640-030	NEW-P	96-13-100	419-64-010	DECOD	96-06-011	434-75-150	AMD	96-03-141
415-650-010	NEW-P	96-13-100	419-64-020	DECOD	96-06-011	434-75-150	DECOD	96-03-141
415-650-020	NEW-P	96-13-100	419-64-030	DECOD	96-06-011	434-75-160	AMD-E	96-03-140
415-650-030	NEW-P	96-13-100	419-64-040	DECOD	96-06-011	434-75-160	AMD	96-03-141
415-650-040	NEW-P	96-13-100	419-64-050	DECOD	96-06-011	434-75-160	DECOD	96-03-141
415-650-050	NEW-P	96-13-100	419-64-060	DECOD	96-06-011	434-75-170	REP-E	96-03-140
415-660-010	NEW-P	96-13-100	419-64-070	DECOD	96-06-011	434-75-170	REP	96-03-141
415-660-020	NEW-P	96-13-100	419-64-080	DECOD	96-06-011	434-75-180	AMD-E	96-03-140
415-670-010	NEW-P	96-13-100	419-64-090	DECOD	96-06-011	434-75-180	AMD	96-03-141
415-680-010	NEW-P	96-13-100	419-72-010	DECOD	96-06-011	434-75-180	DECOD	96-03-141
415-680-020	NEW-P	96-13-100	419-72-012	DECOD	96-06-011	434-75-190	AMD-E	96-03-140
415-680-030	NEW-P	96-13-100	419-72-015	DECOD	96-06-011	434-75-190	AMD	96-03-141
415-680-040	NEW-P	96-13-100	419-72-015	PREP	96-09-005	434-75-190	DECOD	96-03-141
415-680-050	NEW-P	96-13-100	419-72-020	DECOD	96-06-011	434-75-200	REP-E	96-03-140
415-680-060	NEW-P	96-13-100	419-72-025	DECOD	96-06-011	434-75-200	REP	96-03-141
415-680-070	NEW-P	96-13-100	419-72-041	DECOD	96-06-011	434-75-210	AMD-E	96-03-140
415-690-010	NEW-P	96-13-100	419-72-045	DECOD	96-06-011	434-75-210	AMD	96-03-141
415-695-010	NEW-P	96-13-100	419-72-050	DECOD	96-06-011	434-75-210	DECOD	96-03-141
415-695-020	NEW-P	96-13-100	419-72-060	DECOD	96-06-011	434-75-220	AMD-E	96-03-140
415-695-030	NEW-P	96-13-100	419-72-065	DECOD	96-06-011	434-75-220	AMD	96-03-141
415-695-040	NEW-P	96-13-100	419-72-070	DECOD	96-06-011	434-75-220	DECOD	96-03-141
419-04-010	PREP-X	96-14-041	419-72-075	DECOD	96-06-011	434-75-230	AMD-E	96-03-140
419-04-020	PREP-X	96-14-041	419-72-080	DECOD	96-06-011	434-75-230	AMD	96-03-141
419-04-030	PREP-X	96-14-041	419-80-010	DECOD	96-06-011	434-75-230	DECOD	96-03-141
419-18	PREP	96-03-037	419-80-020	DECOD	96-06-011	434-75-240	AMD-E	96-03-140
419-18-020	DECOD	96-06-011	419-80-030	DECOD	96-06-011	434-75-240	AMD	96-03-141
419-18-030	DECOD	96-06-011	419-80-040	DECOD	96-06-011	434-75-240	DECOD	96-03-141
419-18-040	DECOD	96-06-011	419-80-050	DECOD	96-06-011	434-75-250	AMD-E	96-03-140
419-18-045	DECOD	96-06-011	419-80-060	DECOD	96-06-011	434-75-250	AMD	96-03-141
419-18-050	DECOD	96-06-011	419-80-070	DECOD	96-06-011	434-75-250	DECOD	96-03-141
419-18-060	DECOD	96-06-011	434-75-010	AMD-E	96-03-140	434-75-260	AMD-E	96-03-140
419-18-070	DECOD	96-06-011	434-75-010	AMD	96-03-141	434-75-260	AMD	96-03-141
419-18-080	DECOD	96-06-011	434-75-010	DECOD	96-03-141	434-75-260	DECOD	96-03-141
419-20-010	PREP-X	96-14-040	434-75-020	AMD-E	96-03-140	434-75-270	AMD-E	96-03-140
419-20-020	PREP-X	96-14-040	434-75-020	AMD	96-03-141	434-75-270	AMD	96-03-141
419-20-030	PREP-X	96-14-040	434-75-020	DECOD	96-03-141	434-75-270	DECOD	96-03-141
419-20-040	PREP-X	96-14-040	434-75-030	AMD-E	96-03-140	434-75-280	AMD-E	96-03-140
419-20-050	PREP-X	96-14-040	434-75-030	AMD	96-03-141	434-75-280	AMD	96-03-141
419-20-060	PREP-X	96-14-040	434-75-030	DECOD	96-03-141	434-75-280	DECOD	96-03-141
419-20-070	PREP-X	96-14-040	434-75-040	AMD-E	96-03-140	434-75-290	AMD-E	96-03-140
419-20-080	PREP-X	96-14-040	434-75-040	AMD	96-03-141	434-75-290	AMD	96-03-141
419-20-090	PREP-X	96-14-040	434-75-040	DECOD	96-03-141	434-75-290	DECOD	96-03-141
419-20-100	PREP-X	96-14-040	434-75-050	AMD-E	96-03-140	434-75-300	REP-E	96-03-140
419-20-110	PREP-X	96-14-040	434-75-050	AMD	96-03-141	434-75-300	REP	96-03-141
419-20-120	PREP-X	96-14-040	434-75-050	DECOD	96-03-141	434-75-310	AMD-E	96-03-140
419-20-130	PREP-X	96-14-040	434-75-060	AMD-E	96-03-140	434-75-310	AMD	96-03-141
419-20-140	PREP-X	96-14-040	434-75-060	AMD	96-03-141	434-75-310	DECOD	96-03-141
419-20-150	PREP-X	96-14-040	434-75-060	DECOD	96-03-141	434-75-320	AMD-E	96-03-140
419-20-900	PREP-X	96-14-040	434-75-070	AMD-E	96-03-140	434-75-320	AMD	96-03-141
419-28-010	PREP-X	96-14-039	434-75-070	AMD	96-03-141	434-75-320	DECOD	96-03-141
419-28-020	PREP-X	96-14-039	434-75-070	DECOD	96-03-141	434-75-330	AMD-E	96-03-140
419-28-030	PREP-X	96-14-039	434-75-080	AMD-E	96-03-140	434-75-330	AMD	96-03-141
419-28-040	PREP-X	96-14-039	434-75-080	AMD	96-03-141	434-75-330	DECOD	96-03-141
419-28-050	PREP-X	96-14-039	434-75-080	DECOD	96-03-141	434-75-340	AMD-E	96-03-140
419-28-060	PREP-X	96-14-039	434-75-090	AMD-E	96-03-140	434-75-340	AMD	96-03-141
419-28-070	PREP-X	96-14-039	434-75-090	AMD	96-03-141	434-75-340	DECOD	96-03-141
419-28-080	PREP-X	96-14-039	434-75-090	DECOD	96-03-141	434-75-350	AMD-E	96-03-140
419-28-990	PREP-X	96-14-039	434-75-100	AMD-E	96-03-140	434-75-350	AMD	96-03-141
419-36-010	DECOD	96-06-011	434-75-100	AMD	96-03-141	434-75-350	DECOD	96-03-141
419-36-020	DECOD	96-06-011	434-75-100	DECOD	96-03-141	434-79-010	AMD-E	96-14-085
419-36-030	DECOD	96-06-011	434-75-110	AMD-E	96-03-140	434-120-100	AMD-P	96-05-089
419-36-040	DECOD	96-06-011	434-75-110	AMD	96-03-141	434-120-100	AMD	96-10-021
419-36-050	DECOD	96-06-011	434-75-110	DECOD	96-03-141	434-120-105	AMD-P	96-05-089

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
434-120-130	AMD-P	96-05-089	440-26-230	NEW-P	96-13-101	458-56-020	PREP-X	96-14-050
434-120-130	AMD	96-10-021	440-26-240	NEW-P	96-13-101	458-56-030	PREP-X	96-14-050
434-120-140	AMD-P	96-05-089	440-26-250	NEW-P	96-13-101	458-56-040	PREP-X	96-14-050
434-120-140	AMD	96-10-021	446-10-090	PREP	96-14-114	458-56-050	PREP-X	96-14-050
434-120-225	AMD-P	96-05-089	446-20-290	REP-E	96-11-069	458-56-060	PREP-X	96-14-050
434-120-225	AMD	96-10-021	446-20-290	PREP	96-11-070	458-56-070	PREP-X	96-14-050
434-120-255	AMD-P	96-05-089	446-20-290	REP-P	96-14-078	458-56-080	PREP-X	96-14-050
434-120-300	AMD-P	96-05-088	446-20-600	NEW-E	96-11-069	458-56-090	PREP-X	96-14-050
434-120-300	AMD	96-08-049	446-20-600	PREP	96-11-070	458-56-100	PREP-X	96-14-050
434-120-335	AMD-P	96-05-088	446-20-600	NEW-P	96-14-078	458-56-110	PREP-X	96-14-050
434-120-335	AMD	96-08-049	446-20-610	NEW-E	96-11-069	458-56-120	PREP-X	96-14-050
434-166-260	AMD-P	96-07-069	446-20-610	PREP	96-11-070	458-56-130	PREP-X	96-14-050
434-166-260	AMD	96-10-052	446-20-610	NEW-P	96-14-078	458-56-140	PREP-X	96-14-050
434-166-280	AMD-P	96-07-069	446-20-620	NEW-E	96-11-069	458-56-150	PREP-X	96-14-050
434-166-280	AMD	96-10-052	446-20-620	PREP	96-11-070	458-56-160	PREP-X	96-14-050
434-166-290	AMD-P	96-07-069	446-20-620	NEW-P	96-14-078	458-56-170	PREP-X	96-14-050
434-166-290	AMD	96-10-052	446-20-630	NEW-E	96-11-069	458-56-180	PREP-X	96-14-050
434-219-010	RECOD	96-03-141	446-20-630	PREP	96-11-070	458-56-190	PREP-X	96-14-050
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