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CITATION

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

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

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DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1985

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
85-01	Nov 21	Dec 5	Dec 19, 1984	Jan 2, 1985	Jan 22
85-02	Dec 5	Dec 19, 1984	Jan 2, 1985	Jan 16	Feb 5
85-03	Dec 26, 1984	Jan 9, 1985	Jan 23	Feb 6	Feb 26
85-04	Jan 9	Jan 23	Feb 6	Feb 20	Mar 12
85-05	Jan 23	Feb 6	Feb 20	Mar 6	Mar 26
85-06	Feb 6	Feb 20	Mar 6	Mar 20	Apr 9
85-07	Feb 20	Mar 6	Mar 20	Apr 3	Apr 23
85-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
85-09	Mar 20	Apr 3	Apr 17	May 1	May 21
85-10	Apr 3	Apr 17	May 1	May 15	Jun 4
85-11	Apr 24	May 8	May 22	Jun 5	Jun 25
85-12	May 8	May 22	Jun 5	Jun 19	Jul 9
85-13	May 22	Jun 5	Jun 19	Jul 3	Jul 23
85-14	Jun 5	Jun 19	Jul 3	Jul 17	Aug 6
85-15	Jun 26	Jul 10	Jul 24	Aug 7	Aug 27
85-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
85-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
85-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
85-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
85-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
85-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
85-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
85-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
85-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1986

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

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

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

WSR 85-05-001

ADOPTED RULES

CORRECTIONS STANDARDS BOARD

[Resolution No. 85-01—Filed February 7, 1985]

Be it resolved by the Corrections Standards Board, acting at the Olympic Room of the Governor House, Olympia, Washington, that it does adopt the annexed rules relating to maximum capacities, amending WAC 289-15-225.

This action is taken pursuant to Notice No. WSR 85-01-035 filed with the code reviser on December 12, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.48.050 (1)(a) and 70.48.070 and is intended to administratively implement these statutes.

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

APPROVED AND ADOPTED February 1, 1985.

By Robert W. Cote
Executive Secretary

AMENDATORY SECTION (Amending Resolution No. 84-52, filed 12/12/84)

WAC 289-15-225 MAXIMUM CAPACITIES. Pursuant to WAC 289-15-220, the maximum capacity of each detention and correctional facility within the state of Washington is established at the figure indicated below.

Detention Facilities

Auburn (22)
Bremerton (23)
Forks (11)
Issaquah (6)
Olympia (temporary) (19)
Stevens County (22)

Correctional Facilities

Benton County (109)
Chelan County (117)
Clallam County (102)
Clark County (300)
Cowlitz County (91)
Ferry County (22)
Franklin County (76)
Grant County (54)
Grays Harbor County (74)
Island County (29)
Jefferson County (18)
Kent (20)
King County (1038)
Kitsap County (103)
Kitsap County Work Release (42)
Kittitas County (45)
Klickitat County (30)
Lewis County (62)
Lincoln County ((~~4~~))(15)
Mason County (34)
Okanogan County (67)
Pacific County (14)
Pend Oreille County (18)
Pierce County (359)
Skagit County (83)
Skamania County (17)
Snohomish County (116)
Snohomish County Work Release (60)
Spokane County (352)
Thurston County (94)

Detention Facilities

Correctional Facilities

Walla Walla County (44)
Whatcom County (82)
Whitman County (34)
Yakima County (274)

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

WSR 85-05-002

ADOPTED RULES

CORRECTIONS STANDARDS BOARD

[Resolution No. 85-02—Filed February 7, 1985]

Be it resolved by the Corrections Standards Board, acting at the Olympic Room of the Governor House, Olympia, Washington, that it does adopt the annexed rules relating to Physical plant standards: New facilities—Work release, deleting WAC 289-12-030(5).

This action is taken pursuant to Notice No. WSR 84-21-040 filed with the code reviser on October 12, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.48.050 (1)(a) and 70.48.070 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 1, 1985.

By Robert W. Cote
Executive Secretary

AMENDATORY SECTION (Amending Order 30, filed 10/6/82)

WAC 289-12-030 NEW FACILITIES. (1) Initial planning for new facilities. The design planning of all new detention and correctional facilities shall include:

(a) Obtaining the participation of the community and surrounding governing units in site selection and planning; and

(b) Analyzing the present and future qualitative function and quantitative workload of the proposed facility, giving optimum consideration to alternatives to confinement.

(2) Specific physical plant standards. (Detention and correctional facilities except as otherwise noted.)

(a) Functional areas.

(i) Sleeping and living areas shall be designed to provide adequate confinement, reasonable prisoner to prisoner privacy, sight and sound surveillance and protection for prisoners and staff. For such purposes, the following are the design criteria for state funding of new construction or renovation of detention and correctional facilities. Modifications thereto shall be considered under the provisions of WAC 289-12-035.

(A) Single occupancy cells: Seventy-two square feet or larger with not less than eight foot ceilings. A single occupancy cell should contain not less than fifty square feet of clear floor space.

(B) Day room areas: A minimum of thirty-five square feet per prisoner, but not less than a total of one hundred forty-four square feet.

(C) Dormitories, when included: A minimum and maximum capacity of eight to ten males or four to ten females and sixty square feet of floor space per prisoner in semi-private sleeping areas, including day room space, and not less than ten foot ceilings if double bunks are used.

(ii) Program, recreation and exercise areas. Detention and correctional facilities shall provide adequate indoor program and recreation area(s) and a multipurpose outdoor exercise and activity area with toilet facilities.

(iii) Kitchen and dining facilities.

(A) When kitchen facilities are included, such facilities shall be adequate for the sanitary preparation of three nutritionally balanced meals per day and shall meet the requirements of chapter 248-84 WAC.

(B) Dining area(s) shall allow conversational opportunities in adequate surroundings. Meals shall not be served in cells, except where necessary for the health, security and/or well-being of prisoners and staff.

(iv) Examining room, infirmary and medical isolation.

(A) Detention and correctional facilities shall provide space to be used as a medical examining room. This space may be multipurpose, but when used as an examining room it shall provide sight and sound privacy and be equipped with natural spectrum fluorescent lighting, a handwashing lavatory with a gooseneck spout, either foot, knee, push plate, electric eye beam, or equivalent faucet controls, and sufficient lockable storage for medical equipment and supplies.

(B) When an infirmary is located within the facility, infirmary space shall allow a minimum of three feet between the perimeter of each bed and walls, beds, and any fixed obstruction: PROVIDED, That this three foot requirement does not apply to the distance between the head of a bed and the wall. The infirmary shall be equipped with its own lavatory, toilet, shower and bathtub.

(C) If medical isolation facilities are located within the jail such facilities shall conform to applicable standards of WAC 248-18-530 and 248-18-718.

(v) Visitation and confidential consultation.

(A) Space for visitation shall be included in detention and correctional facilities. Such space shall allow surveillance and the degree of control over physical contact deemed necessary by jail management for visible control, and shall simultaneously provide adequate seating for prisoners and their visitor(s).

(B) Detention and correctional facilities shall provide adequate facilities for confidential consultation(s).

(vi) Laundry. If laundry facilities are provided within the jail, such facilities shall be adequate for sanitary washing and drying of the jail laundry. Separate areas should be arranged for storage and sorting of soiled laundry and for the sorting, folding and storage of clean laundry.

(vii) Storage. Detention and correctional facilities shall include one or more secure storage area(s) for the storage of prisoner personal clothing and property and for necessary jail equipment and supplies.

(viii) Supervisory stations.

(A) Sufficient space and equipment for the facility supervisor shall be provided in an area secure from prisoner access. An adequate control room shall be secure from any unauthorized access and it shall be capable of controlling access to the facility by the general public.

(B) Sight and sound surveillance equipment, where used, shall be monitored in the control room and remote control operating devices shall also be in the control room. The control room shall be equipped with a sink and toilet.

(ix) Booking and reception areas. The booking area(s) shall include, but not be limited to, restroom facilities with shower, a "strip search" room, holding cell(s) (may be multiple occupancy), telephone, and space for photographing, fingerprinting, delousing, intoxication determinations and health screening.

(b) Structural criteria. Subject to appropriate modifications on a case-by-case basis under the provisions of WAC 289-12-035, the following structural criteria shall apply to all state funded new construction or remodeling of detention and correctional facilities:

(i) Building codes. All standards contained in the current Washington state building code established by RCW 19.27.030, the electrical wiring provisions of chapter 19.28 RCW, and more restrictive local standards shall be followed in all new jail construction.

(ii) Materials for walls, floors and ceilings. In all jail facilities, walls, floors and ceilings shall be constructed with materials adequate to attain the degree of security required for each area of the facility. Such materials shall be easily cleanable, provide minimum sound transmission and fire protection. Polyurethane, neoprene or similar type materials shall not be used in padded cells. All paint used in a jail facility shall be fire resistant and nontoxic.

(iii) Entrances and exits.

(A) Detention and correctional facilities shall have two secure vestibules for ingress and egress.

(B) Elevators shall have no less than six feet by eight feet inside dimensions.

(C) A secure area shall be provided for loading and unloading prisoners.

(iv) Windows and/or skylights. Windows and/or skylights shall be sufficient to provide natural light to all living areas, yet locations shall assure security from escape and introduction of contraband.

(v) Noise level. Noise level shall conform to the requirements of chapter 173-60 WAC (Maximum environmental noise levels).

(c) Utilities. Subject to the appropriate modifications on a case-by-case basis under the provisions of WAC 289-12-035, the following criteria for utilities will apply to all state funded new construction or remodeling of detention and correctional facilities:

(i) Prisoner living areas, inspection corridors, and vestibules shall have secure lights with outside switch control. No electrical conduit shall be accessible from any

cell, though each living unit may contain outlets and switches, provided they are unilaterally controllable by staff.

(ii) Lighting. Illumination at all times shall be adequate for security and surveillance, and daytime and evening illumination shall be sufficient to permit prisoners to read in their cells (thirty foot candles at thirty inches minimum, one hundred foot candles at thirty inches for medical examining areas, fifty foot candles at thirty inches for work areas).

(iii) Water supply. There shall be an adequate supply of sanitary hot and cold water available at all times to prisoners. Hot water for general use shall be adequate.

(iv) Plumbing—Toilets, lavatories, showers and floor drains.

(A) There shall be at least one toilet and lavatory for every eight prisoners. Separate facilities shall be provided for each sex.

(B) A minimum of one shower head shall be provided for every ten prisoners.

(C) Floor drains shall be constructed to serve all cells, dormitories and other areas where necessary to facilitate cleaning. Floor drains shall be located outside the cell space to reduce the incidence of tampering and flooding. Plumbing connection and pipes shall be secure from uncontrolled access by prisoners.

(v) Heating, ventilation and air conditioning.

(A) The systems shall maintain mean temperatures between sixty-five and eighty-five degrees F.

(B) The ventilating system shall provide for the number of air changes per hour as specified in the Uniform Building Code.

(d) Support systems.

(i) Fire detection and suppression. All jails shall have smoke and fire detection and alarm equipment. Fire alarm systems shall conform to all state and local fire regulations. Sprinklers shall not be required within cells and conflicting requirements of local code provisions are preempted, when all other applicable code provisions relating to fire safety are met and an effective smoke control system is incorporated in the facility design.

(ii) Emergency power. All detention and correctional facilities shall be equipped with emergency power sources with sufficient capacity to maintain communications and alarm systems, to move one jail elevator, where one exists, to provide minimum lighting within the facility and perimeter and for the preparation of a light meal.

(3) Minimum security facilities. Jail facilities shall be constructed to totally separate areas for housing prisoners who are allowed to go outside the jail regularly from all other prisoner areas.

(4) Holding facilities. Holding facilities shall be secure. Such facilities shall have adequate lighting, heat, ventilation and fire detection and suppression equipment. Each holding facility cell shall be equipped with a bed, toilet, lavatory and a drinking fountain. A telephone shall be accessible.

~~((5) Work release. Work release facilities shall provide safe, healthful, reasonably comfortable living conditions with necessary ancillary services and the required security.))~~

WSR 85-05-003

NOTICE OF PUBLIC MEETINGS UNIVERSITY OF WASHINGTON

[Memorandum—February 4, 1985]

Below is the schedule of meetings of the Services and Activities Fee Committee of the Associated Students of Washington State University:

February 21, 1985	5:15 p.m.
February 28, 1985	5:15 p.m.
March 7, 1985	5:15 p.m.
March 21, 1985	5:30 p.m.
March 28, 1985	5:15 p.m.
April 4, 1985	5:30 p.m.
April 11, 1985	5:15 p.m.
April 18, 1985	5:15 p.m.
April 25, 1985	5:15 p.m.
May 2, 1985	5:15 p.m.
May 9, 1985	5:15 p.m.

All meetings will be held in Room 232 of the Compton Union Building on the campus of Washington State University, Pullman, Washington 99164.

WSR 85-05-004

PROPOSED RULES BOARD OF HEALTH

[Filed February 8, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning general design requirements, amending WAC 248-18-718;

that the agency will at 9:30 a.m., Wednesday, April 10, 1985, in the County Administration Building, Council Board Room, 6th Floor, 3000 Rockefeller, Everett, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 70.41.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 10, 1985.

Dated: January 6, 1985

By: John A. Beare, MD
Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 248-18-718 General design requirements.

Purpose of the Amended Rule: To update references in general design requirements for construction in licensed hospitals consistent with amendments to referenced guidelines and standards in WAC 248-18-99902.

The Reason These Rules are Necessary: To specify current standards pertinent to construction in hospitals, as necessary in the public interest.

Statutory Authority: RCW 70.41.030.

Summary of the Rule Change: Nonsubstantive changes: Referenced subsection titles and numbers updated to be consistent with amendments to WAC 248-18-99902 and 248-18-001.

Person Responsible for Implementation and Enforcement of the Rule: John Gerth, Section Head, Facility Licensing and Certification Section, Office of Health Facilities and Services, Division of Health, mailstop ET-31, phone (206) 753-5851.

Rules proposed by Facility Licensing and Certification Section, Division of Health, DSHS.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

No economic impact statement required under the Regulatory Fairness Act, Laws of 1982.

AMENDATORY SECTION (Amending Order 252, filed 1/14/83)

WAC 248-18-718 GENERAL DESIGN REQUIREMENTS. (REQUIREMENTS ARE SHOWN IN CAPITAL LETTERS. SEE WAC 248-18-515.)

(1) VECTOR CONTROL. CONSTRUCTION OF THE BUILDING SHALL BE SUCH AS TO PREVENT THE ENTRANCE AND HARBORAGE OF RODENTS AND INSECTS.

(2) ELEVATORS.

(a) AT LEAST ONE ELEVATOR CONVENIENTLY ACCESSIBLE FROM GROUND LEVEL IN ALL HOSPITALS WITH PATIENT CARE AND/OR DIAGNOSTIC AREAS ON OTHER THAN GROUND LEVEL OR ON MORE THAN ONE LEVEL. IF ELEVATOR REQUIRED.

(i) AT LEAST TWO ELEVATORS IN ALL HOSPITALS WITH A CAPACITY OF MORE THAN SIXTY BEDS;

(ii) AT LEAST THREE ELEVATORS IN ALL HOSPITALS WITH A CAPACITY OF OVER TWO HUNDRED BEDS ON OTHER THAN THE GROUND LEVEL.

(b) A GREATER NUMBER OF ELEVATORS MAY BE REQUIRED BECAUSE OF THE HOSPITAL PLAN, VOLUME OF VISITOR TRAFFIC, AND FOOD AND SUPPLY DISTRIBUTION SYSTEM.²⁴

(c) SIZE OF REQUIRED PATIENT TRANSPORT ELEVATORS: AT LEAST ONE ELEVATOR OF FIVE FOOT FOUR INCH WIDTH BY EIGHT FEET SIX INCHES LENGTH INSIDE DIMENSIONS WITH DOOR OPENING OF FOUR FEET. In alteration projects where the elevator shaft is existing, elevators of lesser inside dimensions may be permitted.

(3) STAIRWAYS, RAMPS, CORRIDORS, AND AISLES.

(a) STAIRWAYS AND RAMPS.

(i) NONSKID SURFACES.

(ii) HANDRAILS ON BOTH SIDES.

(iii) ADEQUATE GUARDRAILS AND OTHER SAFETY DEVICES ON ALL STAIRWELLS AND RAMPS.

(iv) SLOPE OF RAMPS USED FOR PATIENTS NOT TO EXCEED ONE IN TWELVE.

SLOPE OF RAMPS IN SERVICE AREAS NOT TO EXCEED ONE IN TEN.

(b) CORRIDORS.

(i) A CORRIDOR SYSTEM ESTABLISHED THROUGHOUT HOSPITAL. CORRIDORS SHALL PROVIDE A METHOD OF TRAFFIC CIRCULATION DESIGNED FOR PATIENT PRIVACY, TO PREVENT THROUGH TRAFFIC IN EXAMINATION, OBSERVATION, TREATMENT, AND DIAGNOSTIC AREAS.

(ii) CORRIDORS AT LEAST EIGHT FOOT ZERO INCHES WIDE WITH NO RESTRICTION MORE THAN SEVEN INCH TOTAL. EXISTING SEVEN FOOT ZERO INCH CORRIDORS ACCEPTABLE FOR ALTERATION PROJECTS. FIVE FOOT ZERO INCH MINIMUM CORRIDOR WIDTH FOR AMBULATORY PATIENT TRAFFIC WITHIN A SINGLE DEPARTMENT; FOUR FOOT ZERO INCH MINIMUM CORRIDOR FOR NONPATIENT AREAS AND DEPARTMENTS PROVIDED THERE IS A FIVE-BY-FIVE FOOT TURNAROUND AT LEAST EVERY SEVENTY-FIVE FEET.

(iii) HANDRAILS BOTH SIDES OF CORRIDORS USED BY PATIENTS ON REHABILITATION NURSING UNITS, NURSING HOME UNITS, AND OTHER LONG-TERM CARE NURSING UNITS.

(iv) DOORS, EXCEPT THOSE TO SMALL UNOCCUPIED SPACES, SHALL NOT SWING INTO REQUIRED CORRIDOR WIDTH.

(c) AISLES.

SUFFICIENTLY WIDE TO ALLOW FOR UNIMPEDED MOVEMENT OF EQUIPMENT AND PERSONNEL.

(4) DOORS, WINDOWS, AND SCREENS.

(a) DOORS.

(i) FOUR FOOT ZERO INCH MINIMUM WIDTH IN OPERATING ROOM, DELIVERY ROOM, BIRTHING ROOM, RECOVERY ROOM, MAJOR EMERGENCY TREATMENT ROOM, FRACTURE ROOM, X-RAY ROOM, COMPUTERIZED AXIAL TOMOGRAPHY ROOMS, TO ALL TYPES OF INTENSIVE CARE UNITS AND TREATMENT ROOMS IN INTENSIVE CARE.

(ii) THREE FOOT TEN INCH MINIMUM WIDTH FOR PATIENT ROOMS, NEWBORN NURSERIES, ULTRASOUND ROOMS, NUCLEAR MEDICINE TREATMENT ROOMS, PHYSICAL THERAPY TREATMENT ROOMS, HORIZONTAL EXITS, AND OTHER DOORS THROUGH WHICH PATIENTS ARE TRANSPORTED IN STRETCHERS OR BEDS. Four foot zero inch doors recommended.

(iii) EXISTING THREE FOOT EIGHT INCH DOORS ACCEPTABLE IN ALTERATIONS EXCEPT IN ALTERATIONS OF OPERATING ROOMS, MAJOR EMERGENCY TREATMENT ROOMS, DELIVERY ROOMS, RECOVERY ROOMS, INTENSIVE CARE ROOMS, FRACTURE ROOMS OR X-RAY.

(iv) THREE FOOT ZERO INCH MINIMUM WIDTH FOR ALL DOORS WHICH MAY BE USED BY PERSONS IN WHEELCHAIRS INCLUDING PATIENT TOILETS AND BATHROOMS EXCEPT DOORS TO TOILETS AND BATHROOMS WHICH OPEN INTO PATIENT ROOMS SHALL BE NOT LESS THAN TWO FOOT SIX INCHES IN WIDTH.

(v) Doors to toilets adjoining patient rooms should not swing into toilet rooms.

(vi) Adequate width for receiving entrance doors, ((store-room)) storeroom doors, and other doors through which large carts or bulk goods are transported.

(vii) VISION PANELS IN ALL DOUBLE-ACTING DOORS. Four inches wide by twenty-four inches high recommended.

(b) WINDOWS.

(i) REQUIRED IN PATIENT ROOMS EXCEPT LABOR ROOMS AND NURSERIES.

(ii) REQUIRED WINDOWS TO HAVE CLEAR GLASS AREA OF AT LEAST ONE-TENTH FLOOR AREA.

(iii) REQUIRED WINDOWS TO BE LOCATED IN OUTSIDE WALLS PERMITTING A SATISFACTORY AMOUNT OF UNOBSTRUCTED NATURAL LIGHT. No required windows should be located within twenty feet of another building or the opposite wall of a court or within ten feet of a property line except a street.

(iv) WINDOW SILLS OF REQUIRED WINDOWS IN PATIENT ROOMS NO HIGHER THAN THREE FOOT ZERO INCHES FROM THE FLOOR. GRADE³⁷ ADJACENT TO REQUIRED WINDOWS IN PATIENT ROOMS TO BE BELOW WINDOW SILL.

(c) SCREENS.

SIXTEEN MESH SCREEN OR EQUAL ON WINDOW OPENINGS WHICH SERVE FOR REQUIRED VENTILATION.

(5) FLOOR FINISHES, WALL SURFACES, AND CEILINGS.

(a) FLOOR FINISHES:

(i) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(ii) NONSLIP AT ENTRANCES AND OTHER AREAS SUBJECT TO TRAFFIC OR USE WHILE WET.

(iii) COVED BASES INTEGRAL WITH FLOORS OR TOPSET BASE TIGHT TO FLOORS AND WALLS.

(iv) ELECTRICALLY CONDUCTIVE IN AREAS WHERE FLAMMABLE ANESTHETIC GASES ARE TO BE USED PER NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) ((STANDARD 56A)), 99. SEE WAC 248-18-99902(1).

(v) SPECIFICATIONS FOR CARPETING IN NONPATIENT-OCCUPIED AREAS:

(A) PILE YARN FIBER: FIBER WHICH MEETS THE STANDARDS OF THE STATE FIRE MARSHAL (See RCW 70-41.080) SHALL BE ACCEPTABLE PROVIDED THE FIBER IS EASILY CLEANABLE.

(B) PILE TUFTS PER SQUARE INCH: MINIMUM SIXTY-FOUR OR EQUIVALENT DENSITY.

(C) PILE HEIGHT: FROM A MINIMUM OF .125 INCHES TO A MAXIMUM OF .312 INCHES.

(D) PAD: MAY BE SEPARATE PAD.

(vi) SPECIFICATIONS FOR CARPETING IN PATIENT-OCCUPIED AREAS:

(A) PILE YARN FIBER: FIBERS WHICH MEET THE STANDARDS OF THE STATE FIRE MARSHAL (See RCW 70-41.080) SHALL BE ACCEPTABLE PROVIDED THE FIBER IS EASILY CLEANABLE.

(B) PILE TYPE: ROUND LOOP.

(C) PILE TUFTS PER SQUARE INCH: MINIMUM SIXTY-FOUR OR EQUIVALENT DENSITY.

(D) PILE HEIGHT: LEVEL PILE, FROM A MINIMUM OF .125 INCHES TO A MAXIMUM OF .255 INCHES.

(E) BACKING: SHALL BE WATER IMPERVIOUS OR A WATER IMPERVIOUS PAD SHALL BE PERMANENTLY BONDED TO THE BACKING.

(vii) INSTALLATION OF CARPET MATERIAL:

(A) BONDED PAD CARPET MUST BE CEMENTED TO THE FLOOR WITH WATERPROOF CEMENT.

(B) EDGES OF CARPET MUST BE COVERED AND COVE OR BASE SHOE USED AT ALL WALL JUNCTURES. IF BROADLOOM CARPET IS USED, SEAMS ARE TO BE BONDED TOGETHER WITH MANUFACTURER RECOMMENDED CEMENT.

(C) SAFETY OF PATIENTS OR OCCUPANTS IS TO BE ASSURED DURING INSTALLATION. ROOMS MUST BE WELL-VENTILATED AND NOT BE USED BY RESIDENT OCCUPANTS OR PATIENTS DURING INSTALLATION. THE ROOM MAY NOT BE RETURNED TO USE UNTIL THE ROOM IS FREE OF VOLATILE FUMES AND ODORS FROM ADHESIVES.

(b) WALL SURFACES:

(i) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(ii) SMOOTH AND WASHABLE FINISH, (e.g., washable paint on smooth finish plaster or gypsum board as opposed to rough or exposed masonry finishes) IN ROOMS USED FOR PATIENT CARE OR TREATMENT AND ROOMS IN WHICH SUPPLIES AND EQUIPMENT FOR PATIENT CARE OR TREATMENT ARE STORED, ASSEMBLED OR PROCESSED, AND IN CLINICAL LABORATORIES.

(iii) A FINISH WHICH WILL MINIMIZE GLARE IN PATIENT ROOMS AND LABOR ROOMS.

(iv) A WATERPROOF PAINTED, GLAZED, OR SIMILAR WATERPROOF FINISH EXTENDING ABOVE THE SPLASH LINE IN ALL ROOMS OR AREAS THAT ARE SUBJECT TO SPLASH OR SPRAY.

(v) Wainscot of five feet minimum height of a durable surface in operating rooms, delivery rooms, emergency rooms, treatment rooms, and corridors.

(vi) External angles protected by corner guards to resist impact in areas of heavy traffic.

(c) CEILINGS:

(i) EIGHT FOOT MINIMUM HEIGHT, EXCEPTIONS MAY BE PERMITTED IN MINOR AUXILIARY ROOMS.

(ii) NINE FOOT MINIMUM HEIGHT IN OPERATING ROOMS, DELIVERY ROOMS, AND SIMILAR ROOMS HAVING SPECIAL CEILING-MOUNTED LIGHT FIXTURES. Higher ceilings may be needed for some types of equipment.

(iii) EASILY CLEANED AND SUITABLE TO THE FUNCTIONS OF EACH AREA.

(iv) SMOOTH AND WASHABLE FINISH, (e.g., washable paint on smooth finish plaster or gypsum board as opposed to fissured tile or rough finishes) IN ROOMS USED FOR PATIENT CARE OR TREATMENT, AND IN ROOMS IN WHICH SUPPLIES AND EQUIPMENT FOR PATIENT CARE OR TREATMENT ARE STORED, ASSEMBLED OR PROCESSED, AND CLINICAL LABORATORIES. NO EXPOSED DUCTWORK AND PIPING.

(v) SMOOTH AND WASHABLE FINISH WITHOUT VISIBLE JOINTS OR CREVICES IN AREAS WHERE SURGICAL ASEPSIS MUST BE ASSURED SUCH AS OPERATING ROOMS, DELIVERY ROOMS, AND EMERGENCY TREATMENT ROOMS.

(vi) A FINISH WHICH WILL MINIMIZE GLARE IN PATIENT ROOMS, LABOR ROOMS, AND BIRTHING ROOMS.

(vii) FINISH THAT MINIMIZES REFLECTION OF (~~ULTRA-VIOLET~~) ULTRAVIOLET RADIATION IN TUBERCULOSIS ISOLATION ROOMS.

(viii) CEILINGS OF PATIENT ROOMS IN PSYCHIATRIC NURSING UNITS, SECURITY, AND SECLUSION ROOMS SHALL BE OF MONOLITHIC OR BONDED CONSTRUCTION.

(ix) Sound-absorptive treatment in corridors of patient areas, nurses' stations, dining rooms, and hydrotherapy rooms.

(6) PLUMBING AND SEWERAGE.

(a) PLUMBING AND SEWERAGE. CONSTRUCTED IN ACCORDANCE WITH THE UNIFORM PLUMBING CODE, OR EQUIVALENT LOCAL CODE. SEE WAC 248-18-99902(3).

(b) WATER SUPPLY.

(i) AN ADEQUATE WATER SUPPLY WHICH CONFORMS TO THE QUALITY STANDARDS OF CHAPTER 248-54 WAC.

(ii) TEMPERATURE OF HOT WATER AT BATHING FIXTURES THERMOSTATICALLY CONTROLLED NOT TO EXCEED ONE HUNDRED TWENTY DEGREES FAHRENHEIT.

(iii) THERMOSTATICALLY CONTROLLED HOT WATER HEATING EQUIPMENT OF SUFFICIENT CAPACITY TO SUPPLY SIX AND ONE-HALF GALLONS OF ONE HUNDRED TWENTY DEGREE FAHRENHEIT WATER PER HOUR PER BED FOR GENERAL USE, MEASURED AT POINT OF USE. AN ADEQUATE AMOUNT OF WATER AT NOT LESS THAN ONE HUNDRED SIXTY DEGREES FAHRENHEIT FOR LAUNDRY, MECHANICAL DISHWASHERS, AND OTHER SPECIAL MECHANICAL WASHERS. TEMPERATURE MEASURED AT POINT OF USE.

(iv) CIRCULATING SYSTEMS AS NECESSARY TO ENSURE A READY SUPPLY OF HOT WATER AT FIXTURES.

(c) INSULATION.

(i) HOT WATER PIPING INSULATED AS REQUIRED TO CONTROL EXCESSIVE HEAT TRANSFER AND TO PROVIDE FOR SAFETY.

(ii) COLD WATER AND DRAINAGE PIPING INSULATED AS REQUIRED TO CONTROL CONDENSATION.

(iii) AVOID EXPOSING PIPING TO FREEZING TEMPERATURES. IF UNAVOIDABLE, DESIGN TO PREVENT FREEZING.

(d) SEWERAGE.

(i) SEWAGE DISPOSAL SYSTEM IN CONFORMANCE WITH WAC 248-50-100 AND CHAPTER 248-92 OR 248-96 WAC CODIFIED RULES, REGULATIONS AND STANDARDS OF THE STATE BOARD OF HEALTH.

(ii) FLOOR DRAINS IN AREAS WITHOUT DAILY (~~WASH DOWN~~) WASHDOWN SHALL HAVE TRAP PRIMERS.²⁴

(e) PLUMBING FIXTURES.

(i) Bedpan lugs or slot fixtures on water closets not recommended.

(ii) DESIGNED AND INSTALLED TO BE EASILY CLEANED, MAINTAINED, AND SUITABLE TO THE INTENDED USE.²⁴ ADEQUATE SUPPORT FOR FIXTURES.

(iii) LAVATORIES PROVIDED IN EACH TOILET ROOM EXCEPT WHERE PROVIDED IN CONNECTING PATIENT ROOM, DRESSING ROOM, OR LOCKER ROOM.

(iv) DRINKING FOUNTAINS OR EQUIVALENT AT SUITABLE LOCATIONS.²⁴

(v) SINKS IN WHICH UTENSILS AND EQUIPMENT ARE TERMINALLY CLEANED TO BE DOUBLE COMPARTMENT OF ADEQUATE SIZE AND DEPTH (Recommended each compartment 20 x 22 x 14 or similar) WITH ADEQUATE COUNTER SPACE ON BOTH SIDES.²⁴

(vi) EACH FIXTURE, EXCEPT WATER CLOSETS AND SPECIAL USE FIXTURES, PROVIDED WITH HOT AND COLD WATER THROUGH A MIXING OUTLET.

(vii) DEVICES TO PREVENT BACKFLOW ON WATER SUPPLY TO FIXTURES OR GROUP OF FIXTURES WHERE THE USE OF EXTENSION HOSES AND TUBE CLEANING EQUIPMENT IS ANTICIPATED, (e.g., sinks in laboratory, central service, garbage can wash area, and housekeeping facilities and mechanical areas). Also refer to chapter 248-54 WAC.

(viii) NONSKID FLOOR SURFACES IN TUBS AND SHOWERS.

(f) FITTINGS.

(i) WRIST, KNEE, OR FOOT FAUCET CONTROLS AND GOOSENECK SPOUTS OR THE EQUIVALENT ON LAVATORIES IN PATIENT ROOMS AND IN TOILETS ADJOINING PATIENT ROOMS EXCEPT THOSE FOR PSYCHIATRIC PATIENTS TO BE IN ACCORDANCE WITH PROGRAM REQUIREMENTS.

(ii) WRIST, KNEE, OR FOOT FAUCET CONTROLS AND GOOSENECK SPOUTS OR THE EQUIVALENT⁴¹ ON ALL LAVATORIES AND SINKS FOR PERSONNEL USE WHERE REQUIRED TO CONTROL CROSS INFECTION, (e.g., nursing service areas including isolation rooms, laboratory, and physical therapy), UNLESS THE FIXTURE IS USED FOR SOILED FUNCTIONS ONLY AND ANOTHER SINK OR LAVATORY WITH WRIST, KNEE, OR FOOT CONTROLS OR EQUIVALENT⁴¹ IS LOCATED IN THE SAME AREA OF THE ROOM. FAUCET CONTROLS ON LAVATORIES IN NEWBORN NURSERY UNITS, NEONATAL INTENSIVE CARE UNITS, BIRTHING ROOMS, AND ALL SCRUB SINKS TO BE KNEE OR FOOT CONTROLS OR EQUIVALENT.⁴¹ Wrist blades permitted at lavatory when handwashing facility with foot, knee, or equivalent faucet control is located close to birthing ((room(s))) room or rooms.

(iii) WRIST CONTROLS TO HAVE A MINIMUM OF FOUR INCH SPACE BETWEEN BACK SPLASH AND ENDS OF CONTROLS AT FULL CLOSED POSITION AND A MINIMUM OF FOUR INCH SPACE BETWEEN THE END OF CONTROLS AND THE WATER SPOUT IN THE FULL OPEN POSITION.

(g) ACCESSORIES.

(i) BACKING FOR MOUNTING TO SUPPORT THE INTENDED USE OF ALL ACCESSORIES.

(ii) SUITABLE SHELF OR EQUIVALENT, AND MIRROR AT EACH LAVATORY IN TOILET ROOMS, PATIENT ROOMS, BIRTHING ROOMS, DRESSING ROOMS, AND LOCKER ROOMS.

(iii) TOWEL BAR OR HOOK AT EACH BATHING FACILITY. Optional in psychiatric unit.²⁴

(iv) ROBE HOOK AT EACH BATHING FACILITY, WATER CLOSET, DRESSING ROOM, AND EXAMINATION ROOM. Optional in psychiatric unit.²⁴

(v) TOILET PAPER HOLDER PROPERLY LOCATED AT EACH WATER CLOSET.

(vi) WHEN PROGRAM INCLUDES BEDPAN BRUSHES, PROVISION FOR KEEPING BEDPAN BRUSH OFF THE FLOOR.

(vii) PROVISION FOR OFF THE FLOOR PLACEMENT OF SUPPLIES AND EQUIPMENT IN PATIENT TOILETS. THIS PROVISION SHALL BE SEPARATE AND DISTINCT FROM LAVATORY SHELF.

(viii) AT LEAST ONE GRAB BAR OF SUITABLE STRENGTH, EASILY CLEANABLE, RESISTANT TO CORROSION, AND FUNCTIONAL DESIGN SECURELY MOUNTED AND PROPERLY LOCATED AT EACH ISLAND TUB AND WATER CLOSET FOR PATIENTS. Horizontal grab bars should extend at least eighteen inches in front of water closet. WHEN A LAVATORY IS LOCATED ADJACENT TO A WATER CLOSET AND WITHIN EIGHTEEN INCHES OF THE CENTER LINE OF THE WATER CLOSET, IT SHALL BE MOUNTED TO SUPPORT A THREE HUNDRED POUND LIVE LOAD WITHOUT PERMANENT DEFLECTION. GRAB BAR OR BARS OF SUITABLE STRENGTH, EASILY CLEANABLE, RESISTANT TO CORROSION, OF FUNCTIONAL DESIGN, SECURELY MOUNTED, AND PROPERLY LOCATED AT EACH STANDARD BATHTUB AND SHOWER ON TWO SIDES. May be omitted at water closets and bathing facilities for seclusion and security rooms.

(ix) DISPENSERS FOR SINGLE USE TOWELS AT ALL LAVATORIES AND SINKS MOUNTED TO AVOID CONTAMINATION FROM SPLASH AND SPRAY.

(x) SUITABLE PROVISION FOR SOAP AT EACH LAVATORY, SINK, AND BATHING FACILITY.

(xi) Paper cup dispensers at all lavatories except in soiled areas, lavatories in patient rooms, and toilet rooms adjoining patient rooms.

(xii) Properly located dispenser for seat covers at each water closet.

(xiii) Sanitary napkin dispenser and disposer or covered waste container (step-on-can) in each women's toilet room except inpatient toilets.

(h) NONFLAMMABLE MEDICAL GAS SYSTEMS IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARD 56F. SEE WAC 248-18-99902(4).

(i) Clinical vacuum (suction) systems in accordance with the recommendations of Compressed Gas Association, Inc., Pamphlet Number ((2-2.1)) P-2.1, except the zone valves may be omitted. See WAC 248-18-99902(11).

(7) HEATING. Recommend use of ASHRAE Handbook series. See WAC 248-18-99902(2).

(a) A HEATING SYSTEM ADEQUATE TO MAINTAIN SEVENTY-FIVE DEGREES FAHRENHEIT MINIMUM TEMPERATURE IN EACH ROOM AND OCCUPIED SPACE.

(b) HEAT SUPPLY FOR EACH PATIENT ROOM PROVIDED WITH INDIVIDUAL THERMOSTATIC CONTROL. Manual or zone control acceptable for existing facility alteration projects. Individual room thermostatic control recommended for all rooms. HEATING SYSTEM SUITABLY ZONED (e.g., by exposure and usage of areas) AND THERMOSTATICALLY CONTROLLED UNLESS INDIVIDUAL ROOMS THERMOSTATICALLY CONTROLLED.

(c) Standby heat supply to operating rooms, delivery rooms, birthing rooms, recovery rooms, nurseries, all intensive care units, and other selected areas so that they may be heated at times when the general building heating system is not operating.

(d) PIPING THROUGHOUT BUILDING INSULATED AS REQUIRED TO CONTROL EXCESSIVE HEAT TRANSFER AND TO PROVIDE FOR SAFETY.

(8) VENTILATION AND AIR CONDITIONING. USE ASHRAE HANDBOOK SERIES REFERRED TO IN WAC 248-18-99902(2).

(a) ALL ROOMS AND AREAS ADEQUATELY VENTILATED BY MECHANICAL MEANS. (Refer to Table B) DESIGN OF SYSTEM TO PREHEAT COLD OUTSIDE AIR MAKEUP. Gravity acceptable for gas storage rooms, mechanical rooms, and similar areas.

(b) Approved recovery systems to reclaim heat from exhausts are recommended for energy conservation. DESIGN AND INSTALLATION OF HEAT RECOVERY EQUIPMENT TO CONTROL CROSS CONTAMINATION.

(c) ALL FANS SERVING EXHAUST SYSTEMS SHALL BE LOCATED AT THE DISCHARGE END OF THE SYSTEM OR THE SYSTEMS DESIGNED TO PREVENT LEAKAGE TO OCCUPIED AREAS.

(d) DESIGN OF AIR DISTRIBUTION AND BALANCING OF AIR SYSTEMS: TO MAINTAIN APPROPRIATE PRESSURE GRADIENTS AMONG ADJOINING ROOMS AND AREAS TO CONTROL AIR FLOWS IN ACCORDANCE WITH THE RELATIVE DEGREE OF PROTECTION REQUIRED FROM THE SPREAD OF ODORS, MOISTURE, TOBACCO SMOKE, AND CONTAMINANTS, i.e., flow from relatively clean areas to relatively soiled areas. Refer to Table B. Balance for appropriate positive and negative gradients should be evaluated by measuring proper direction of air flow at each doorway by smoke indicator. Designs should be based on anticipated leakage at each door. (Fifty CFM minimum to one hundred CFM maximum for usual room door.)

(e) EXHAUST HOODS OR OTHER APPROVED EXHAUST DEVICES.

(i) LOCATED OVER EQUIPMENT LIKELY TO PRODUCE EXCESSIVE HEAT, MOISTURE, ODORS, OR CONTAMINANTS, (e.g., kitchen, laundry, sterilizing and dishwashing equipment, laboratory and special work areas) PROPERLY DESIGNED FOR INTENDED USE.

(ii) LABORATORY HOODS WHERE INFECTIOUS MATERIALS ARE HANDLED. See WAC 248-18-99902(7) for recommended publications.

(A) MINIMUM FACE VELOCITY OF SEVENTY-FIVE FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) SERVED BY INDEPENDENT EXHAUST SYSTEM WITH THE EXHAUST FAN LOCATED AT THE DISCHARGE END OF THE DUCT.

(C) DUCT TO HAVE WELDED JOINTS OR EQUIVALENT FROM THE HOOD TO FILTER ENCLOSURE.

(D) FILTERS WITH 99.97 PERCENT EFFICIENCY (DIOC-TYL-PHTHALATE, (DOP), TEST METHOD) IN THE EX-HAUST STREAM.

(E) DESIGNED AND EQUIPPED TO PERMIT THE SAFE REMOVAL OF CONTAMINATED FILTERS.

(F) CHEMICAL FUME HOODS SHALL NOT BE USED FOR HANDLING INFECTIOUS MATERIALS.

(iii) LABORATORY HOODS WHERE STRONG OXIDIZING AGENTS, (e.g., perchloric acid((?)))₂ ARE PROCESSED,

(A) MINIMUM FACE VELOCITY OF ONE HUNDRED FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) SERVED BY INDEPENDENT EXHAUST SYSTEM WITH EXPLOSION PROOF EXHAUST FAN AT THE DISCHARGE END OF THE DUCT.

(C) DUCT OF WELDED STAINLESS STEEL OR EQUIVALENT THROUGHOUT THE EXHAUST SYSTEM.

(D) HOOD AND EXHAUST DUCT SYSTEM EQUIPPED WITH COMPLETE COVERAGE WASHDOWN FACILITIES.

(iv) HOODS WHERE RADIOACTIVE PARTICULATE AEROSOLS MAY BE RELEASED.

(A) MINIMUM FACE VELOCITY OF ONE HUNDRED FEET PER MINUTE AT MAXIMUM OPERATING LEVEL OF SASH.

(B) SERVED BY INDEPENDENT EXHAUST SYSTEM WITH THE EXHAUST FAN AT THE DISCHARGE END OF THE DUCT.

(C) DUCT TO HAVE WELDED JOINTS OR EQUIVALENT FROM THE HOOD TO THE FILTER ENCLOSURE.

(D) FILTERS WITH 99.97 PERCENT EFFICIENCY (DIOC-TYL-PHTHALATE, (DOP) TEST METHOD) IN THE EX-HAUST STREAM.

(E) DESIGNED AND EQUIPPED FOR THE SAFE REMOVAL OF CONTAMINATED FILTERS.

(f) ALL CENTRAL VENTILATION OR AIR CONDITIONING SYSTEMS EQUIPPED WITH FILTERS.

(i) NUMBER OF FILTER BEDS AND FILTER EFFICIENCIES NO LESS THAN THOSE SPECIFIED IN TABLE A.

(ii) FILTER BED NO. 2 SHALL BE DOWNSTREAM OF THE LAST COMPONENT OF ANY CENTRAL AIR HANDLING UNIT, EXCEPT A STEAM INJECTION TYPE HUMIDIFIER MAY BE DOWNSTREAM OF FILTER BED NO. 2. TERMINAL COOLING COILS (EXCEPT INDUCTION UNITS, FAN COIL UNITS OR EQUIVALENT INDIVIDUAL ROOM UNITS (REFER TO SUBSECTION (8)(g) OF THIS SECTION) DOWN-STREAM OF FILTER BED NO. 2 SHALL HAVE ADDITIONAL FILTRATION MEETING REQUIREMENTS OF FILTER BED NO. 2.

TABLE A

FILTER EFFICIENCIES FOR CENTRAL VENTILATION AND AIR CONDITIONING SYSTEMS IN GENERAL HOSPITALS

AREA DESIGNATION	FILTER EFFICIENCIES (Percent)***		
	MINIMUM NUMBER OF FILTER BEDS	FILTER BED	FILTER BED
		NO. 1	NO. 2
Sensitive areas*	2	25	90****
Patient care, treatment Diagnostic, and related areas	2	25	90**
Food preparation areas and laundries	1	80	—
Administrative, bulk storage, and soiled holding areas	1	25	—

* Includes surgical suites, delivery suites, nursery units, recovery rooms, special procedure rooms (cardiac catheterizations), and all intensive care units. Birthing, labor, and ((post-partum)) postpartum rooms not within the delivery suite are excluded.

** May be reduced to eighty percent for systems using all-outdoor air.

*** PER REQUIREMENTS OF ASHRAE STANDARD 52 IN WAC 248-18-99902(14).

****99.97 PERCENT EFFICIENCY FOR RECIRCULATING AIR IN OPERATION ROOMS - REFERENCE TABLE B.

(iii) FILTER FRAMES WITH AIRTIGHT SEAL TO THE ENCLOSING DUCTWORK BY USE OF GASKETS OR EQUIVALENT.

(iv) A MANOMETER SHALL BE INSTALLED ACROSS EACH FILTER BED SERVING SENSITIVE AREAS (Refer to Table A) OR CENTRAL AIR SYSTEMS.

(g) NONCENTRAL SUPPLY VENTILATION SYSTEMS, i.e., fan coil units or equivalent individual room units.

(i) IN SENSITIVE AREAS (Refer to Table A) SHALL MEET THE FILTERING OBJECTIVES FOR CENTRAL SYSTEMS.

(ii) IN AREAS OTHER THAN SENSITIVE AREAS OUT-DOOR AIR FOR INDIVIDUAL ROOM UNITS SHALL MEET FILTERING REQUIREMENTS FOR CENTRAL SYSTEMS UNDER TABLE A. RECIRCULATED AIR TO INDIVIDUAL ROOM UNITS NEED NOT BE FILTERED (lint screen and/or filter recommended).

(h) AIR HANDLING DUCT SYSTEMS.

(i) IN ACCORDANCE WITH NATIONAL FIRE PROTECTION ASSOCIATION ((~~STANDARD~~)) 90A. SEE WAC 248-18-99902(5).

(ii) BUILDING CEILING SPACES USED FOR EXHAUST PLENUMS SHALL BE RESTRICTED TO ADMINISTRATIVE, PUBLIC WAITING, AND PUBLIC MEETING AREAS. May be permitted in other areas only upon written approval of such use by the department.

(iii) NONEROSIVE WEARING SURFACES ARE REQUIRED FOR FIBERGLASS SUPPLY DUCTS (PER UL STANDARDS 181-15 IN WAC 248-18-99902(9)) AND/OR "DUCT LINER APPLICATION STANDARD" PER SMACNA. SEE WAC 248-18-99902(10), IF INSTALLED.

(iv) NINETY PERCENT EFFICIENCY FILTERS DOWN-STREAM OF LININGS SERVING SENSITIVE AREAS (Refer to Table A) EXCEPT LINING OF TERMINAL UNITS MEETING THE REQUIREMENTS OF ((~~(7)(b)(iii)~~)) SUBSECTION (8)(h)(iii) of this section.

(i) AIR SUPPLY AND EXHAUSTS LOCATIONS CONFORM TO UNIFORM MECHANICAL CODE WITH ADDITIONAL REQUIREMENTS. SEE WAC 248-18-99902(8).

(j) AIR SUPPLY INTAKES LOCATED TO ENSURE A SOURCE OF FRESH AIR (preferably above the roof or high on an exterior wall to avoid sources of contamination or pollution).

(ii) EXHAUST AIR DISCHARGE LOCATED TO AVOID CROSS CIRCULATION TO SUPPLY AIR INTAKES OR OPERABLE WINDOWS. Separation distances dependent upon factors such as air volumes, wind directions, and building configurations.

(j) OPERATING ROOMS, DELIVERY ROOMS, NEWBORN NURSERY ROOMS, NEONATAL INTENSIVE CARE UNITS AND THEIR ANCILLARY FACILITIES MECHANICALLY VENTILATED TO PROVIDE ONE HUNDRED PERCENT FRESH AIR WITHOUT RECIRCULATION EXCEPT AS PROVIDED IN TABLE B. Recommended for birthing rooms, labor rooms, recovery rooms, and all intensive care units. Refer to Table B.

(k) VENTILATION SYSTEMS FOR ANESTHETIZING LOCATIONS USING FLAMMABLE ANESTHETICS SHALL MEET THE REQUIREMENTS OF THE NATIONAL FIRE PROTECTION ASSOCIATION, (NFPA) ((~~STANDARD-56A~~)), 99. SEE WAC 248-18-99902(1).

(l) AIR CONDITIONING TO ADEQUATELY CONTROL TEMPERATURE, AIR CHANGES AND AIR MOTION OF OPERATING ROOMS, DELIVERY ROOMS, SPECIAL PROCEDURE ROOMS, RECOVERY ROOM, NEWBORN NURSERY FACILITIES, NEONATAL INTENSIVE CARE NURSERY ROOMS, INTENSIVE CARE, AND CARDIAC INTENSIVE CARE UNITS. Recommended in all patient care areas.

(m) RELATIVE HUMIDITY.

(i) OPERATING ROOMS, DELIVERY ROOMS, SPECIAL PROCEDURE ROOMS, ANESTHETIZING LOCATIONS, INTENSIVE CARE PATIENT ROOMS, AND RECOVERY ROOMS, FORTY PERCENT MINIMUM TO SIXTY PERCENT MAXIMUM AT SEVENTY-TWO DEGREES FAHRENHEIT.

(ii) NEWBORN NURSERY FACILITIES AND NEONATAL INTENSIVE CARE ROOMS, FORTY-FIVE PERCENT MINIMUM TO SIXTY PERCENT MAXIMUM AT SEVENTY-FIVE DEGREES FAHRENHEIT.

(n) FIRE SHUTDOWN, AS REQUIRED BY NATIONAL FIRE PROTECTION ASSOCIATION ((~~STANDARD~~)) 90A, BY BOTH MANUAL CONTROL AND EITHER OF THE FOLLOWING OPTIONS FOR AUTOMATIC SHUTDOWN (SEE WAC 248-18-99902(5)):

(i) TOTAL SHUTDOWN BY AUTOMATIC CONTROLS FOR SOUNDING FIRE ALARM, CLOSING SMOKE DOORS AND SMOKE DAMPERS IN VENTILATION SYSTEM, AND SHUTTING DOWN SUPPLY ((FAN(S))) FAN OR FANS AND EXHAUST ((FAN(S))) FAN OR FANS.

(ii) SELECTIVE SHUTDOWN BY AUTOMATIC CONTROLS FOR SOUNDING FIRE ALARM, CLOSING SMOKE DOORS, AND ACTUATING ONLY SMOKE DAMPERS IN RECIRCULATION SYSTEM TO EXHAUST ALL RECIRCULATED AIR. ONLY THE SMOKE DETECTOR ON THE DOWNSTREAM

SIDE OF THE LAST COMPONENT OF THE CENTRAL SUPPLY SYSTEM SHALL SHUT DOWN THE SUPPLY AND EXHAUST VENTILATION SYSTEMS AND SHALL CLOSE ALL SMOKE DAMPERS. This selective shutdown option is recommended for hospitals having multiventilation systems.

(o) VENTILATION REQUIREMENTS ARE SUMMARIZED IN TABLE B FOR TYPICAL HOSPITAL AREAS. THOSE AREAS NOT SPECIFICALLY DESIGNATED SHALL COMPLY WITH REQUIREMENTS FOR COMPARABLE AREAS.

TABLE B GENERAL PRESSURE RELATIONSHIPS AND VENTILATION⁶ OF CERTAIN HOSPITAL AREAS

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS ¹⁰	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR SUPPLIED TO ROOM ⁸	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
A. ANESTHETIZING AREAS					
1. Delivery and Operating Rooms	PP ¹	15	15 ⁵	Yes	No ⁹
2. Dental Operating Rooms	P	8	8	Yes	No
3. Endoscopy Room	P	8	8	Yes	No
4. Emergency Major Treatment Rooms	N	5	12	Yes	No
5. Outpatient Operating and/or Treatment Rooms	PP ¹	5	15 ⁴	Yes	No
6. Special Procedures Rooms (Cardiac Catheterizations)	PP ¹	12	12	Yes	No
B. CENTRAL SERVICE					
1. Cart Wash Room or Area	N	2	10	Yes	No ³
2. Clean & Sterile Storage Room	PP	2	2	Optional	No ³
3. Clean Work Room	P	2	4	Optional	No ³
4. Clean Equipment Storage Room	P	2	2	Optional	Optional
5. Decontamination Area or Room	NN	2	12	Yes	No
6. Sterilizer Access Service Room	NN	Optional	12	Yes	No
7. Sterilizing Area	P	2	4	Optional	No ³
C. GENERAL					
1. Administrative Areas: i.e., Offices, Admitting Facilities, Registration, Staff On-Call Rooms, etc.	P	2	2	Optional	Optional
2. Bathing and Wet Treatment Facilities: i.e., Showers, Tubs, Sitz Baths, Hydrotherapy.	N	2	10	Yes	No
3. Clean Facilities: Utility or Work Rooms, Medicine Preparation Areas, Holding and Storage Rooms.	P	2	4	Optional	No ³
4. Corridors, General Circulating.	P and N ²	2	2	Optional	Optional
5. Entrances	P	Optional	2	Optional	Optional
6. Housekeeping Facilities: i.e., Janitor Closets, Trash Chutes or Trash Storage Rooms	N	Optional	10	Yes	No
7. Lounges, Locker & Dressing Rooms	N	Optional	10	Yes	No
8. Nurses Station & Unit Dose Medicine Cart Areas	P	2	4	Optional	Optional
9. Receiving & Stores Incl. Breakout Area	N	Optional	2	Optional	Optional
10. Scrub-up Area	P	2	2	Optional	No
11. Soiled Facilities: Utility or Work Rooms, Holding, Bedpan, Clean-up, Linen & Storage.	N	2	10	Yes	No
12. Toilet Rooms	N	Optional	10	Yes	No
13. Waiting Rooms, Conference, Solariums, Day Rooms, or Other Smoking Areas.	N	2	2	Yes	No
14. Mechanical Rooms	N	Optional	2	Yes	No

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS ¹⁰	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR SUPPLIED TO ROOM ⁸	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
D. KITCHEN AND DIETARY					
1. Bulk Day Food Storage Room	E or P	Optional	2	Optional	Optional
2. Cafeteria or Dining Room	E or N	6	8	Optional	Optional
3. Dishwashing Room or Area	NN	4	8	Yes	No
4. Garbage Storage and Can Washing Area	NN	Optional	10	Yes	No
5. Kitchen	NN	4	8	Yes	No
E. LABORATORY					
1. Autopsy Room and Morgue	NN	2	12	Yes	No
2. Bacteriology	NN	2	12	Yes	No
3. Blood Drawing Area or Room	P	2	4	Optional	Optional
4. General Laboratory Rooms, i.e., Hematology, Pathology.	N	2	10	Yes	No
5. Media Preparation and Transfer Room	P	2	4	Optional	No
6. Decontamination Area	NN	2	12	Yes	No
F. LAUNDRY					
1. Clean Linen Storage	P	2	2	Optional	No ³
2. Clean Sorting, Folding & Ironing	P	2	6	Yes	No ³
3. Detergent & Supply Storage Room	N	Optional	2	Optional	Optional
4. Processing, Washing and Drying	P	4	10	Yes	No
5. Soiled Sorting and Storage	N	Optional	10	Yes	No
G. PATIENT CARE AREAS					
1. Acute Cardiac Care and Intensive Care Patient Rooms	PP	2	6 ⁴	Optional	No ^{3, 7}
2.a Birthing Room, High Risk ²⁴	P	6	6 ⁴	Optional	No ⁷
2.b Birthing Room, Low Risk ²⁴	P	2	2 ⁴	Optional	No ⁷
3. Examination Rooms	E or P	2	6	Optional	No ³
4. Electroencephalogram (EEG), Electromyogram (EMG), & Electrocardiogram (ECG or EKG)	E or P	2	6	Optional	Optional
5. Isolation Room, Airborne	NN	2	6	Yes	No ⁷
6. Isolation Room, Protective	P	4	4	Yes	No ⁷
7. Isolation Anteroom	NN	2	10	Yes	No ⁷
8. Isolation Room with Anteroom	Optional	2	6	Yes	No ⁷
9. Labor Room	E or P	2	2 ⁴	Optional	No ³
10. Neonatal Intensive Care Room	PP ¹	6	6 ⁵	Optional	No
11. Newborn Nursery Room	PP ¹	6	6 ⁵	Optional	No
12. Observation Rooms (Out-Patient) Outpatient & Emergency Departments)	N	2	6	Yes	No
13. Patient Rooms	E or P	2	2	Optional	Optional
14. Recovery Rooms	PP ¹	2	6 ⁴	Optional	No
15. Physical Therapy Treatment Rooms	N	2	6	Optional	Optional
Hydrotherapy	N	2	10	Yes	No
16. Pulmonary & Inhalation Therapy Treatment Rooms	E or P	2	2	Yes	No
H. PHARMACY					
1. Compounding & Dispensing Areas	P	2	2	Optional	No ³
2. Intravenous Additive Room	PP	2	2	Optional	No ³
I. RADIOLOGY					
1. C.A.T., General & Ultrasound Rooms	E or P	2	6	Optional	Optional
2. Darkroom	N	2	6	Yes	No
3. Film Viewing & Storage Room	E	2	4	Optional	Optional
4. Fluoroscopy Rooms	N	2	6	Yes	No

AREA DESIGNATION	PRESSURE RELATIONSHIP TO ADJACENT AREAS ¹⁰	MINIMUM AIR CHANGES OF OUTDOOR AIR PER HOUR SUPPLIED TO ROOM	MINIMUM TOTAL AIR CHANGES PER HOUR SUPPLIED TO ROOM ⁸	ALL AIR EXHAUSTED DIRECTLY TO OUTDOORS	RECIRCULATED WITHIN ROOM UNITS
5. Nuclear Diagnostic Rooms	E or N	2	4	Optional	Optional
6. Radiation Therapy Treatment Rooms	N	2	6	Yes	No
7. Special Procedures Rooms, i.e., Angiography, etc.	P	2	6	Optional	No

CODES

P = POSITIVE
 N = NEGATIVE
 E = EQUAL
 PP = STRONGLY POSITIVE
 NN = STRONGLY NEGATIVE

REFERENCE NOTATIONS:

- ¹ THE SEGREGATED SURGICAL, DELIVERY, COMBINED SURGICAL-DELIVERY SUITES, OTHER OPERATING ROOM SUITES, NEONATAL INTENSIVE CARE UNIT, AND THE NEWBORN NURSERY UNIT FACILITIES SHALL BE POSITIVE TO THE OUTSIDE CORRIDOR.
- ² GENERAL CIRCULATING CORRIDORS SHALL BE POSITIVE TO THE EXTERIOR, I.E., ELEVATORS, STAIRWELLS, EXIT DOORS, AND SHALL BE NEGATIVE TO PATIENT ROOMS.
- ³ Recirculating room induction type units meeting the appropriate filtering requirements in Table A, WAC 248-18-718(8)(g)(ii) are acceptable.
- ⁴ Recommend one hundred percent fresh outdoor air supplied to room.
- ⁵ THESE ROOMS AND THEIR ANCILLARY FACILITIES SHALL BE SUPPLIED WITH ONE HUNDRED PERCENT OUTSIDE (FRESH) AIR.
- ⁶ Heat recovery systems should be utilized for exhaust air.
- ⁷ MAY BE VENTILATED BY TERMINAL REHEAT UNITS IF THE UNITS CONTAIN ONLY A REHEAT COIL AND ONLY THE PRIMARY AIR (SUPPLIED FROM A CENTRAL SYSTEM) PASSES THROUGH THE REHEAT COIL.
- ⁸ INCLUDES ONLY THE QUANTITIES OF AIR WHICH PASS THROUGH A FILTER BED LISTED IN TABLE A. DOES NOT INCLUDE THE QUANTITY OF SECONDARY AIR ENTERING AN INDUCTION UNIT.
- ⁹ UNIDIRECTIONAL FLOW RECIRCULATING AIR SYSTEMS CONTAINED WITHIN ROOM UNITS AND MEETING THE FILTERING REQUIREMENTS FOR SENSITIVE AREAS (TABLE A) MAY BE USED.
- ¹⁰ Balance for appropriate positive and negative gradients should be evaluated by measuring proper direction of air flow at each doorway by smoke indicator. Designs should be based on anticipated leakage at each door. (Fifty CFM minimum to one hundred CFM maximum for usual room door.)

(9) INCINERATION FACILITIES.

- (a) May be omitted if another approved method of disposal is used.
- (b) INCINERATOR OF ADEQUATE SIZE AND DESIGN. LOCATED AND DESIGNED TO PREVENT OBJECTIONABLE HEAT, SMOKE, AND ODORS. (Separate room or outside area.)
- (c) SUPPLEMENTAL FUEL FIRED FOR COMPLETE COMBUSTION.
- (d) CHUTE-FED INCINERATORS NOT PERMITTED.
- (10) ELECTRICAL SYSTEMS AND EMERGENCY ELECTRICAL SERVICE.

(a) In addition to specific requirements of this section, codes adopted by the Washington state department of labor and industries should be consulted.

(b) ELECTRICAL SYSTEMS AND EQUIPMENT IN CONFORMANCE WITH NFPA ((STANDARD-56A)), 99, (SEE WAC 248-18-99902(1)) IN AREAS WHERE INHALATION ANESTHETICS ARE TO BE USED (such as operating rooms, delivery rooms, and major emergency treatment rooms).

(c) RECEPTACLE OUTLETS AND CIRCUITS. Placement of convenient receptacle outlets to avoid a need for the use of extension cords.

(i) MINIMUM OF SIX RECEPTACLE OUTLETS IN OPERATING AND DELIVERY ROOMS; MINIMUM OF FOUR RECEPTACLE OUTLETS IN EMERGENCY TREATMENT ROOMS, BIRTHING ROOMS, ANESTHETIZING LOCATIONS, AND SPECIAL PROCEDURES ROOMS. At least one receptacle outlet on each available wall; ADDITIONAL AS REQUIRED.²⁴

(ii) AT LEAST TWO DUPLEX ELECTRICAL RECEPTACLES (OR EQUIVALENT) AT THE HEAD OF EACH BED, IN PATIENT ROOMS (INCLUDING LABOR, BIRTHING ROOMS, AND RECOVERY), three duplex receptacles at head of each bed recommended. ONE DUPLEX RECEPTACLE AT HEAD OF EACH BED IN PSYCHIATRIC UNITS.²⁴

(iii) FOUR DUPLEX ELECTRICAL RECEPTACLES (OR EQUIVALENT) AT THE HEAD OF EACH BED IN INTENSIVE

CARE⁴³ PATIENT ROOMS. AT LEAST SIX DUPLEX RECEPTACLES (OR EQUIVALENT)⁴² FOR EACH INFANT STATION IN NEONATAL INTENSIVE CARE UNITS.⁴³

(iv) AT LEAST ONE DUPLEX RECEPTACLE (OR EQUIVALENT)⁴² FOR EVERY TWO BASSINETS FOR FULL-TERM INFANTS.

(A) AT LEAST ONE INFANT STATION EQUIPPED WITH THREE DUPLEX RECEPTACLES except when premature nursery provided.

(B) AT LEAST TWO DUPLEX RECEPTACLES FOR EACH BASSINET AND INCUBATOR FOR PREMATURE INFANTS.

(v) CIRCUITS SERVING RECEPTACLES AT THE HEAD OF EACH BED IN ALL INTENSIVE CARE UNITS⁴³ SHALL SERVE NO OTHER RECEPTACLES OR OUTLETS.

(vi) LIMITED TO SIX DUPLEX RECEPTACLES PER TWENTY AMP CIRCUIT IN ALL PATIENT CARE AREAS, INCLUDING OUTPATIENT CARE AREAS. LIMITED TO THREE DUPLEX RECEPTACLES PER TWENTY AMP CIRCUIT SERVING PATIENT BEDS IN ALL INTENSIVE CARE UNITS.⁴³

(vii) AT LEAST ONE ADDITIONAL DUPLEX RECEPTACLE (OR EQUIVALENT)⁴² AT A SEPARATE CONVENIENT LOCATION IN EACH PATIENT ROOM (INCLUDING LABOR, RECOVERY, AND ALL INTENSIVE CARE ROOMS).⁴³ ADDITIONAL RECEPTACLE IF TELEVISION IS PROVIDED.

(viii) HOSPITAL GRADE RECEPTACLES IN RECOVERY ROOMS, OTHER THAN HAZARDOUS ANESTHETIZING LOCATIONS, AND ALL INTENSIVE CARE PATIENT ROOMS AND TREATMENT AREAS. Recommended in other patient care areas.

(ix) RECEPTACLES IN ROOMS USED BY PEDIATRIC OR PSYCHIATRIC PATIENTS SHALL BE A TAMPER-PROOF OR SAFETY TYPE DEVICE. RECEPTACLES IN PSYCHIATRIC SECLUSION AND SECURITY ROOMS PROTECTED BY GROUND FAULT CIRCUIT INTERRUPTERS AND TAMPER-~~((PROOF SCREWS. Receptacles in seclusion rooms not~~

recommended.)) PROOF SCREWS. Receptacles in seclusion rooms not recommended.

(x) ONE RECEPTACLE OVER OR ADJACENT TO LAVATORY FOR INPATIENT USE, PROTECTED BY GROUND FAULT CIRCUIT INTERRUPTER.

(xi) AT LEAST ONE DUPLEX RECEPTACLE (OR EQUIVALENT)⁴² PER FOUR LINEAR FEET OF COUNTER IN LABORATORY FACILITIES. SURFACE METAL RACEWAYS, IF USED, SHALL INCLUDE AN EQUIPMENT GROUNDING CONDUCTOR CONNECTED TO EACH RECEPTACLE.

(d) LIGHTING FIXTURES.

(i) NUMBER, TYPE, AND LOCATION OF LIGHTING FIXTURES TO PROVIDE ADEQUATE ILLUMINATION FOR THE FUNCTIONS OF EACH AREA PER IES HANDBOOK: APPLICATION VOLUME. SEE WAC 248-18-99902(12).

(ii) READING LIGHT⁶ CONVENIENTLY LOCATED FOR USE BY THE PATIENT AT EACH BED IN PATIENT ROOMS. CONTROL CONVENIENT FOR PATIENT USE. Freestanding bedside lamps not recommended.

(iii) SUITABLE LIGHT AT LAVATORIES IN PATIENT ROOMS AND PATIENT TOILET ROOMS. See "toilet" in IES Handbook: Application Volume, per WAC 248-18-99902(12).

(iv) NIGHT LIGHT FOR EACH BED LOCATED BELOW LEVEL OF BED TO DIMLY LIGHT PATHWAY IN ROOM. NIGHT LIGHTS OR EQUIVALENT LOCATED AT PROPER INTERVALS IN CORRIDOR CEILINGS OR WALLS IN NURSING UNITS. Additional night lights appropriately located in patient rooms installed to avoid discomfort to patients.²⁴

(v) SWITCHES FOR NIGHT LIGHTS AND GENERAL ILLUMINATION ADJACENT TO OPENING SIDE OF DOORS TO PATIENT ROOMS. SWITCHES LOCATED OUTSIDE PSYCHIATRIC PATIENT SECURITY AND SECLUSION ROOMS.

(vi) LIGHTING FIXTURES IN PSYCHIATRIC SECURITY AND SECLUSION ROOMS OF TAMPER-PROOF DESIGN. Recessed type recommended.

(e) BRANCH CIRCUIT PANELS FOR ROOMS IN ALL INTENSIVE CARE UNITS⁴³ TO BE LOCATED IN EACH PATIENT ROOM OR OTHER LOCATION WITHIN THE UNIT PROVIDING READY ACCESSIBILITY TO CIRCUIT BREAKERS FOR STAFF CARING FOR PATIENTS IN THESE ROOMS. CIRCUIT BREAKER AND/OR OUTLET COORDINATION APPROPRIATELY AND CLEARLY IDENTIFIED.

(f) EMERGENCY ELECTRICAL SERVICE. PER NFPA-70. SEE WAC 248-18-99902(13).

(g) Adequate filter protection for electrical ((generator(s))) generator or generators (e.g., protection from volcanic ash or dust storms).

(H) MISCELLANEOUS.

(a) FILM ILLUMINATORS. AT LEAST TWO X-RAY FILM ILLUMINATORS⁶ IN EACH OPERATING ROOM, NEONATAL INTENSIVE CARE UNIT, ONE IN EACH MAJOR EMERGENCY TREATMENT ROOM, and one in each delivery room.

(b) CALL SYSTEM.

(i) PROPERLY LOCATED ELECTRICAL SIGNALLING DEVICE AT THE HEAD OF EACH BED IN PATIENT ROOMS (INCLUDING LABOR ROOMS AND BIRTHING ROOMS), except optional in ambulatory psychiatric patient rooms, AT EACH WATER CLOSET AND BATHING FACILITY FOR PATIENTS, AT EACH TREATMENT AREA IN PHYSICAL THERAPY DEPARTMENTS, AT EACH PATIENT TREATMENT TABLE, CART, OR BED IN EMERGENCY DEPARTMENTS, and in each dayroom, solarium, dining ((room(s))) room or rooms, recovery room, and patient dressing areas.⁵⁵

(ii) EACH CALL SIGNAL TO REGISTER BY LIGHT AT THE CORRIDOR DOOR, AND BY LIGHT AND AUDIBLE SIGNAL AT THE NURSES' STATION, AND AT OTHER NURSES' WORK STATIONS SUCH AS UTILITY ROOMS, MEDICATION ROOMS, NOURISHMENT ROOMS, and nurses' lounges. CALL SIGNALS INITIATED WITHIN OTHER DEPARTMENTS (such as x-ray and physical therapy) TO REGISTER AT THE CONTROL POINT OF EACH DEPARTMENT. SIGNALS FROM WATER CLOSETS AND BATHING FACILITIES TO HAVE DISTINCTIVE LIGHT (flashing lights) AND AUDIBLE SIGNAL.

(iii) MEDICAL EMERGENCY SIGNAL DEVICE FOR USE OF THE STAFF IN EACH PSYCHIATRIC PATIENT, ACTIVITY, SECURITY, AND SECLUSION ROOM; EACH OPERATING, DELIVERY, BIRTHING, AND NURSERY ROOM; RECOVERY ROOMS; EACH PATIENT AND TREATMENT ROOM IN ALL

INTENSIVE CARE UNITS; IN EACH EMERGENCY TREATMENT, EXAMINATION, AND OBSERVATION ROOM. TO REGISTER BY DISTINCTIVE LIGHT AT THE CORRIDOR DOOR, BY DISTINCTIVE VISUAL AND AUDIBLE SIGNALS AT LOCATIONS FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE; WHEN CORRIDOR LIGHT NOT VISIBLE FROM NURSES' STATION, ANNUNCIATOR OR EQUIVALENT SHALL IDENTIFY POINT OF ORIGIN. SIGNAL DEVICE TO BE RESET ONLY BY STAFF AT POINT OF ORIGIN.

(iv) A CALL SIGNAL FOR NIGHT USE SHALL BE PROVIDED AT LOCKED EMERGENCY ENTRANCES.

(c) TELEPHONES.

(i) ON EACH NURSING UNIT, SURGICAL SUITE, OBSTETRICAL DELIVERY SUITE, AND RECOVERY ROOM. ADDITIONAL TELEPHONES OR EXTENSIONS AS REQUIRED TO PROVIDE ADEQUATE COMMUNICATION (A MINIMUM OF ONE ON EACH FLOOR OF THE HOSPITAL).

(ii) PUBLIC TELEPHONE IN LOBBY.

(iii) Telephones or other similar means for two-way communication among departments of the hospital, including doctors' locker, and lounge in surgery and delivery suites.

(d) CLOCKS. May be battery powered, solid state type.

(i) WALL MOUNTED CLOCKS PROPERLY LOCATED IN OPERATING ROOMS, DELIVERY ROOMS, RECOVERY ROOMS, BIRTHING ROOMS, EMERGENCY TREATMENT ROOMS, NURSERIES, INTENSIVE CARE UNITS, AND LABORATORIES.

(ii) CLOCKS IN OPERATING ROOMS, DELIVERY ROOMS, RECOVERY ROOMS, EMERGENCY TREATMENT ROOMS, AND ALL INTENSIVE CARE UNITS TO HAVE SWEEP SECOND HANDS OR EQUIVALENT. Interval timers recommended.

(e) EQUIPMENT AND CASEWORK.

(i) DESIGNED, MANUFACTURED, AND INSTALLED FOR EASE OF PROPER CLEANING AND MAINTENANCE OF EQUIPMENT AND CASEWORK, AND SURROUNDING FLOOR AND WALLS.

(ii) DESIGN, MATERIALS, AND FINISHES SUITABLE TO THE FUNCTIONS OF EACH AREA.

(iii) EQUIPMENT FOR FOOD SERVICE FUNCTIONS TO MEET STANDARDS OF NATIONAL SANITATION FOUNDATION, OR EQUIVALENT. SEE WAC 248-18-99902(6).

(iv) ALL AUTOCLAVES TO HAVE RECORDING THERMOMETERS.

(f) Chutes.

(i) Linen chutes and trash chutes not recommended.

(ii) CHUTES DIRECTLY CONNECTED TO INCINERATORS NOT PERMITTED.

(iii) CYLINDRICAL DESIGN.

(iv) TWENTY-FOUR INCH MINIMUM DIAMETER.

(v) SMOOTH, WASHABLE INTERIOR FINISH, INCLUDING JOINTS.

(vi) SELF-CLOSING, TIGHT-FITTING ACCESS DOORS AT LEAST THIRTY INCHES FROM THE FLOOR.

(vii) ACCESS ((DOOR(S))) DOOR OR DOORS IN SEPARATE ENCLOSED ((ROOM(S))) ROOM OR ROOMS OR SEPARATE AREA OF SOILED UTILITY OR CLEAN-UP ROOM USED FOR SOILED FUNCTIONS ONLY OR OTHER SIMILAR ROOM.

(viii) CHUTES TO DISCHARGE INTO SEPARATE ENCLOSED TRASH AND SOILED LINEN COLLECTION ROOMS.

(A) FLOOR DRAINS EQUIPPED WITH TRAP PRIMERS IN TRASH AND SOILED LINEN COLLECTION ROOMS.

(B) HANDWASHING FACILITY IN OR ADJACENT TO SOILED LINEN COLLECTION ROOM IF THIS ROOM USED FOR SORTING SOILED LINEN.

(ix) CHUTES DESIGNED AND VENTILATED TO AVOID CONTAMINATION BY AIR FLOW FROM ACCESS DOORS WHEN OPENED.

(x) CHUTES PROVIDED WITH SUITABLE MEANS TO ADEQUATELY WASH ENTIRE LENGTH.

(g) HARDWARE.

(i) SELECTED TO SUIT THE FUNCTIONS OF EACH ROOM AND TO ENSURE EGRESS, QUIETNESS, AND SANITATION.

(ii) PATIENT ROOM DOORS DESIGNED TO HOLD AT FULL OPEN POSITION.

(iii) PROVISION FOR IMMEDIATE EMERGENCY ACCESS TO PATIENT ROOMS AND PATIENT TOILETS, SHOWERS, AND ((BATH ROOMS)) BATHROOMS.

(iv) HARDWARE OF EXTERIOR DOORS DESIGNED TO PREVENT ENTRY OF UNAUTHORIZED PERSONS.

(h) IDENTIFICATION OF DOORS, ROOMS, AND SPACES.²⁴

NOTES:

⁶ May be movable equipment.

²⁴ In accordance with program.

³⁷ See definition of "grade," WAC 248-18-001.

⁴¹ Equivalent when used in reference to faucet controls means a mechanism for operating without the use of hands, wrists, or arms.

⁴² Equivalent when used in reference to receptacle outlets means that two single receptacle outlets are considered to be equal to one duplex receptacle outlet.

⁴³ Refer to definitions of intensive care unit WAC ((248-18-001(20))) 248-18-001(26), acute cardiac care unit WAC 248-18-001(3), and neonatal intensive care unit WAC 248-18-223(1)(c) and (d), and ((248-18-001(30))) 248-18-001(37).

⁴⁹ Compressed air is filtered air free of oil and other substances, particles, or contaminants.

⁵⁰ Equivalent for x-ray receptacle ((outlet(s))) outlet or outlets refer to a battery-operated, self-contained x-ray machine.

⁵⁵ A PROPERLY LOCATED SIGNAL DEVICE WITHIN REACH OF STAFF, MOUNTED NO HIGHER THAN SIX FEET ABOVE THE FLOOR AND ACTIVATED BY A NONCONDUCTIVE PULL CORD AT WATER CLOSETS AND BATHING FACILITIES. AT BATHING FACILITIES, SIGNAL DEVICE CORD LOCATED FOR EASY GRASP BY PATIENT IN OR ON FLOOR BESIDE BATHING FACILITY. AT WATER CLOSET, SIGNAL DEVICE PULL CORD LOCATED FOR EASY GRASP BY PATIENT SLUMPED FORWARD ON WATER CLOSET OR ON FLOOR NEARBY.

WSR 85-05-005

**NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION**

[Memorandum—February 8, 1985]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn on Thursday, February 28, 1985, at 9:30 a.m. The hospitals scheduled for informal hearing have previously filed with the commission their annual budget and rate requests and their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-20-135. Such information is on file in the commission's office and is available for inspection.

Meetings of the State Hospital Commission are also scheduled for March 14 and March 28, 1985, at the Vance Airport Inn, Seattle.

WSR 85-05-006

**NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY**

[Memorandum—February 7, 1985]

The regular meeting of the Central Washington University board of trustees scheduled for Friday, February 22, 1985, at 2:00 p.m., has been cancelled. A special meeting of the board of trustees will be held on Friday, March 1, 1985, 2:00 p.m., Bouillon 143, Central Washington University.

WSR 85-05-007

**PROPOSED RULES
BIG BEND COMMUNITY COLLEGE**

[Filed February 11, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the board of trustees of Washington Community College District 18 intends to adopt, amend, or repeal rules concerning:

- Rep ch. 132R-128 WAC Regulations on tenure, nonrenewal of faculty probationers' contracts, and faculty dismissals.
- Rep ch. 132R-180 WAC Reduction-in-force policy—Academic employees—Declaration of emergency.

The formal decision regarding repeal of the rules will take place on Monday, April 22, 1985.

The authority under which these rules are proposed is RCW 28B.50.852.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before Monday, April 22, 1985.

Dated: February 8, 1985

By: Peter D. DeVries
President

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 28B.19.033.

Chapter 132R-128 WAC, Regulations on tenure, nonrenewal of faculty probationers' contracts, and faculty dismissals, and chapter 132R-180 WAC, Reduction-in-force policy—Academic employees—Declaration of emergency are hereby repealed pursuant to the requirement of RCW 28B.50.852 and in accordance herewith it is declared that the collective bargaining agreement and/or policies of the college shall contain provisions relating to the following subject matter areas of implementation regarding tenure and shall be consistent with the laws of the state of Washington: Recommendations for tenure; reduction-in-force procedures; dismissal procedures; hearing procedures; rights of appeal.

Statutory Authority: RCW 28B.50.852.

Peter D. DeVries, President
Big Bend Community College
28th and Chanute Streets
Moses Lake, Washington 98837
Telephone: (509) 762-5351
Scan 664-1290

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 132R-180-010 PURPOSE.
- WAC 132R-180-020 DEFINITIONS.
- WAC 132R-180-030 DETERMINATION OF NEED FOR REDUCTION IN FORCE.
- WAC 132R-180-040 DETERMINATION OF COMPREHENSIVE EDUCATIONAL SERVICES.
- WAC 132R-180-050 DETERMINATION OF NUMBER OF ACADEMIC EMPLOYEES TO BE LAID OFF.
- WAC 132R-180-060 SENIORITY UNITS AND DETERMINATION OF SENIORITY.
- WAC 132R-180-070 ORDER OF LAYOFF.
- WAC 132R-180-080 REDUCTION IN FORCE HEARING REVIEW COMMITTEE.

WAC 132R-180-090 RIGHTS OF ACADEMIC EMPLOYEES
ON LAYOFF STATUS.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132R-128-010	PURPOSE.
WAC 132R-128-020	DEFINITIONS.
WAC 132R-128-030	COMPOSITION OF REVIEW COMMITTEES.
WAC 132R-128-040	REVIEW COMMITTEE EVALUATION PROCEDURES.
WAC 132R-128-050	REVIEW COMMITTEE EVALUATION STANDARDS.
WAC 132R-128-060	COMMUNICATION OF EVALUATION TO PROBATIONERS.
WAC 132R-128-070	RECOMMENDATIONS REGARDING TENURE.
WAC 132R-128-080	BOARD DECISIONS REGARDING TENURE.
WAC 132R-128-090	DISMISSALS.
WAC 132R-128-100	DISMISSAL FOR SUFFICIENT CAUSE.
WAC 132R-128-110	NONRENEWAL OF TENURED FACULTY CONTRACTS.
WAC 132R-128-120	TENURE CONSIDERATIONS.
WAC 132R-128-121	SUMMARY SUSPENSION.
WAC 132R-128-122	HEARING.
WAC 132R-128-130	SEVERABILITY.

WSR 85-05-008

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Occupational Therapy Practice)

[Order PL 513—Filed February 11, 1985]

Be it resolved by the Board of Occupational Therapy Practice, acting at Nendel's Executive Conference Theatre, 16838 Pacific Highway South, Seattle, WA, that it does adopt the annexed rules relating to:

New	WAC 308-171-001	Definitions.
New	WAC 308-171-010	Recognized educational programs: Occupational therapists.
New	WAC 308-171-020	Recognized educational programs: Occupational therapy assistants.
New	WAC 308-171-100	Examinations.
New	WAC 308-171-101	Proof of actual practice.
New	WAC 308-171-102	Examination dates for applicants under RCW 18.59.070(3).
New	WAC 308-171-200	Definition of "commonly accepted standards for the profession."
New	WAC 308-171-201	Supervised fieldwork experience: Occupational therapists.
New	WAC 308-171-202	Supervised fieldwork experience: Occupational therapy assistants.
New	WAC 308-171-300	Unprofessional conduct or gross incompetency.

This action is taken pursuant to Notice No. WSR 85-02-065 filed with the code reviser on January 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

WAC 308-171-001 is proposed under the authority of RCW 18.59.130(2) and 18.59.020 and is intended to implement RCW 18.59.020 and 18.59.030. WAC 308-171-010 is proposed under the authority of RCW 18.59.130(2) and is intended to implement RCW 18.59.050 (1)(c). WAC 308-171-020 is proposed under the

authority of RCW 18.59.130(2) and is intended to implement RCW 18.59.050 (1)(c). WAC 308-171-100 is proposed under the authority of RCW 18.59.130(2) and is intended to implement RCW 18.59.050(d) and 18.59.060. WAC 308-171-101 is proposed under the authority of RCW 18.59.130(2) and 18.59.070(3) and is intended to implement RCW 18.59.070(3). WAC 308-171-102 is proposed under the authority of RCW 18.59.130(2) and is intended to implement RCW 18.59.070(3). WAC 308-171-200 is proposed under the authority of RCW 18.59.130(2) and 18.59.070 and is intended to implement RCW 18.59.040 (5)(b) and 18.59.070. WAC 308-171-201 is proposed under the authority of RCW 18.59.130(2) and is intended to implement RCW 18.59.050 (1)(c)(i). WAC 308-171-202 is proposed under the authority of RCW 18.59.130(2) and is intended to implement RCW 18.59.050 (1)(c)(ii). WAC 308-171-300 is proposed under the authority of RCW 18.59.130(2) and 18.59.100 and is intended to implement RCW 18.59.100.

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

APPROVED AND ADOPTED February 9, 1985.

By John Hatcher
Chairperson

**CHAPTER 308-171 WAC
OCCUPATIONAL THERAPY**

WAC

308-171-001	Definitions
308-171-010	Recognized Educational Programs: Occupational Therapists
308-171-020	Recognized Educational Programs: Occupational Therapy Assistants
308-171-100	Examinations
308-171-101	Proof of Actual Practice
308-171-102	Examination Dates for Applicants Under RCW 18.59.070(3)
308-171-200	Definition of "Commonly Accepted Standards for the Profession"
308-171-201	Supervised Fieldwork Experience: Occupational Therapists
308-171-202	Supervised Fieldwork Experience: Occupational Therapy Assistants
308-171-300	Unprofessional Conduct or Gross Incompetency

NEW SECTION

WAC 308-171-001 DEFINITIONS. (1) The following terms in RCW 18.59.020(2) shall mean:

(a) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the analysis, application and adaptation of activities for use with individuals having a variety of physical, emotional, cognitive and social disorders. Use of purposeful activity includes a process of continually

modifying treatment to meet the changing needs of an individual. Purposeful activity is goal-oriented and cannot be routinely prescribed.

(b) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(c) "Developing prevocational skills and play and avocational capabilities" is not only the development of prevocational skills and play and avocational capabilities but involves the scientifically based use of purposeful activity.

(d) "Designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment" is not specific occupational therapy services if a person designs, fabricates, or applies selected orthotic and prosthetic devices or selected adaptive equipment for an individual if the device or equipment is prescribed or ordered by a health care professional authorized by the laws of the state of Washington to prescribe the device or equipment or direct the design, fabrication, or application of the device or equipment.

(e) "Adapting environments for the handicapped" is the evaluation of all the components of an individual's disability and the adaptation of the environment of the individual based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(2) "Supervision" and "regular consultation" in RCW 18.59.020(4) shall mean an on-site visit occurring at intervals as determined by the occupational therapist to meet the individual's needs, but shall occur at least once every two weeks. The on-site visit shall be documented and the documentation maintained in the individual's treatment records.

(3) "Professional supervision" in RCW 18.59.020(5) shall mean continuous on-site supervision by an occupational therapist or an occupational therapy assistant under the direction of an occupational therapist.

(4) Sections (2) and (3) of this rule shall not be effective until July 1, 1985.

NEW SECTION

WAC 308-171-010 **RECOGNIZED EDUCATIONAL PROGRAMS: OCCUPATIONAL THERAPISTS.** The Board recognizes and approves courses of instruction conducted by schools that have obtained accreditation of the program in occupational therapy from the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the American Occupational Therapy Association as recognized in the 1984-1985 Listing of Educational Programs in Occupational Therapy published by the American Occupational Therapy Association, Inc.

NEW SECTION

WAC 308-171-020 **RECOGNIZED EDUCATIONAL PROGRAMS: OCCUPATIONAL THERAPY ASSISTANTS.** The Board recognizes and approves courses of instruction conducted by schools that have obtained approval of the occupational therapy assistant associate degree programs and occupational therapy assistant certificate programs from the American Occupational Therapy Association as recognized in the 1984-1985 Listing of Education Programs in Occupational Therapy published by the American Occupational Therapy Association, Inc.

NEW SECTION

WAC 308-171-100 **EXAMINATIONS.** (1) The current series of the American Occupational Therapy Association certification examination shall be the official examination for licensure as an occupational therapist or as an occupational therapy assistant.

(2) The examination for licensure as an occupational therapist shall be conducted twice a year, in January and June.

(3) The examination for licensure as an occupational therapy assistant shall be conducted twice a year, in January and July.

(4) The executive secretary of the Board shall negotiate with the American Occupational Therapy Association, Inc. for the use of the certification examination.

(5) The examination shall be conducted in accord with the American Occupational Therapy Association, Inc.'s security measures and contract.

(6) Applicants shall be notified of the examination results in accordance with the procedures developed by the American Occupational Therapy Association, Inc.

(7) Examination scores will not be released except as authorized by the applicant in writing.

(8) Public notice of the examination dates shall be provided by issuance of press releases by the Department at least ninety (90) days prior to the examination dates.

(9) To be eligible for a license, applicants must attain a passing score on the examination administered by the American Occupational Therapy Association, Inc.

NEW SECTION

WAC 308-171-101 **PROOF OF ACTUAL PRACTICE.** An applicant seeking waiver of the education and experience requirements as provided in RCW 18.59.070(3) shall submit the following as proof of actual practice:

(1) Applicant's affidavit containing the following information:

(a) Location and dates of employment between June 7, 1981 and June 7, 1984;

(b) Description of capacity in which applicant was employed, including job title and description of specific duties;

(c) Description of nature of clientele; and

(d) Name and title of direct supervisor.

(2) Written job description.

(3) Affidavit from employer(s), from June 7, 1981 through June 7, 1984, containing the following information:

- (a) Dates of applicant's employment,
- (b) Description of applicant's specific duties, and
- (c) Employer's title.

After reviewing the information submitted, the Board may require submission of additional information if the Board deems additional information necessary for purposes of clarifying the information previously submitted.

The proof of actual practice shall be submitted to the board's office no later than March 1, 1985.

NEW SECTION

WAC 308-171-102 EXAMINATION DATES FOR APPLICANTS UNDER RCW 18.59.070(3). (1) Applicants for an occupational therapist license under RCW 18.59.070(3) shall take the examination no later than June 29, 1985.

(2) Applicants for an occupational therapy assistant license under RCW 18.59.070(3) shall take the examination no later than July 20, 1985.

NEW SECTION

WAC 308-171-200 DEFINITION OF "COMMONLY ACCEPTED STANDARDS FOR THE PROFESSION." "Commonly accepted standards for the profession" in RCW 18.59.040(5)(b) and RCW 18.59.070 shall mean obtaining certification by the American Occupational Therapy Association, Inc. no later than December 31, 1984 and thereafter maintaining certification, not having engaged in unprofessional conduct or gross incompetency as established by the Board in WAC 308-171-300, and not having been convicted of a crime of moral turpitude or a felony which relates to the profession of occupational therapy.

NEW SECTION

WAC 308-171-201 SUPERVISED FIELDWORK EXPERIENCE: OCCUPATIONAL THERAPISTS. "Supervised fieldwork experience" in RCW 18.59.050(1)(c)(i) shall mean a minimum six months of Level II fieldwork conducted in settings approved by the applicant's academic program. Level II fieldwork is to provide an in-depth experience in delivering occupational therapy services to clients and to provide opportunities for supervised practice of occupational therapist entry-level roles. The minimum six months supervised fieldwork experience required by RCW 18.59.050(1)(c)(i) shall not include Level I fieldwork experience as defined by the American Occupational Therapy Association.

The supervised fieldwork experience shall consist of a minimum of six months sustained fieldwork on a full-time basis, three months of which shall be in physical dysfunction and three months of which shall be in psycho-social dysfunction. "Full-time basis" is as required by the fieldwork setting.

NEW SECTION

WAC 308-171-202 SUPERVISED FIELDWORK EXPERIENCE: OCCUPATIONAL THERAPY ASSISTANTS. "Supervised fieldwork experience" in RCW 18.59.050(1)(c)(ii) shall mean a minimum two months of Level II fieldwork conducted in settings approved by the applicant's academic or training program. Level II fieldwork is to provide an in-depth experience in delivering occupational therapy services to clients and to provide opportunities for supervised practice of occupational therapy assistant entry-level roles. The minimum two months supervised fieldwork experience required by RCW 18.59.050(1)(c)(ii) shall not include Level I fieldwork experience as defined by the American Occupational Therapy Association.

The supervised fieldwork experience shall consist of a minimum of two one-month sustained fieldwork placements not less than forty (40) full-time workdays. "Full-time workdays" is as required by the fieldwork setting.

NEW SECTION

WAC 308-171-300 UNPROFESSIONAL CONDUCT OR GROSS INCOMPETENCY. The following conduct, acts, or conditions constitute unprofessional conduct or gross incompetency for any license holder or applicant:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or actions in the practice of the profession which result in, or have a significant likelihood of resulting in, harm to the patient or public;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, addiction to, prescription for use, diversion, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, or violation of any drug law;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Willful or repeated violations of rules established by any health agency or authority of the state or a political subdivision thereof;

(12) Practice beyond the scope of practice as defined by law;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(19) Violation of chapter 19.68 RCW;

(20) Interference with an investigation or disciplinary proceeding by wilful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(21) Any mental or physical condition which results in, or has a significant likelihood of resulting in, an inability to practice with reasonable skill and safety to consumers.

(22) Abuse of a client or patient or sexual contact resulting from abuse of the client-practitioner relationship.

WSR 85-05-009

ADOPTED RULES

DEPARTMENT OF LICENSING (Optometry Board)

[Order PL 519—Filed February 11, 1985]

Be it resolved by the Washington State Optometry Board, acting at Seattle, Washington, that it does adopt the annexed rules relating to the Uniform Disciplinary Act, WAC 308-53-290.

A copy of the proposed rule is shown below, however, changes may be made at the hearing.

This action is taken pursuant to Notice No. WSR 84-21-117 filed with the code reviser on October 24, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.54.075 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 18.54.070(5) which directs that the Washington State Optometry Board has authority to implement the provisions of chapters 18.53 and 18.54 RCW.

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

APPROVED AND ADOPTED January 31, 1985.

By W. D. Heaston, O.D.
Chairman

NEW SECTION

WAC 308-53-290 UNIFORM DISCIPLINARY ACT. The Optometry Board elects to adopt the Uniform Disciplinary Act, sections 1 through 24 of chapter 279, Laws of 1984 (chapter 18.130 RCW), in lieu of the disciplinary provisions in chapters 18.53, 18.54 RCW, effective August 1, 1985.

WSR 85-05-010

ADOPTED RULES

DEPARTMENT OF LICENSING (Board of Registration for Architects)

[Order PL 517—Filed February 11, 1985]

Be it resolved by the Washington State Board of Registration for Architects, acting at Seattle, Washington, that it does adopt the annexed rules relating to the amending of WAC 308-12-031, 308-12-040, 308-12-050, 308-12-110 and 308-12-320.

This action is taken pursuant to Notice No. WSR 84-22-063 filed with the code reviser on November 7, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.08.130 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 7, 1985.

By Sydney W. Beckett
Executive Secretary

AMENDATORY SECTION (Amending Order PL 458, filed 1/25/84)

WAC 308-12-031 REGISTRATION EXAMINATION. The form of the examination required of applicants shall consist of a written and an oral examination. Where RCW 18.08.160 refers to the "entire examination," it means the ~~((nine part))~~ written examination ~~((plus))~~ together with the oral examination.

The board adopts the Architectural Registration Examination prepared ~~((in 1983))~~ by the National Council of Architectural Registration Boards to test the applicant's qualifications and minimum competency for registration.

(1) Requirements for admittance to the ~~((Architects Registration))~~ examination are found in RCW 18.08.140 and 18.08.150.

(2) ~~((Application and fee for examination:~~

~~((a)))~~ The application for examination must be ~~((received))~~ submitted on forms provided by the board, accompanied by academic and/or practical experience verification in accordance with filing instructions prior to ~~((April first))~~ March fifteenth to be considered for the next scheduled examination.

~~((b))~~ Applications shall be submitted on forms provided by the board and must be accompanied by education and/or experience verification as per the filing instructions:

~~((c))~~ An examination fee must accompany all applications:))

(3) Applications must be accompanied by an examination fee and an application fee as outlined in WAC 308-12-312.

~~((d))~~ (4) Notice of acceptance of application ~~((st))~~ will be mailed to all applicants approximately six weeks in advance of the examination along with detailed information as to time, place and extent of examination.

~~((e))~~ (5) No application fee will be refunded because of withdrawal from the examination.

~~((f))~~ (6) The written examination: The "Architectural Registration Examination" is divided into nine divisions which will be administered ~~((over a four day period))~~ in June of each year. The examinees are tested on their ability to exercise value judgments in actual architectural practice situations. The examination covers the following:

~~((APPROXIMATE HOURS))~~

<u>TITLE</u>	<u>SUBJECT</u>	<u>TIME ALLOWED</u>
Division A	Predesign	((4)) 3
Division B	Site Design	((3)) 3 1/2
Division C	Building Design	12
Division D	Structural-General	2 1/2
Division E	Structural-Lateral Forces	1 1/2
Division F	Structural-Long Span	1 1/2
Division G	Mechanical, Plumbing, Electrical and Life Safety Systems	2 1/2
Division H	Materials and Methods	((3)) 2 1/2
Division I	Construction Documents and Services	((2 1/2)) 3 1/2

(7) To pass the written examination, an applicant must achieve a passing grade on each division.

~~((RETAKES: First time examinees must take))~~ (8) All nine divisions of the ~~((A.R.E.))~~ architects registration examination must be taken on ~~((their))~~ the first attempt. On subsequent attempts, ~~((the))~~ examinees ~~((must))~~ may retake ~~((all))~~ any divisions not passed on previous attempts. ~~((Examinees transferring from the previous examination series need only take those divisions for which credit has not been received.~~

~~((4))~~ (9) The oral examination is given upon the applicant's completion of the written examination, and the fulfilling of the experience requirement ~~((and submittal of an acceptable written summary of the law))~~.

The purpose of the oral examination is to test in those areas of knowledge and skill not covered in the written examination.

The oral part of the examination shall include a review of the applicant's practical experience, ~~((the applicant's))~~ an understanding of the law and the ~~((applicant's))~~ responsibility to safeguard life, health and property and to promote the public welfare.

~~((To accomplish the above, the applicant will present to the examining board members examples of drawings and documents completed by the applicant during the required practical experience. The required documents shall include a minimum of two each of schematic site plans, building plans and perspectives or elevations, elevations and details, contract drawings represented by plans, elevations, sections and details, two sets of specifications, the work of the applicant and field reports including field inspection reports, change orders, certificates of payment and lien releases:))~~

To ~~((receive a passing score))~~ pass the oral examination, the applicant must exhibit an acceptable entry level knowledge and execution skill in basic professional documents, ~~((and will))~~ to assure the board that registration of the applicant will not present a hazard to life, health and property and the public welfare.

The oral examination may be conducted by the full board or ~~((by))~~ by a member of the board. The board may recommend waiver of the full board examination if the examining board member deems the applicant prepared for registration. Such a recommendation shall be circulated to the balance of the board members and must receive approval by a majority of the board before the candidate may be registered and licensed. When a single board member conducts the oral examination, one of two recommendations is given. One is a recommendation for registration and licensing; the other is to recommend a full board oral examination. When the candidate is not ~~((recommendation [recommended]))~~ recommended for registration he or she shall be called before the full board for ~~((further consideration))~~ a full board oral examination.

If an applicant does not receive a recommendation for registration, the board will advise the applicant of the areas of deficiency and schedule another oral examination ~~((when the board and the examinee determine if it is possible for the examinee to remove the deficiency))~~.

The examinee will be required to retake the entire examination if ~~((it is not))~~ the written and oral examination is not successfully completed within the five year period per RCW 18.08.160.

AMENDATORY SECTION (Amending Order PL 422, filed 2/2/83)

WAC 308-12-040 ~~((REVIEW))~~ APPEAL OF EXAMINATIONS. Only Division C, building design is subject to ~~((review before))~~ appeal to the board and only if it is the remaining subject not passed in the written examination. Any candidate requesting ~~((review of a building design examination))~~ appeal must apply within thirty days after date of release of grades.

AMENDATORY SECTION (Amending Order PL 458, filed 1/25/84)

WAC 308-12-050 REGISTRATION BY RECIPROCIITY. (1) Any architect registered in another state who desires registration and licensure in Washington, shall make formal application on forms provided by the board, accompanied by the reciprocity ~~((application))~~ registration fee.

(2) The board will require an oral examination of any candidate for registration by reciprocity, except that oral examination may be waived in cases where documentary or other evidence shows sufficient information for the board to reach judgment.

~~(([Any applicant seeking registration in the state of Washington and originally registered in the applicant's base state in the years beginning in 1978 through 1983, regardless of education, shall be required to have passed the NCARB qualifying examination and parts "A" and "B" of the professional examination. If an applicant has not passed the qualifying examination, the applicant must take and pass parts "D," "E," and "F," the structural divisions of the architects registration examination. If an applicant has not passed part "A" of the professional examination, "building design," or or she must~~

~~take and pass parts "B" and "C," "site design" and "building design," of the architects registration examination. The examination is given during the second week of June each year. The application deadline is April 1 each year.]~~

~~[A person whose architectural registration examination did not include NCARB approved seismic sections will be required to attend an NCARB approved seismic seminar or shall be required to write a treatise on seismic forces, details of which can be received upon written request to the board.]~~ (3) Each candidate shall submit a written comparative analysis of the Washington state law and the law of the base state of the applicant prior to the oral examination.

(4) Any applicant seeking registration in the state of Washington and originally registered in the applicant's base state in the years beginning in 1978 through 1982, regardless of education, shall be required to have passed the NCARB qualifying examination and parts "A" and "B" of the professional examination. If an applicant has not passed the qualifying examination, the applicant must take and pass parts "D," "E," and "F," the structural divisions of the "architects registration examination." If an applicant has not passed part "A" of the professional examination, "building design," he or she must take and pass parts "B"-"site design" and "C"-"building design," of the "architects registration examination," given during June each year.

(5) A person whose architectural registration examination did not include NCARB approved seismic sections will be required to attend an NCARB approved seismic seminar, write a treatise on lateral forces, or take sections "D," "E," and "F" of the architects registration examination, details of which can be received upon written request to the board.

AMENDATORY SECTION (Amending Order PL 458, filed 1/25/84)

WAC 308-12-110 ARCHITECT LISTINGS. (1) Any firm or individuals offering to provide architectural services in the state of Washington, through directories, listings, advertisements or publications shall clearly identify the ~~((firm or individual as being engaged in the practice of architecture. And further, when the firm or individual))~~ architect who is a principal as defined in WAC 308-12-120 responsible for the architecture of the firm.

(2) When a firm uses an assumed business name, ~~((and))~~ an architect ((or architects)), a principal responsible for the firms architecture shall be clearly identified with the name of the firm.

(3) No ~~((firm))~~ name ~~((shall include the surname of a person who is not))~~ of a firm offering architectural services to the public shall imply that an individual is a registered architect who is not presently or was not previously ((associated in the practice)) a principal in the firm as an architect or engineer ((with the named entity or its members or predecessors)).

AMENDATORY SECTION (Amending Order PL 422, filed 2/2/83)**WAC 308-12-320 RENEWAL OF LICENSES.**

(1) The annual license renewal date for architects shall be the architects birth date. Licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in WAC 308-12-312. Architects whose renewal fees are delinquent will be listed with the state building officials.

WSR 85-05-011
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION

[Memorandum—February 11, 1985]

The March 28-29, 1985, regular meeting of the Interagency Committee for Outdoor Recreation will be held in the Thurston County Commissioners' Board Room, Thurston County Courthouse, #280, 2000 Lake-ridge Drive S.W., Olympia, Washington, beginning at 9:00 a.m., Thursday, March 28th. (Note that the Friday, March 29th date is held in reserve should it be necessary to extend discussion of agenda items. For public convenience, the IAC attempts to keep its meeting to one day.)

This meeting is not a general funding session of the IAC. Items will include fiscal, planning, and administrative status reports; certain project changes, legislation; Washington statewide comprehensive outdoor recreation plan acceptance; the off-road vehicle plan status; National Park Service reports; and any other matters as may be placed on the agenda.

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided at this regular IAC meeting if necessary. A request for this type of service, however, must be received by the IAC ten days before the meeting (February 29, 1985). Please contact: Mr. Robert L. Wilder, Director, 4800 Capitol Boulevard, KP-11, Olympia, Washington, (206) 753-3610. The meeting site is barrier free.

WSR 85-05-012
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed February 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Emergency school closure, chapter 392-129 WAC;

that the agency will at 9:00 a.m., Friday, March 29, 1985, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room,

Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 9, 1985.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 29, 1985.

This notice is connected to and continues the matter in Notice No. WSR 85-04-047 filed with the code reviser's office on February 1, 1985.

Dated: February 13, 1985

By: Frank B. Brouillet
 Superintendent of Public Instruction

WSR 85-05-013
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2203—Filed February 13, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 85-02-039 filed with the code reviser on December 31, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 13, 1985.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2072, filed 2/1/84)

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

(1) A standard deduction of ~~((eighty-nine))~~ ninety-five dollars per household per month.

(2) An earned income deduction of eighteen percent of gross earned income. Earnings excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

(3) Payments for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

The amount to be deducted for child care shall be the amount actually paid not to exceed one hundred (~~twenty-five~~) thirty-four dollars. The dependent care deduction in combination with the shelter deduction shall not exceed one hundred (~~twenty-five~~) thirty-four dollars.

(4) Shelter costs in excess of fifty percent of the household's income after deducting standard, earned income, and dependent care deductions. The shelter deductions alone or in combination with the dependent care deduction shall not exceed one hundred (~~twenty-five~~) thirty-four dollars.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, electricity, water, garbage, sewage disposal, and basic service fee for one telephone (plus tax), and initial installation fees for utility services. One-time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if:

- (i) The household intends to return to the house;
- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes; or
- (iii) The home is not being leased or rented during the household's absence.

(c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.

(d) Standardized utility amounts include utilities such as heating and cooling costs, cooking fuel, electricity not used to heat or cool the residence, water, garbage, sewage disposal, and telephone. Cooling costs are defined as central air conditioners or operation of a room air conditioner.

<u>Persons in Household</u>	<u>Annualized Utility Standards</u> <u>((October 1, 1983))</u> <u>December 1, 1984</u>
1	\$ ((+20)) <u>131</u>
2	((+28)) <u>140</u>
3	((+37)) <u>150</u>
4	((+44)) <u>158</u>
5	((+54)) <u>169</u>
6	((+62)) <u>178</u>
7	((+68)) <u>184</u>
8	((+74)) <u>191</u>
9	((+81)) <u>199</u>
10 or more	((+90)) <u>209</u>

(e) Households not incurring any separate utility charges for heating or cooling costs shall not be entitled to claim the standard utility allowance.

(f) If a household is not entitled to the standard utility allowance, the household may claim actual utility expenses for any utility which the household does pay separately, except the telephone.

(i) The telephone standard, for families incurring telephone costs, but not entitled to claim the single standard, is ten dollars.

(ii) The telephone allowance applies to households not entitled to claim the overall standard, but which have telephone expenses.

(g) If a household requests and can verify the household's utility bills are higher than the standards, the actual utility costs shall be used.

(h) A household shall not be allowed to switch between actual utility costs and the utility standard for a period of twelve months following initial certification and no more frequently than once every twelve months thereafter.

(i) Where the household shares a residence and utility costs with other individuals, the standard allowance shall be divided equally among the individuals contributing to meeting the utility costs. The household shall only be permitted to use the household's prorated share of the standard allowance.

(j) Households living in a public housing unit or other rental housing unit having central utility meters and charging the household only for excess utility costs shall not be permitted to use the standard utility allowance including a heating or cooling cost component. Payment of excess heating or cooling costs shall not qualify the household for the standard utility allowance including a heating or cooling component.

(5) Households containing one or more members who are elderly or disabled, as defined in WAC 388-54-665(2)(b), shall be authorized:

(a) A dependent care deduction up to one hundred (~~twenty-five~~) thirty-four dollars as specified in WAC 388-54-740(3), and

(b) An excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions have been made.

(6) An individual who is elderly or disabled, as defined in WAC 388-54-665(2)(b), shall be authorized a deduction for unreimbursable monthly medical expenses over thirty-five dollars.

(a) Allowable medical expenses are:

(i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper, and/or child care service. These expenses, which could be claimed either as a medical or child care expense, must be considered as medical expenses;

(ii) The cost of medical insurance;

(iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(iv) Any cost-sharing on spend-down expenses incurred by Medicaid (medical only) recipients;

(v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

(vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;

(vii) The cost of medical supplies, sick-room equipment (including rental), or other prescribed equipment;

(viii) Dentures, hearing aids, prosthetics, and eye-glasses prescribed by an optometrist or physician skilled in eye disease;

(ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;

(x) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(b) Nonallowable expenses are:

(i) The cost of health and hospital insurance which pays in lump-sum settlements or which continue mortgage or loan payments while the beneficiary is disabled; and

(ii) The cost of special diets.

AMENDATORY SECTION (Amending Order 2072, filed 2/1/84)

WAC 388-54-785 ISSUANCE—MONTHLY ALLOTMENTS. (1) Based upon a thirty-day month, the department shall issue to households making initial application a coupon allotment valued in direct proportion to the number of days remaining from the date of application to the end of the initial month of eligibility except no allotment shall be issued at less than ten dollars.

(2) The department shall determine the value of the allotment a household receives (taking into consideration the requirement within subsection (1) of this section to prorate the initial month's allotment) by multiplying the household's net monthly income by thirty percent, rounding the product up to the next whole dollar if it ends with one through ninety-nine cents, and subtract the result from the thrifty food plan for the appropriate household size. If the computation results in an allotment of one dollar, three dollars, or five dollars, the amount shall be rounded up to two dollars, four dollars, or six dollars, respectively.

Household Size	Thrifty Food Plan Amounts
1	\$ ((76)) <u>79</u>
2	((139)) <u>145</u>
3	((199)) <u>208</u>
4	((253)) <u>264</u>
5	((301)) <u>313</u>
6	((361)) <u>376</u>
7	((399)) <u>416</u>
8	((457)) <u>475</u>
9	((514)) <u>534</u>
10	((571)) <u>593</u>
Each additional member	((+57)) <u>+59</u>

(3) All one- and two-person households shall receive a minimum monthly allotment of ten dollars except in

the initial benefit month where no household may receive a pro rata allotment of less than ten dollars.

WSR 85-05-014
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 2204—Filed February 13, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to excluded resources, amending WAC 388-92-045 and 388-95-380.

This action is taken pursuant to Notice No. WSR 85-02-038 filed with the code reviser on December 31, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED February 13, 1985.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2139, filed 8/15/84)

WAC 388-92-045 EXCLUDED RESOURCES. Applicants or recipients may transfer or exchange an exempt resource. Cash received from the sale of an exempt resource is excluded provided the total amount of cash is used to replace or reinvest in another exempt resource within three months. Any remaining portion in excess of allowed resources shall be considered a nonexempt resource if the individual's eligibility continues without a break in certification. In determining the resources of an individual and spouse, if any, the following items shall be excluded up to the dollar limit, if any, as indicated:

(1) The home or the proceeds from the sale of a home, which is an excluded resource, will also be excluded to the extent that they are reinvested in the purchase of another home which is similarly excluded within three months of the date of receipt of proceeds.

(a) The home of the individual must be the individual's principal place of residence in order to be an excluded resource.

(i) Temporary absences from home including absences from home for trips, visits, and hospitalizations do not offset the home exclusion as long as the individual intends to return home.

(ii) An absence of more than six months may indicate that the home no longer serves as the principal place of residence. See WAC 388-83-140 (4)(d).

(iii) The home continues to be excluded if the individual intends to return and there is a likelihood that he/she will return.

(iv) When an institutionalized individual intends to return home, a physician's evaluation of his/her ability to return at some future time to a home setting may be used as the basis of a temporary absence determination. The evidence must be conclusive before a determination can be made that the individual is unable to return home.

(v) Transfer of a home during a temporary absence may constitute evidence that the individual no longer intends to return. Adequate consideration must be received and allocated to the individual's resources. See WAC 388-92-043, transfer of property at less than fair market value.

(b) If the home is used by a spouse or dependent relative during the individual's absence, it will continue to be considered the principal place of residence.

(2) Household goods and personal effects.

(3) An automobile:

(a) Is totally excluded regardless of its value if it is:

(i) Necessary for employment; or

(ii) Necessary for the individual's medical treatment;

or

(iii) Modified for operation by, or transportation of, a handicapped person; or

(b) Is excluded to the extent its current market value does not exceed \$4,500, any excess to be counted against the resource limit. An automobile may be excluded under this subsection only if no automobile is excluded under subsection (3)(a) of this section.

(4) Property of a trade or business which is essential to the means of self-support; however, it shall not include liquid resources as defined in WAC 388-92-005 even though such liquid resource may be producing income. This property means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(5) Nonbusiness property which is essential to the means of self-support. This shall include:

(a) Nonliquid (see WAC 388-92-005), nonbusiness property if it is relied upon by the individual as a significant factor in producing income on which he can live, or is used to produce goods, or provide services essential to the individual's support. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(b) Property used exclusively to produce items for home consumption provided the items are significant factors for support and maintenance of the individual.

(c) Tools, equipment, uniforms and similar items required by the individual's employer.

(d) A motor vehicle (in addition to that already excluded) which is essential because of climate, terrain, or similar factors, or special modification, and required to

provide necessary transportation. The limitation on value of such vehicle is the same as (3) above.

(6) Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support for so long as such plan remains in effect.

(7) Shares of stock held in a regional or village corporation during the period of twenty years ending January 1, 1992, in which such stock is inalienable pursuant to the Alaska Native Claims Settlement Act.

(8) Life insurance owned by an individual and spouse, if any, to the extent of its cash surrender value, provided that the total face value of policies held by each individual is \$1,500 or less, in which case the cash surrender value is not evaluated. If the face value of policy(ies) is over \$1,500, cash surrender value must be applied to resource limitations. Term or burial insurance with no cash surrender value is not considered in determining face value.

(9) Restricted allotted land owned by an enrolled member and spouse, if any, of an Indian tribe, if such land cannot be sold, transferred or otherwise disposed of without permission of other individuals, his tribe or an agency of the federal government.

(10) Cash received from an insurance company for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen, etc., is excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within nine months that period may be extended based on circumstances beyond the control of the applicant to a maximum of nine additional months. Any such cash not so used within such time periods is considered as an available resource.

(11) Burial spaces.

(a) The value of burial spaces for the individual, the individual's spouse or any member of the individual's immediate family.

(b) Burial spaces shall include conventional gravesites, crypts, mausoleums, urns, and other repositories which are customarily and traditionally used for the remains of deceased persons.

(c) For purposes of this subsection immediate family means an individual's minor and adult children, including adopted children and step-children; an individual's brothers, sisters, parents, adoptive parents, and the spouses of those individuals. Neither dependency nor living-in-the-same-household will be a factor in determining whether a person is an immediate family member.

(12) Funds set aside for burial expenses.

(a) Funds specifically set aside for the burial arrangements of an individual or the individual's spouse not to exceed \$1,500 each.

(b) This exclusion applies if the inclusion of any portion of such amount would cause the resources of the individual (or spouse, if any) to exceed the limits specified in WAC 388-92-050.

(c) Funds set aside for burial expenses must be kept separate from other resources not set aside for burial. If such funds are mixed with other resources not intended for burial, the exclusion will not apply to any portion of the funds and will be treated as nonexcluded resources.

(d) Funds set aside for burial includes revocable burial contract, burial trust, or other burial arrangement or any other separately identifiable fund which is clearly designated as set aside for the individual's (or spouse's, if any) burial expenses.

(e) The \$1,500 exclusion must be reduced by the face value of insurance policies on the life of an individual owned by the individual or spouse if the cash surrender value of those policies has been excluded as provided in subsection (8) of this section and amounts in an irrevocable trust.

(f) Interest earned on excluded burial funds and appreciation on the value of excluded burial arrangements are excluded from resources if left to accumulate and become a part of the separately identifiable burial fund.

(g) Burial funds used for other purposes. Funds or interest earned on funds and appreciation in the value of burial arrangements which have been excluded from resources because they are burial funds must be used solely for that purpose. If any excluded funds, interest or appreciated values set aside for burial expenses are used for a purpose other than the burial arrangements of the individual or the individual's spouse for whom the funds were set aside, future medical assistance benefits of the individual (or the individual and individual's spouse) will be reduced by an amount equal to the amount of burial funds, interest or appreciated value used for other purpose.

(13) Other resources excluded by federal statute.

(14) Retroactive SSI or OASDI payments are excluded from resources for six months following the month of receipt. This exclusion applies to:

(a) Payments received on or after October 1, 1984.

(b) Payments received by the individual, spouse, and/or any other person whose income is considered available to meet the applicant's or recipient's needs.

(c) SSI payments made for benefits due for a month prior to the month of payment.

(d) OASDI payments made for benefits due for a month that is two or more months prior to the month of payment.

(e) Payments that remain in the form of cash, checking or saving accounts; this exclusion does not apply once the retroactive payment has been converted to any other form.

AMENDATORY SECTION (Amending Order 2139, filed 8/15/84)

WAC 388-95-380 EXCLUDED RESOURCES. Applicants or recipients may transfer or exchange an exempt resource. Cash received from the sale of an exempt resource is excluded provided the total amount of cash is used to replace or reinvest in another exempt resource within three months. Any remaining portion in excess of allowed resources shall be considered a nonexempt resource if the individual's eligibility continues without a break in certification. In determining the resources of an individual and spouse, if any, the following items shall be excluded up to the dollar limit, if any, as indicated:

(1) The home or the proceeds from the sale of a home, which is an excluded resource, will also be excluded to the extent that they are reinvested in the purchase of another home which is similarly excluded within three months of the date of receipt of proceeds.

(a) The home of the individual must be the individual's principal place of residence in order to be an excluded resource.

(i) Temporary absences from home including absences from home for trips, visits, and hospitalizations do not offset the home exclusion as long as the individual intends to return home.

(ii) An absence of more than six months may indicate that the home no longer serves as the principal place of residence. See WAC 388-95-360 (4)(d).

(iii) The home continues to be excluded if the individual intends to return and there is a likelihood that he/she will return.

(iv) When an institutionalized individual intends to return home, a physician's evaluation of his/her ability to return at some future time to a home setting may be used as the basis of a temporary absence determination. The evidence must be conclusive before a determination can be made that the individual is unable to return home.

(v) Transfer of a home during a temporary absence may constitute evidence that the individual no longer intends to return. Adequate consideration must be received and allocated to the individual's resources. See WAC 388-92-043, transfer of property at less than fair market value.

(b) If the home is used by a spouse or dependent relative during the individual's absence, it will continue to be considered the principal place of residence.

(2) Household goods and personal effects.

(3) An automobile:

(a) Is totally excluded regardless of its value if it is:

(i) Necessary for employment; or

(ii) Necessary for the individual's medical treatment;

or

(iii) Modified for operation by, or transportation of, a handicapped person; or

(b) Is excluded to the extent its current market value does not exceed \$4,500, any excess to be counted against the resource limit. An automobile may be excluded under this subsection only if no automobile is excluded under subsection (3)(a) of this section.

(4) Property of a trade or business which is essential to the means of self-support; however, it shall not include liquid resources as defined in WAC 388-92-005 even though such liquid resource may be producing income. This property means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(5) Nonbusiness property which is essential to the means of self-support. This shall include:

(a) Nonliquid (see WAC 388-92-005), nonbusiness property if it is relied upon by the individual as a significant factor in producing income on which he can live, or

is used to produce goods, or provide services essential to the individual's support. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(b) Property used exclusively to produce items for home consumption provided the items are significant factors for support and maintenance of the individual.

(c) Tools, equipment, uniforms and similar items required by the individual's employer.

(d) A motor vehicle (in addition to that already excluded) which is essential because of climate, terrain, or similar factors, or special modification, and required to provide necessary transportation. The limitation on value of such vehicle is the same as in subsection (3) of this section.

(6) Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support for so long as such plan remains in effect.

(7) Shares of stock held in a regional or village corporation during the period of twenty years ending January 1, 1992, in which such stock is inalienable pursuant to the Alaska Native Claims Settlement Act.

(8) Life insurance owned by an individual and spouse, if any, to the extent of its cash surrender value, provided that the total face value of policies held by each individual is \$1500 or less, in which case the cash surrender value is not evaluated. If the face value of policy(ies) is over \$1500, cash surrender value must be applied to resource limitations. Term or burial insurance with no cash surrender value is not considered in determining face value.

(9) Restricted allotted land owned by an enrolled member and spouse, if any, of an Indian tribe, if such land cannot be sold, transferred or otherwise disposed of without permission of other individuals, his tribe or an agency of the federal government.

(10) Cash received from an insurance company for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen, etc., is excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within nine months that period may be extended based on circumstances beyond the control of the applicant to a maximum of nine additional months. Any such cash not so used within such time periods is considered as an available resource.

(11) Burial spaces.

(a) The value of burial spaces for the individual, the individual's spouse or any member of the individual's immediate family.

(b) Burial spaces shall include conventional gravesites, crypts, mausoleums, urns, and other repositories which are customarily and traditionally used for the remains of deceased persons.

(c) For purposes of this subsection immediate family means an individual's minor and adult children, including adopted children and step-children; an individual's brothers, sisters, parents, adoptive parents, and the spouses of those individuals. Neither dependency nor living-in-the-same-household will be a factor in determining whether a person is an immediate family member.

(12) Funds set aside for burial expenses.

(a) Funds specifically set aside for the burial arrangements of an individual or the individual's spouse not to exceed \$1,500 each.

(b) This exclusion applies if the inclusion of any portion of such amount would cause the resources of the individual (or spouse, if any) to exceed the limits specified in WAC 388-95-390.

(c) Funds set aside for burial expenses must be kept separate from other resources not set aside for burial. If such funds are mixed with other resources not intended for burial, the exclusion will not apply to any portion of the funds and will be treated as nonexcluded resources.

(d) Funds set aside for burial includes revocable burial contract, burial trust, or other burial arrangement or any other separately identifiable fund which is clearly designated as set aside for the individual's (or spouse's, if any) burial expenses.

(e) The \$1,500 exclusion must be reduced by the face value of insurance policies on the life of an individual owned by the individual or spouse if the cash surrender value of those policies has been excluded as provided in subsection (8) of this section and amounts in an irrevocable trust.

(f) Interest earned on excluded burial funds and appreciation on the value of excluded burial arrangements are excluded from resources if left to accumulate and become a part of the separately identifiable burial fund.

(g) Burial funds used for other purposes. Funds or interest earned on funds and appreciation in the value of burial arrangements which have been excluded from resources because they are burial funds must be used solely for that purpose. If any excluded funds, interest or appreciated values set aside for burial expenses are used for a purpose other than the burial arrangements of the individual or the individual's spouse for whom the funds were set aside, future medical assistance benefits of the individual (or the individual and individual's spouse) will be reduced by an amount equal to the amount of burial funds, interest or appreciated value used for other purposes.

(13) Other resources excluded by federal statute.

(14) Retroactive SSI or OASDI payments are excluded from resources for six months following the month of receipt. This exclusion applies to:

(a) Payments received on or after October 1, 1984.

(b) Payments received by the individual, spouse, and/or any other person whose income is considered available to meet the applicant's or recipient's needs.

(c) SSI payments made for benefits due for a month prior to the month of payment.

(d) OASDI payments made for benefits due for a month that is two or more months prior to the month of payment.

(e) Payments that remain in the form of cash, checking or saving accounts; this exclusion does not apply once the retroactive payment has been converted to any other form.

WSR 85-05-015
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2205—Filed February 13, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to special categories eligible for medical assistance, amending WAC 388-82-115.

This action is taken pursuant to Notice No. WSR 85-02-037 filed with the code reviser on December 31, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED February 13, 1985.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2074, filed 2/1/84)

WAC 388-82-115 SPECIAL CATEGORIES ELIGIBLE FOR MEDICAL ASSISTANCE. (1) Persons who, in August 1972, received OAA, AB, AFDC, or APTD, and also received RSDI benefits, and who became ineligible for OAA, AB, AFDC or APTD solely because of the twenty percent increase in Social Security benefits under Public Law 92-336, shall be eligible for medicaid as categorically needy. The provision applies to both current cash applicants and recipients.

(2) Applicants for SSI or AFDC who were entitled to RSDI benefits in August 1972, and would have been ineligible solely because of the Social Security benefits under Public Law 92-336 shall have the twenty percent increase disregarded in determining financial eligibility.

(3) An AFDC family unit which becomes ineligible solely because of increased hours or increased income from employment shall remain categorically eligible for medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:

(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility.

(b) A member of such family continues to be employed, and

(c) The family is otherwise eligible for AFDC except for increased hours or increased income from employment.

(d) Earned income tax credits (EITC) must be considered as income for purposes of this subsection.

(4) Current recipients who become ineligible for SSI benefits and/or state supplementary payments after

April 1, 1977, solely because of OASDI cost-of-living benefit increases under Public Law 94-566, section 503, shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost-of-living benefit increase shall be disregarded for eligibility. For institutionalized recipients, the amount subsequently is considered in the cost of institutional care. This disregard does not apply to:

(a) New applicants (i.e., who were not receiving SSI/SSP prior to increase).

(b) Persons who were not actually receiving SSI/SSP payments for some other reason.

(c) Persons who would have received SSI/SSP if they had applied.

(d) Persons who would have received SSI/SSP if they were not living in a medical or intermediate care facility.

(5) Certain recipients of SSI, after January 1, 1981, will continue to be eligible for medical assistance (MA) under Public Law 96-265.

(6) Pregnant women, with no other eligible children, ineligible for AFDC cash assistance solely because they have not reached the sixth month of pregnancy shall be eligible for Medicaid as categorically needy.

(7) Individuals who are denied AFDC cash payments solely by reason of recovery of overpayment shall be eligible for Medicaid as categorically needy.

(8) A child under five years of age, born after September 30, 1983, and who meets the income and resource requirements of AFDC financial assistance shall be eligible for Medicaid as categorically needy.

(9) Family units which are terminated from AFDC financial assistance solely because of the loss of the thirty dollars plus one-third or the thirty-dollar income exemptions shall remain categorically eligible for medical assistance for nine calendar months beginning with the month of ineligibility for AFDC provided that:

(a) The family unit was terminated on or after October 1, 1984.

(b) Family units terminated prior to October 1, 1984, may be eligible for nine months of medicaid beginning with the month of application if they meet the following conditions:

(i) The family unit must apply for medical assistance.

(ii) The family unit must demonstrate that, if the income exemptions had been applied, the family unit would have been eligible for each month for AFDC from the time of termination of AFDC to the time of application for medical assistance.

(iii) The family unit must disclose any health insurance coverage in effect for members of the assistance unit.

(10) A child born to a woman eligible for and receiving medical assistance on the date of the child's birth, shall be eligible for medical assistance on the date of birth and shall remain eligible for a period of one year if:

(a) The child remains a member of the mothers household; and

(b) The mother remains eligible for medical assistance; and

(c) The child was born on or after October 1, 1984.

(11) Family units which become ineligible for AFDC financial assistance as a result (wholly or partly) of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of such ineligibility; provided that the family unit:

(a) Received AFDC financial assistance in at least three of the six months immediately preceding the month of such ineligibility; and

(b) Became ineligible for AFDC during or after the month of August 1984 and prior to October 1, 1988.

WSR 85-05-016
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2206—Filed February 13, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Limited casualty program—Medically needy, amending chapter 388-99 WAC.

This action is taken pursuant to Notice No. WSR 85-02-036 filed with the code reviser on December 31, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED February 13, 1985.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2133, filed 8/3/84)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$ ((353))364
(b) Two persons	\$ ((509))526
(c) Three persons	\$ ((535))544
(d) Four persons	\$ 561
(e) Five persons	\$ 646
(f) Six persons	\$ 731
(g) Seven persons	\$ 847
(h) Eight persons	\$ 936
(i) Nine persons	\$ 1,028
(j) Ten persons and above	\$ 1,117

(2) For families and children countable income is determined by deducting, from gross income, amounts that

would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period, see WAC 388-99-055.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to subsection (2) of this section, and for the SSI related assistance unit according to subsection (3) of this section.

AMENDATORY SECTION (Amending Order 2083, filed 3/14/84)

WAC 388-99-030 ALLOCATION OF EXCESS INCOME—SPENDDOWN. (1) On initial or subsequent applications previously incurred medical expenses are deducted from excess countable income subject to the following restrictions.

(a) The medical expense must be a current liability of the individual or financially responsible relative in the same household. See WAC 388-92-025(4).

(b) The medical expenses have not been used at any other time to reduce excess countable income on a medical application which resulted in eligibility.

(c) The portion of the medical expense paid or covered by third-party liability can not be considered toward spenddown.

(d) Only medical services provided by practitioners recognized under state law will be considered.

(2) If the incurred medical bills equal or exceed the excess countable income at the time of application, the applicant is certified eligible.

(3) If the incurred medical bills are less than the excess countable income, the application is not approved and the individual is required to spenddown the remaining excess countable income. The applicant is certified eligible only when excess countable income has been completely spenddown. Medical expenses incurred during the spenddown period are deducted in the following order:

(a) Medicare and other health insurance premiums, deductibles, coinsurance charges, enrollment fees, or copayments.

(b) Expenses for necessary medical and remedial care not covered by the limited casualty program.

(c) Expenses for necessary medical and remedial care covered by the limited casualty program which have been paid by the applicant.

(d) Expenses for necessary medical and remedial care covered by the limited casualty program which have not been paid.

(4) The applicant is responsible for providing complete documentation of incurred medical expenses within thirty days of the end of the base period. Once medical eligibility has been approved, expenses which were not listed or which were omitted will not be considered. Such expenses may be used to reduce excess countable income on a subsequent application provided the conditions in subsection (1) of this section are met.

(5) The applicant is liable for any expenses incurred prior to the spenddown satisfaction date.

AMENDATORY SECTION (Amending Order 1925, filed 12/15/82)

WAC 388-99-055 CERTIFICATION. (1) Applicants in their own homes shall have a choice of a three-month or a six-month certification period. Once certified the applicant may not change the chosen certification period.

(2) An applicant (~~((in own home))~~) shall be certified for no more than six months.

(3) An applicant who is required to spenddown shall be certified from the day the spenddown requirement is met through the last day of the three-month or six-month period which began with the month of application.

(4) If retroactive coverage is requested at the time of application, a spenddown applicant shall be certified from the day the spenddown requirement was met through the last day of the three-month period which began up to three months prior to the month of application.

(5) An application is required for any subsequent period of eligibility for LCP-MN.

(6) Full-month coverage is not available during the first month of eligibility for persons who must establish eligibility by deducting incurred medical expense from countable income.

(7) ~~((A recipient in a medical facility, other than a hospital, shall be certified for twelve months:))~~

~~((8)))~~ All medically needy applicants shall receive individual notification of the disposition of their application.

~~((9)))~~ (8) Any change in circumstances shall be reported within twenty days to the local community service office.

~~((10)))~~ (9) Any recipient, aged, blind or disabled who has been terminated from SSI/SSP shall have their eligibility for LCP-MN determined in accordance with chapter 388-85 WAC.

WSR 85-05-017
ADOPTED RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT
 [Order 84-02—Filed February 13, 1985]

I, Chuck Clarke, deputy director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, MS/GH-51, Olympia, Washington, the annexed rules relating to the utility shut-off moratorium program, chapter 365-100 WAC, WAC 365-100-010 general purpose, 365-100-020 definitions, 365-100-030 applicant responsibility and 365-100-040 agency responsibility.

This action is taken pursuant to Notice No. WSR 85-01-068 filed with the code reviser on December 18, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Community Development as authorized in RCW 43.63A.08A [43.63A.080].

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

APPROVED AND ADOPTED January 31, 1985.

By Chuck Clarke
 Deputy Director

AMENDATORY SECTION (Amending Order 84-02, filed 10/19/84)

WAC 365-100-010 GENERAL PURPOSE. The following regulations are adopted pursuant to chapter 251, Laws of 1984 for the purpose of implementing a moratorium on utility shut-off's during the winter. The legislature has determined and declared that utilities that supply electrical or natural gas for home heating cannot discontinue service for low-income households between November 15 and March 15 for reasons of nonpayment; provided the customer complies with the provisions of the act.

The purpose of this chapter is to outline the conditions and procedures under which the department of community development (DCD) and ~~((local agencies))~~ will implement this program pursuant to chapter 251, Laws of 1984 and its grantees.

AMENDATORY SECTION (Amending Order 84-02, filed 10/19/84)

WAC 365-100-020 DEFINITIONS. The following definitions shall apply to terms in chapter 251 Laws of 1984, and/or this chapter:

"Agency" means community action agency or other energy assistance program or weatherization program grantee of the department of community development.

"Business days" means all days except Saturday, Sunday and legal holidays.

"Client income statement" means a statement the applicant/customer signs that acknowledges their household gross income, their self-declared income and the applicants seven percent payment. The statement acknowledges whether the income is verified or unverified, whether the applicant/customer has applied for energy and weatherization assistance, and whether the utility company and the agency were properly notified by the applicant/customer. The statement also acknowledges that the applicant/customer agrees to enter into a payment plan and agrees to pay the past due bill by October 15 even if they move, to pay for continued utility service and agrees to apply any assistance received to the bill.

"DSHS" means the department of social and health services.

"Date of application" means the day the applicant/customer notifies the utility of their inability to pay the bill.

"Extenuating circumstances" means anything beyond the reasonable control of the customer.

"Household income" means the total income of all household members considered for LIHEAP eligibility determination.

"LIHEAP" means low-income home energy assistance program.

"Low-income households" means households whose total income is no more than 125 percent of the federal poverty level.

~~("Notification statement" means a statement that verifies income eligibility, specifies the seven percent payment amount, and acknowledges that the applicant/customer is income qualified for LIHEAP assistance.)~~

"Overdue notice" means a written notice to disconnect service on a given date, unless payment is made.

~~("Self-declaration of income statement" means a statement the applicant/customer signs acknowledging their unverified household gross income.)~~

"Seven percent payment" means a payment of 7 percent of ~~(regarded)~~ monthly income (as defined in the LIHEAP procedures) of the household from November 15 through March 15.

AMENDATORY SECTION (Amending Order 84-02, filed 10/19/84)

WAC 365-100-030 APPLICANT RESPONSIBILITIES. ~~((Upon notification in person, in writing or by telephone to the utility company of the inability to pay the bill, the applicant/customer shall, within five business days make application for the moratorium program to DSHS or the appropriate local agency.~~

~~The applicant/customer must submit a self-declaration of income statement to the utility upon receiving an overdue notice. At the time the self-declaration of income statement is completed and submitted to the utility, the applicant/customer shall enter an agreement to pay no less than 7 percent of their household income during the period from November 15 to March 15.~~

~~The applicant/customer may voluntarily enter a payment plan that is acceptable to the utility company prior to the return of the self-declaration of income statement.)~~

The applicant/customer shall notify the utility company of the inability to pay the bill within five business days. Notification may be made in person, in writing or by telephone. The applicant/customer shall contact the agency within five business days from the date of notification to the utility to begin completing the client income statement.

The applicant/customer shall provide the utility company with the completed client income statement of unverified income, within twenty days from the date of application.

The applicant/customer may be subject to disconnection if the client income statement of verified income is not returned to the utility company within forty-five days and no interim payment agreement has been made, or the household has been determined not income eligible.

At the time the client income statement is submitted to the utility, the applicant/customer shall enter an agreement to pay no less than seven percent of their household income during the period of the utility moratorium.

Prior to March, the applicant/customer and the utility company shall enter into an agreement with the ((utility company)) specific terms for the repayment of any account balance. Such repayment agreement shall require full payment of the balance no later than October 15 of that year, unless other arrangements are provided by the utility company. The applicant/customer shall be provided a choice between either a budget billing plan or equal payment plan.

~~((The applicant/customer must sign an authorization form allowing the utility company to verify receipt of any energy assistance payments or other energy payments from government and/or private sector organizations. Payments received shall not be considered as household income nor shall it be counted as part of the households seven percent of income payment requirement.))~~

AMENDATORY SECTION (Amending Order 84-02, filed 10/19/84)

WAC 365-100-040 AGENCY RESPONSIBILITIES. ~~((The agency shall provide and assist the applicant/customer in completing a self-declaration of income statement.~~

The agency shall interview the applicant/customer to determine income eligibility for the moratorium program and energy and weatherization assistance programs. The agency shall verify income, determine the seven percent payment amount, and provide the utility company with a notification statement within thirty days from the date of the applicant/customer interview.) With the agreement of the local utility, the agency may use the unverified client income statement to expedite the process for determining client eligibility for the moratorium program.

The agency shall provide the client income statement and assist the applicant/customer in completing the statement when applying for the moratorium program. If the applicant/customer contacts the agency to apply for the moratorium program before notifying the utility company of their inability to pay the bill, the agency

shall instruct the applicant/customer to immediately contact the utility.

The agency shall also interview the applicant/customer for energy and weatherization assistance.

The agency shall provide the client income statement of unverified income to the applicant/customer within twenty days from the date of application.

The agency shall verify the applicant's/customer's income and program eligibility within forty-five days from the date of application.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 365-100-050 UTILITY RESPONSIBILITIES.

WSR 85-05-018

PROPOSED RULES

DEPARTMENT OF CORRECTIONS

[Filed February 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning Supervision—Individual work release placement, repealing WAC 275-92-407.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 1, 1985.

The authority under which these rules are proposed is RCW 72.65.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 26, 1985.

Dated: February 7, 1985

By: Amos E. Reed
Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 275-92-407 SUPERVISION—INDIVIDUAL WORK RELEASE PLACEMENT.

WSR 85-05-019

ADOPTED RULES

DEPARTMENT OF CORRECTIONS

[Order 85-03—Filed February 13, 1985]

I, Amos E. Reed, secretary of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to inmate marriages adult correctional facilities, adopting chapter 137-54 WAC.

This action is taken pursuant to Notice No. WSR 85-02-067 filed with the code reviser on January 2, 1985. These rules shall take effect thirty days after they are

filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Corrections as authorized in RCW 72.01.090 and 72.09.050.

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

APPROVED AND ADOPTED February 11, 1985.

By Amos E. Reed
Secretary

Chapter 137-54 WAC

INMATE MARRIAGES ADULT CORRECTIONAL FACILITIES

NEW SECTION

WAC 137-54-010 DEFINITIONS. As used in this chapter, the following words have the following meanings:

(1) "Institution" means an adult correctional facility identified in RCW 72.01.050(2) or any similar facility hereafter established, or a work/training release facility established pursuant to chapter 72.65 RCW;

(2) "Superintendent" means the superintendent of an adult correctional facility identified in RCW 72.01.050(2) or any similar facility hereafter established or the supervisor of a work/training release facility established pursuant to chapter 72.65 RCW;

(3) "Inmate" means a person under the custody of the state department of corrections but does not include a parolee or a probationer.

NEW SECTION

WAC 137-54-020 ELIGIBILITY AND NOTICE. An inmate may marry while confined to or on furlough from an institution if such marriage is legally permissible under the laws of the state of Washington. An inmate must give written notice of his or her intention to marry. Such notice shall be given to the superintendent of the institution in which the inmate resides.

NEW SECTION

WAC 137-54-030 SUPERINTENDENT'S PROCEDURES. (1) Superintendents shall develop written procedures for inmate marriages. Said procedures shall address, but not be limited to:

- (a) The inmate's notice of intent to marry;
- (b) Requested premarriage counseling for the inmate and the intended spouse;
- (c) The visitation privileges between the inmate and intended spouse; and
- (d) The conduct of the marriage and related matters, giving due consideration to the requirements of security, safety, health, and orderliness.

(2) Inmates will be advised of such procedures developed by the superintendent.

NEW SECTION

WAC 137-54-040 MARRIAGE CEREMONY. All marriage arrangements will be planned in conjunction with and supervised by the chaplain assigned to the institution in which the inmate resides. When the marriage ceremony takes place within an institution the superintendent may permit outside clergy or other lawfully authorized persons to perform the marriage ceremony.

WSR 85-05-020
ADOPTED RULES
COUNCIL ON HEARING AIDS
 [Order PL 518—Filed February 13, 1985]

Be it resolved by the Washington State Council on Hearing Aids, acting at Olympia, Washington, that it does adopt the annexed rules relating to the fitting and dispensing of hearing aids, amending WAC 308-50-270 and adding new section WAC 308-50-380.

This action is taken pursuant to Notice No. WSR 84-24-070 filed with the code reviser on February 8, 1985 [December 5, 1984]. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.35.161 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 12, 1985.
 By Thomas S. Rees, Ph.D.
 Chairman

AMENDATORY SECTION (Amending Order PL 469, filed 7/3/84)

WAC 308-50-270 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—ASSOCIATION WITH THE STATE OF WASHINGTON. A licensee shall not represent in any manner that (s)he is endorsed by or associated with the state of Washington or any of its administrative bodies when such is not the case. Nothing in this rule is to preclude the licensee from verifying upon request that (s)he is licensed by the state to engage in the fitting and dispensing of hearing aids.

NEW SECTION

WAC 308-50-380 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—MISREPRESENTING PRODUCTS, SERVICES, PERSONNEL OR OTHER MATERIAL FACTS DURING TELEPHONE SOLICITATIONS. It shall be an unfair or deceptive practice, unethical conduct or an unfair method of competition for a licensee to make,

or cause to be made, any misrepresentations of products, services, personnel or material facts when using telephone solicitation. This shall include, but not be limited to, a licensee or agent of the licensee, indicating to a prospective purchaser that an anonymous person has referred the purchaser's name to the licensee when such is not the case.

WSR 85-05-021
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
COMMUNITY DEVELOPMENT
 [Memorandum—February 13, 1985]

The Washington State Department of Community Development (DCD) will hold a public hearing to provide public discussion of a potential change in the way the Department of Energy Washington state low-income weatherization program is administered in Skagit County. Specifically, it has been requested that the local grantee be changed from Skagit County Community Action Agency to the Housing Authority of Skagit County.

The hearing will be held on March 12, 1985, in Hearing Room A, ground floor of the Skagit County Administration Building, 2nd and Kincaid, Mount Vernon, Washington. The hearing will begin promptly at 10:00 a.m. and close at 12:00 noon, unless participation requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony may be submitted until 5:00 p.m. on Monday, March 11, 1985, to the attention of Katherine Friedt, Assistant Director, Division for Community Services, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151.

For additional information, please contact Bruce Yasutake at (206) 754-1363 or Barbara Huggins at (206) 754-8983.

WSR 85-05-022
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
 [Memorandum—February 13, 1985]

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

WSR 85-05-023
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 [Memorandum—February 13, 1985]

The Washington State Library Commission will meet on March 14, 1985, in the Timberland Regional Library

Service Center, Olympia, Washington, and on June 13, 1985, in the meeting room of the Bellingham Public Library, Bellingham, Washington.

WSR 85-05-024
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2207—Filed February 14, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to patient transportation, amending WAC 388-86-085, 388-87-010 and 388-87-035.

This action is taken pursuant to Notice No. WSR 85-02-040 filed with the code reviser on December 31, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED February 13, 1985.

By David A. Hogan, Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2155, filed 10/3/84)

WAC 388-86-085 PATIENT TRANSPORTATION. (1) The department will assure the availability of necessary transportation for recipients to and from medical care services covered under the medical assistance program in accordance with the following guidelines:

(a) "Patient transportation" shall be provided only when other sources of transportation are not available.

(b) Transportation shall be provided for the least expensive available means suitable to the recipient's medical need.

(c) Transportation shall be provided only to medical care within the local community unless necessary medical care is not available locally.

(2) Ambulance transportation may be provided when medical necessity is clearly demonstrated and the physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(3) The following policies apply to the provision of air ambulance transportation:

(a) Air ambulance transportation may be provided when:

(i) Necessary medical treatment is not available locally; and

(ii) The emergent need for medical treatment and the physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(b) Intrastate air ambulance transportation must be approved by the local medical consultant.

(c) Out-of-state air ambulance transportation must be approved by the medical director, office of medical policy and procedure.

(4) Cabulance transportation may be provided when medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable. Approval by the local medical consultant is required.

(5) Transportation by taxi may be provided only when approved by the local medical consultant. "Taxi shared ride service" must be utilized when transportation can be scheduled at least four hours in advance and the "shared ride service" is available in the community.

(6) Transportation by private automobile other than owned by recipient is payable at rates established by the department when approved through the community service office.

(7) Nonprofit organizations may provide transportation for recipients in accordance with the following guidelines:

(a) Group or shared ride service must be utilized when transportation can be scheduled in advance and when the group or shared ride service is available through the nonprofit organization.

(b) Transportation using specialized equipment, such as wheelchairs, may be used when the medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable.

(c) Transportation must be approved by the department.

(8) Transportation to medically necessary and covered services by private automobile owned by recipient is payable at rates established by the department under the following conditions:

(a) Prior approval must be obtained from the local community services office unless an emergency situation exists;

(b) Recipient's own automobile must be the least expensive available means suitable to the recipient's medical need. Other transportation will be presumed available if the location of medical services is not more than twenty miles from the recipient's home or if public transportation is available;

(c) Transportation shall not be provided outside of the local community unless necessary medical care is not available locally, and transportation outside of the local medical community shall be to a reasonable and least costly location where providers are able and willing to provide the necessary and covered medical services.

~~((8))~~ (9) Transportation by intercity bus may be provided when approved through the local community service office.

~~((9))~~ (10) The following policies apply to the provision of commercial air transportation:

(a) Commercial air transportation may be provided when:

(i) Transportation is medically necessary; and
 (ii) Necessary medical treatment is not available locally; and

(iii) The physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(b) Intrastate commercial air transportation requires prior approval by the local medical consultant.

(c) Out-of-state commercial air transportation requires prior approval through the local medical consultant and the medical director, office of medical policy and procedure.

~~((10))~~ (11) All patient transportation services provided to recipients of the limited casualty program—medically indigent require approval of the local medical consultant.

AMENDATORY SECTION (Amending Order 1996, filed 8/5/83)

WAC 388-87-010 CONDITIONS OF PAYMENT—GENERAL. (1) The department shall be responsible for payment of service rendered to a recipient only when the services are within the scope of care, properly authorized and the recipient certified as eligible.

(2) The fees and rates established by the department shall constitute the maximum allowable payment for approved medical care and services provided to recipients by the providers, except as specified in chapter 388-86 WAC.

(3) When a provider of service furnishes services to an eligible recipient and does not bill the department for services for which the department is responsible for payment, or fails to satisfy department conditions of payment such as prior approval and timely billing, the recipient is under no obligation to pay the provider.

(4) Payment for any service furnished to a recipient by a provider may not be made to or through a factor who advances money to that provider for accounts receivable.

(5) The department will not be responsible for payment for medical care and goods and/or services provided to a recipient enrolled in a department—contracted, prepaid medical plan who fails to use the provider under contract unless emergency conditions exist or the department has approved payment to another provider for provision of a service not covered by the prepaid plan.

(6) The department will not be responsible for payment of that portion of medical care or services reimbursable within a reasonable time by a third-party resource available to the recipient such as health insurance coverage, casualty insurance or when medical needs result from accident or injury caused by another party. See chapter 388-83 WAC.

(7) Payment for care under the medical assistance or limited casualty—medically needy programs will be retroactive for three months prior to the month of application provided the applicant would have been eligible when the care was received. The applicant need not be eligible at the time of actual application. Medical services that require approval must be approved by the CSO medical consultant for the retroactive period.

(8) Payment for care under the limited casualty program—medically indigent may be retroactive for seven days prior to the date of application if applicant is otherwise eligible. Medical services that require approval must be approved by the CSO medical consultant for the retroactive period.

(9) A claim by a provider for payment for services rendered to a person who subsequently is determined to be ineligible at the time service was rendered may be paid under the following conditions only:

(a) The ineligible person must have been certified as both financially and medically eligible,

(b) Payment has not been made from sources outside the department,

(c) A request for such payment must be submitted and approved by the division of medical assistance.

(10) Payment for medically necessary services shall be made on the basis of usual and customary charges or the rates established by the department, whichever is lower.

(11) Payment for well-baby care is not authorized except as provided under the EPSDT program. See WAC 388-86-027.

(12) Payment for medically necessary transportation services, provided by nonprofit organizations may be based on the operating costs incurred in providing the service but shall not exceed the rates established by the department.

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

WAC 388-87-035 PAYMENT—TRANSPORTATION FOR MEDICAL REASONS. (1) Payment for patient transportation shall be made for eligible individuals according to WAC 388-86-085.

(2) Payment for patient transportation services shall be made on the basis of usual and customary charges or the rates established by the department, whichever is lower. Except that, payment for patient transportation provided by nonprofit organizations may be made on the basis of the operating costs incurred in providing that transportation but shall not exceed the rates established by the department.

(3) Methods of reimbursement and required billing procedures for patient transportation services shall be published as necessary by the division of medical assistance.

(4) Providers of patient transportation services must show medical justification on the billing document for the type of transportation utilized as well as the need for medical care.

(5) Ambulances, air ambulances and commercial air transportation services shall be licensed, operated and equipped in accordance with applicable federal, state and local statutes, ordinances and regulations.

(6) Cabulances shall be operated and equipped in accordance with minimum requirements established by the division of medical assistance and other applicable statutes, ordinances and regulations.

(7) Taxi and bus transportation services shall be operated and equipped in accordance with state and local statutes, ordinances and regulations.

(8) Vehicles utilized by nonprofit organizations to provide transportation services shall be operated and equipped in accordance with minimum requirements established by the division of medical assistance and other applicable statutes, ordinances, and regulations.

WSR 85-05-025

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order PT 85-1—Filed February 15, 1985]

I, A. N. Shinpoch, director of revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 458-16-110 Applications—Who must file, filing requirement, application forms, what covered, filing fee, financial statement, evidence of timely filing.
- Amd WAC 458-16-111 Filing fees, penalties and refunds.
- Amd WAC 458-16-130 Real property sold or acquired by property owner deemed to be exempt.
- Amd WAC 458-16-150 Cessation of use—Taxes collectible.
- Amd WAC 458-16-210 Nonprofit, nonsectarian organizations.
- Amd WAC 458-16-220 Church camps.
- Amd WAC 458-16-230 Character building organizations.
- Amd WAC 458-16-240 Veterans organizations.
- Amd WAC 458-16-260 Day care centers, libraries, orphanages, homes for the aged, homes for sick or infirm, hospitals.
- Amd WAC 458-16-270 Schools and colleges.
- Amd WAC 458-16-280 Art, scientific and historical collections—Fire companies—Humane societies.
- Amd WAC 458-16-282 Musical, dance, artistic, dramatic and literary associations.

This action is taken pursuant to Notice No. WSR 85-02-060 filed with the code reviser on January 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.36.865 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 84.36.865 which directs that the Department of Revenue has authority to implement the provisions of chapter 84.36 RCW.

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

APPROVED AND ADOPTED February 15, 1985.

By Trevor W. Thompson
Assistant Director

AMENDATORY SECTION (Amending Order PT 81-7, filed 2/11/81)

WAC 458-16-110 APPLICATIONS—WHO MUST FILE, FILING REQUIREMENT, APPLICATION FORMS, WHAT COVERED, FILING FEE,

FINANCIAL STATEMENT, EVIDENCE OF TIMELY FILING. All foreign national governments, cemeteries, nongovernmental nonprofit corporations, organizations, and associations, and soil and water conservation districts seeking exemption from ad valorem property taxation under the provisions of chapter 84.36 RCW shall make application for exemption with the State of Washington Department of Revenue General Administration Building, Olympia, WA 98504.

(1) Initial applications (~~(renewal applications and annual recertification)~~) for exemption shall be filed on or before March 31 (~~(in the assessment year for which exemption is sought with the department of revenue. Applications received after March 31, but prior to December 31)~~) or within sixty days of the date of acquisition or conversion to an exempt use. Renewal applications and annual recertifications shall be filed on or before March 31.

Initial and renewal applications and recertifications received after the due date are subject to late filing penalties. The department of revenue shall allow a reasonable extension of time for filing upon written request filed on or before the required filing date and for good cause shown.

(a) Initial applications: ~~((An))~~ The original ((claim for property tax exemption by an organization)) application an organization files or an application by such organization for additional property not currently claimed for exemption.—Fee due.

(b) Renewal application: ~~((Additional property claims by an organization currently exempt and the fourth year renewal))~~ The claim for continued exemption filed every fourth year after the latest initial application.—Fee due.

(c) Recertifications: A certification on department of revenue forms, that the use and exempt status of the real and personal property ~~((owned))~~ claimed by the exempt organization has not changed.—No fee due.

All initial and renewal applications and recertifications for exemption shall be filed on forms prescribed by the department of revenue and shall be signed by an authorized agent. On or before January 1 of each ~~((assessment))~~ year the department shall mail the ~~((approved))~~ forms to each legal owner that was granted an exemption for the previous ~~((assessment))~~ year. Applications shall be available from ~~((any))~~ the department of revenue ~~((office))~~ or from ~~((any))~~ the county assessor's office. No property shall be granted an exempt status without the owner first filing for exemption, for the specific property for which exemption is sought ~~((and))~~. The filing shall be due regardless of whether ((or not)) the legal owner has received forms for exemption from the department.

To retain exempt status, applicants except nonprofit cemeteries must file a renewal application on or before March 31 of ~~((the))~~ every fourth year following the date of the initial application ~~((and on or before March 31 of every fourth year thereafter))~~. When an applicant previously granted exemption acquires or otherwise converts real property to exempt status, such applicant shall file ~~((a renewal))~~ an initial application within sixty days following the conversion of such real property to exempt status without penalty. Failure to file ~~((a renewal))~~ an

initial application within sixty days of conversion of such real property to exempt status shall result in a late filing penalty. See WAC 458-16-111 for computation of penalty.

In the years renewal applications are not due, an applicant previously granted exemption shall annually file a recertification: PROVIDED, That when the annual filing has not been made by March 31, the ten dollars per month filing penalty will apply to the date the application is completed. ~~((When the)) Failure to file an annual claim ((has not been filed by December 31 the exemption will lapse))~~ will result in a taxable determination for current year taxes.

(2) The property covered by each application for property tax exemption ~~((, or renewal thereof,))~~ shall include all the real and personal property which is contiguous, and which is used as a homogeneous unit.

(a) The term "homogeneous unit" means property under the control of a single applicant, the operation and use of which is integrated with and directly related to the activity of the entity seeking exemption.

(b) The term "contiguous" means all property which is geographically one unit without separation except for separations caused by public streets and roads.

Examples:

A church owns a single piece of property upon which is constructed a church, parsonage, and elementary school. All three buildings are owned by the church and constitute a homogeneous unit in that they are integrated with and directly related to the activities of the church. This requires only one application because the property is geographically contiguous and is a homogeneous unit.

O corporation, the supervising entity of a nonprofit recognized religious denomination, holds title to five separate units in a county. The operation of each church unit is integrated with the activity of and supervised by O. To properly apply for an exemption for these five church units O would be required to file a separate application for each church unit as they are geographically separate.

No application shall be acted upon until complete. To be complete ~~((all filing fees and penalties for late filing must be paid, the legal description must be provided, and the use of the property must be identified))~~ an applicant must have on file with the department of revenue copies of their articles of incorporation and all amendments and a copy of their current bylaws. All initial applications must be accompanied by an accurate map identifying by dimension the use or proposed use of all areas including building sites, parking, landscaping, and vacant areas from which an accurate determination for exemption or a segregation for partial exemption can be made. Legal descriptions and county parcel numbers must also be provided. The department of revenue will not act on any application until all fees and penalties have been submitted.

Organizations claiming exemption under RCW 84.36-.030 through ~~((84.36.060))~~ 84.36.480 are required to provide financial information to the department of revenue upon request.

Property leased may be claimed by the lessor or lessee, provided the lessee has permission of the lessor to claim exemption. Property claimed by the lessee must be specifically identified by owner and location of the property. Claims for leased property must be accompanied by a complete copy of the lease agreement.

The department of revenue shall have access to all books and records necessary to determine if the requirements for exemption have been complied with. The department of revenue shall have the authority to request additional information relevant to the claim for exemption as the department deems necessary.

AMENDATORY SECTION (Amending Order PT 81-7, filed 2/11/81)

WAC 458-16-111 FILING FEES, PENALTIES AND REFUNDS. Filing fee:

The filing fee of \$35.00 shall be collected before the department of revenue considers either an initial or renewal application (as defined in WAC 458-16-110) for property tax exemption.

Late penalties:

A late filing penalty of \$10.00 per month or portion of a month shall be collected before the department of revenue will consider any claim for property tax exemption when the completed claim is not filed by the due date. ~~((A claim will not be considered complete until an application identifying all of the property is filed with all fees and penalties that may be due. The due date is March 31 of the assessment year unless the property is purchased or converted to an exempt use in which case the due date shall be sixty days after the conversion/acquisition date.))~~ Late filing penalties are computed from the date the filing should have been made to the date the claim was received. The department will allow a two-week period in writing when notifying applicants of late filing penalties needed. Applicants not completing the application in the period allowed, must be assessed late filing penalties to the date all fees are received. Applications for current and previous years' taxes may be accepted if the applicant provides proof the property was used for exempt purposes and the initial filing fees and late filing penalties are submitted for the period the application for exemption should have been filed to the date the application is completed.

Refunds:

Fees and penalties will be refunded if:

(1) A duplicate claim for the same property is filed by the same legal owner for the same ~~((assessment))~~ year.

(2) A claim is improperly received by the department of revenue and it has no authority to consider it. (Example: Claim filed by government entity.)

(3) A request for withdrawal of the application for exemption is received in writing prior to the department issuing a determination. The request shall include a signed statement clearly withdrawing the claim for exemption. The person requesting the withdrawal must be the same person who signed the application or another person authorized by the legal owner.

The department of revenue has no authority to refund fees or penalties after a determination is issued.

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-130 REAL PROPERTY SOLD OR ACQUIRED BY PROPERTY OWNER DEEMED TO BE EXEMPT. As required by RCW 84.36.855, real property which is transferred or converted by an exempt body to taxable ownership or use or which is no longer exempt for any reason shall be subject to a prorata portion of taxes allocable to that property for the remaining portion of that year, after the date of the execution of the instrument of sale, contract or exchange, or the conversion to a taxable use or the date the property is no longer exempt as provided in RCW 84.40.350 through 84.40.390. Real property exempted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.050 and 84.36.060 is also subject to the provisions of RCW 84.36.810.

When any property owner determined to be, or could be, exempt under chapter 84.36 RCW acquires ownership of real property which was in other ownership as of January 1 or converts real property from a taxable to an exempt use must apply for and provide proof that under the specific RCW section and appropriate WAC, the property is entitled to exemption or continued exemption from time of transfer or conversion. ~~((Organizations seeking exemption under the provisions of this rule shall, within 60 days of conversion to an exempt use, make application to the department of revenue, or shall make a request for an extension of time, in writing, prior to the expiration of the 60 day period. If the extension is requested for good cause, therein the department may grant an extension.~~

~~If filed after the expiration of the 60 day period a late filing penalty shall be imposed pursuant to WAC 458-16-111 and RCW 84.36.825.))~~

When organizations acquire or convert real property to an exempt use, the property will upon approval of the application for exemption, be entitled to a cancellation or refund of the taxes or the prorata portion of taxes payable for the remaining portion of the year from the date of acquisition or conversion plus exemption for the following year. If the taxes have been paid or if the timing of granting the exemption requires it, the department of revenue will reconvene the June session of the county board of equalization, under the provisions of RCW 84.56.400, in order to cancel the taxes and/or to institute a refund as provided in chapter 84.69 RCW.

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-150 CESSATION OF USE—TAXES COLLECTIBLE. Upon cessation of any use exempted under RCW 84.36.030, 84.36.037, 84.36.040, 84.36.050 and 84.36.060, the taxes that would have been paid had the property not been exempt during the three years preceding, or for the life of the exemption, if such be less than three years, shall be collectible.

If the property has been exempt for more than ten years the rollback will not be implemented.

The property owner, county assessor, or any other public official having information or knowledge of any change in use, including lease or rental of all or a part of

such properties, which may constitute cessation of use, shall notify the department of any such changes in use which may be brought to their attention. The department shall notify the current property owner, and the legal owner previously granted exemption, of the reported change in use and shall examine the property to determine if the reported change has taken place. The property owner shall have 30 days from the time of notification by the department to submit any information which may be relevant to the question of changing use.

The department shall determine, upon the information supplied by the assessor or the public official, the property owner, or from the inspection of the property, whether such a cessation of use as warrants the rollback has occurred.

The county treasurer, upon notification from the department of revenue, shall compute the taxes payable, together with interest, at the same rate and computed in the same manner as that upon delinquent property taxes. The tax shall be distributed by the county treasurer in the same manner as ~~((the current years))~~ taxes ~~((are))~~ were distributed for those years that taxes would have been paid if the property had not been exempt. The interest shall be placed in the county current expense fund. If such a cessation of use involves a portion of the total property, the taxes collectible shall attach to only that portion affected. The rollback will be implemented only upon transfer of the property or when 51% or more of the property has ceased to qualify for exemption. The percentage of nonqualifying use will be determined separately for the land and improvements.

If the cessation of use resulted solely from one of the six conditions identified as (3)(a) through (f) in RCW 84.36.810, the provisions of this section shall not apply.

Lease or rental of all or part of such properties may constitute a cessation of use and knowledgeable authorities should report same to the department of revenue.

"Relocation of the activity" means the use of another location or site for the same activity that was carried on at the original site to the extent that it is a new location or site, or it is an existing site whose facilities have expanded to accommodate the relocated activity.

Property exempted for an intended use, but never put to such use will be subject to a rollback for the life of the exemption when sold or put to a disqualifying use, or when it is determined the intended use will not be achieved.

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-210 NONPROFIT, NONSECTARIAN ORGANIZATIONS. (1) The real and personal property owned by nonsectarian organizations is exempt from taxation, provided that: ~~((+))~~ (a) The organization is nonprofit and is organized and conducted primarily for nonsectarian purposes, ~~((+))~~ (b) the property is ~~((solely))~~, except as provided in RCW 84.36.805 and subsections (2) and (4) of this section, used ~~((, or to the extent used;))~~ for character-building, benevolent, protective or rehabilitative social services directed at persons of all ages, and ~~((+))~~ (c) if these organizations

were not conducting these activities the government would provide this service.

These are the primary uses and the word "fraternal" is not among them, therefore, organizations whose main function is fraternal would not qualify under this section.

This exemption extends to property of nonprofit, nonsectarian organizations which are used for benevolent, protective or rehabilitative social services and those which are actually related to those purposes. If any portion of the property of the organization is used for commercial rather than nonsectarian purposes, that portion must be segregated and taxed. Thrift store operations, restricted to the sale of "donated merchandise" will not jeopardize the exemption if the claimant can verify the proceeds are directed to an exempt purpose.

Organizations claiming exemption on property used to provide short-term emergency shelter to homeless persons will upon request provide complete financial information regarding the claimed property, and will also provide the policy used in screening clients, the maximum term of stay, the fee schedule and the number of persons housed.

(2) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented, and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined generally accepted accounting principles.

(3) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(4) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue-raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization.

AMENDATORY SECTION (Amending Order PT 77-2, filed 5/23/77)

WAC 458-16-220 CHURCH CAMPS. The property owned by a nonprofit church or an organization or association comprised solely of churches or their qualified representatives which is, except as provided in RCW 84.36.805 and subsections (1) and (3) of this section, used exclusively or jointly used for organized and supervised recreational or educational activities and church purposes as related to such camp facilities are exempt from ad valorem taxation up to a maximum of 200 acres as selected by the church, including buildings and other improvements thereon.

~~((The rental or lease of such property shall not nullify this exemption, provided:~~

~~(1) The rental is to another nonprofit church or a nonsectarian organization or association, nonprofit school or college exempt under chapter 84.36 RCW for use by the lessee for organized and supervised recreational activities and church purposes as related to such camp facilities:~~

~~(2) And the rental income is devoted solely to the operation and maintenance of the property:))~~ (1) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles.

(2) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(3) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue-raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or

other activities which enhance the reputation of the organization.

It shall be the burden of the organization owning the property to insure that the lessee abides by the terms of the statute under which the exemption is obtained and provide evidence of compliance upon request.

AMENDATORY SECTION (Amending Order PT 77-2, filed 5/23/77)

WAC 458-16-230 CHARACTER BUILDING ORGANIZATIONS. (1) Property, including buildings and improvements required for the maintenance and safeguarding of such property, which is owned by organizations and associations engaged in character building of boys and girls under eighteen years of age, is exempt from taxation to the extent that it is, except as provided in RCW 84.36.805 and subsections (2) and (4) of this section, solely used, or to the extent used, for such purposes and uses: PROVIDED, That ((+)) (a) the group is nonprofit, and ((+)) (b) the purposes of the group are for the general good and its properties are devoted to the general public benefit. Only that property solely used is exempt, and property used for other purposes, whether commercial or otherwise, must be segregated and taxed.

If the existing charters of such organizations or associations provide for services to boys and girls up to the age of twenty-one years, then such organizations or associations shall be deemed qualified under this rule.

~~((The rental of property otherwise exempt under this rule to another nonprofit organization or association exempt under this rule, a nonprofit church organization, a nonsectarian organization or association, a school or college exempt under the provisions of RCW 84.36.050, or to a public school, for the purposes set forth in this rule, shall not nullify the exemption provided for in this rule so long as the rental income is devoted solely to the operation and maintenance of the property.))~~ (2) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles.

(3) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(4) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization.

AMENDATORY SECTION (Amending Order PT 77-2, filed 5/23/77)

WAC 458-16-240 VETERANS ORGANIZATIONS. (1) Property of veterans organizations, which are recognized by the department of defense and nationally chartered, are exempted from taxation. To qualify, these organizations shall have as their general purpose and objectives; ((+)) (a) the preservation of war memorials and associations, and ((+)) (b) consecration of their efforts toward mutual helpfulness and patriotic or community services. ((The exemption is not lost if the property is devoted partially to commercial use so long as the profit derived is not retained by any members of the general organization, but is used exclusively in reasonable furtherance of the patriotic and community services of the organization. (AGO 9-3-1943; TCR 5-22-1939) However, where property owned by a veteran organization is primarily used for commercial purposes, the exemption for that portion of the property used primarily for commercial purposes is lost, whether or not the profits derived are used in furtherance of the purpose of the organization. (TCR 2-11-1941; TCR 1-14-1947)) To be exempt the property must be, except as provided in RCW 84.36.805 and subsections (2) and (4) of this section, used for the purposes and objectives of the organization.

(2) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles.

(3) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(4) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue-raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization.

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-260 DAY CARE CENTERS, LIBRARIES, ORPHANAGES, HOMES FOR THE AGED, HOMES FOR SICK OR INFIRM, HOSPITALS. Buildings, grounds, and other real and personal property to the extent used, except as provided for in RCW 84.36.805 and subsections (8) and (10) of this section, by the following institutions are exempt from taxation:

- (1) Day care centers, as defined by RCW 74.15.020;
- (2) Preschools;
- (3) Free public libraries;
- (4) Orphanages and orphan asylums;
- (5) Homes for the aged;
- (6) Homes for the sick or infirm;
- (7) Hospitals for the sick including any portion of the hospital building or other buildings used as a nurse's home or residence for hospital employees, or operated as a portion of the hospital unit.

((To qualify under this rule, the organization must be nonprofit. Nonprofit means no part of the organization's income may be paid directly, or indirectly to its members, stockholders, officers, directors, or trustees except:

(a) In the form of services rendered by the organization, association, or corporation in accordance with its purposes and by laws.

(b) The salary or compensation paid to officers of such organization, association, or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state.))

Any portion of property owned by an organization which is used in a manner not furthering the purposes of the institution, (for example, hospital property used by a physician for private practice) must be segregated and taxed. (AGO 7-3-1935)

Property owned by an organization exempt under this rule which is irrevocably dedicated to the purposes of the

organization is included in this exemption: PROVIDED, That the organization can evidence irrevocable intent to put the property to a qualifying use. The forms of proof set forth in WAC 458-16-200 may be utilized for this purpose. To be exempted, the property must be in use or under construction which is designed for use.

The superintendent or manager of the organization claiming exemption under this statute shall allow the department of revenue access to the books and records of the organization and shall make, under oath, a report to the department showing that the income and receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it, or for its capital expenses and to no other purposes, also including a statement of the receipts and the disbursements of said organization.

((Real property owned by any organization, corporation, or association exempted under the provisions of RCW 84.36.040 which is leased or rented to another individual or organization shall be segregated and taxed.)) An exemption may be granted to the real or personal property leased or rented by any organization, corporation, or association exempted under the provisions of RCW 84.36.040 and used exclusively by it: PROVIDED, That the benefit of the exemption inures to the user. Such property must be specifically identified as leased in filing for exemption.

For the purposes of this rule a "hospital" is an organization primarily engaged in providing medical, surgical, nursing and/or related health care services in the prevention, diagnosis or treatment of human disease, pain, injury, disability, deformity or physical condition, or mental illness or retardation, and the equipment and facilities used by such organization to deliver such services on an inpatient basis. This definition shall include any portion of a hospital building, or other buildings used in connection therewith, and the equipment therein, operated as a portion of the hospital unit, or used as a residence for persons engaged or employed in the operation of a hospital.

(8) The loan or rental of this property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles.

(9) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(10) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue-raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization.

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-270 SCHOOLS AND COLLEGES. The property owned or used by any nonprofit school or college within this state shall be exempt to the extent that:

(1) The property is used ((solely)) for educational purposes, or ((the revenue derived therefrom, be devoted exclusively to the support and maintenance of such institutions, provided such revenue is derived from an incidental, not commercial, use. An example of which would be the occasional lease of the gymnasium, field house, or auditorium;)) cultural or art educational programs as defined in RCW 82.04.4328. The term "educational purposes" includes systematic instruction in any and all branches of learning from which a substantial public benefit is derived. In addition, the term "educational purposes" includes all purposes which seek to promote education.

(2) The real property so exempt shall not exceed four hundred acres in extent and except as provided in RCW 84.36.805 and subsections (6) and (8) of this section shall be used exclusively for college or campus purposes. College or campus purposes shall be construed to mean that the need for such property would be nonexistent, but for the presence of such school or college and ((which are)) the property is principally designed to further the educational functions of such college or schools. As used in this subsection, the term "educational functions" means any function, action, or activity sponsored by the nonprofit school, which promotes education or advances educational purposes.

(3) Institutions claiming exemption for property which is not a portion of the main campus must provide in detail when requested by the department of revenue:

- (a) The courses taught on site;
- (b) A calendar of uses; and
- (c) The number of students participating on site.

((Property unmaintained and only seldom used must be segregated and taxed;

(3))) (4) The institution must be open to all persons on equal terms. However, there is no limitation on the

types of courses which the institution may offer. ((Wilson's Modern Business College v. King County, 4 Wn.2d 636 (1940); AGO 1927-1927, p.854.))

(5) For purposes of this exemption, "schools and colleges" will mean (a) those nonprofit educational institutions which are either accredited by the state or whose students and credentials are accepted without examination by schools and colleges established under Title 28A or 28B RCW and which offer to students an educational program of a general academic nature, or (b) those nonprofit institutions ((which are privately endowed under a deed of trust to offer instruction in trade, industry and agriculture. Specialty or trade schools not offering a general academic program, and not endowed under a deed of trust are not included in this exemption. (WAC 458-20-114)

Real)) meeting the following criteria:

(i) It must have a definable curriculum for a specific group with definable and measurable outcomes;

(ii) It must have a qualified and/or certified faculty;

(iii) It must have facilities and equipment that are designed for the primary purpose of the educational program;

(iv) It must have an attendance specification;

(v) It must have a schedule or course of study supporting the instructional curriculum;

(vi) It must have accreditation or recognition by a professional association.

(6) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the term and portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805); PROVIDED, HOWEVER, That the loan or rental of school or college property to other nonprofit organizations, for periods of less than fifteen days shall not be subject to the restrictions of this subsection so long as all income received therefrom is devoted exclusively to the support and maintenance of the school or college. Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles. Property of ((institutions exempted under this rule which is)) nonprofit schools owned, controlled, rented or leased for the purpose of deriving revenue from it, shall not be exempt and must be segregated and taxed whether or not such revenue is devoted to educational purposes. ((AGO 5-10-1944; Wilson's Modern Business College v. King County, 4 Wn.2d 636 (1940).)) For purposes of this subsection the term "revenue" means income received by the school or college for the loan, lease, or rental of its property when such income exceeds the amount of the maintenance and operation expenses attributable to the term and portion of the property loaned or rented.

(7) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(8) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue raising activity limited to less than five days in length including but not limited to art auctions, use of school property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the school or college, or the use of school property for any educational purpose.

(9) Institutions claiming exemption within this rule shall allow the department of revenue access to all books and records of the institution and shall annually make, under oath, a report to the department showing that the income and receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it or for capital expenses for endowments, the income of which shall be used for the operation, maintenance or capital expenditures and to no other purpose, also including a statement of the receipts and disbursements of said organization. In addition, institutions claiming exemption under this rule shall submit a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it during the preceding year, the use to which the revenue was applied, the number of students in attendance at the institution, the total revenues of the institution and the source from which they were derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail.

AMENDATORY SECTION (Amending Order PT 81-13, filed 10/8/81)

WAC 458-16-280 ART, SCIENTIFIC AND HISTORICAL COLLECTIONS—FIRE COMPANIES—HUMANE SOCIETIES. (1) All art, scientific, or historical collections, together with all real and personal property used exclusively, except as provided in RCW 84.36.805 and subsections (4) and (6) of this section, for the safekeeping, maintaining or exhibiting of such, which are maintained or exhibited for the general public and not for profit, shall be exempt from taxation under the following conditions:

(a) Such organization must be organized and operated exclusively for artistic, scientific, historical, literary or educational purposes, and

(b) Receive a substantial part of its income (exclusive of income received in the exercise or performance by such organization of its purpose or function) from the United States, any state or political subdivision thereof, or from direct or indirect contributions from the general public.

(2) Fire engines and other implements used to put out fires, and the buildings or fire stations to the extent that they are exclusively used for the safekeeping of such equipment, and to hold fire company meetings, shall be exempt, provided that such properties are owned by either a city, town or nonprofit fire company.

(3) Property within the state which is owned and actually used by humane societies shall be exempt. ((BTA 11213)))

(4) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles.

(5) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(6) The use of the property for fund-raising activities sponsored by the exempt organization does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue-raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization.

AMENDATORY SECTION (Amending Order PT 81-14, filed 10/8/81)

WAC 458-16-282 MUSICAL, DANCE, ARTISTIC, DRAMATIC AND LITERARY ASSOCIATIONS. The real and personal property owned by or leased to nonprofit organizations whose purpose is to produce and/or perform musical, dance, artistic, dramatic or literary works, for the benefit of the general public and not for profit (~~(, shall be exempt from taxation)~~). To be exempt the property must be used exclusively, except as provided for in RCW 84.36.805 and subsections (5) and (7) of this section, in accordance with the following rules:

(1) Must be organized and operated exclusively for the purpose of the exemption.

(2) Must receive a substantial portion of its support, exclusive of moneys received from admissions to its performances, from governmental entities or from direct or indirect contributions of money, real or personal property and/or services from the general public. Organizations relying on services donated by the general public to meet the substantial portion of its support, must maintain records identifying the individuals and the number of hours donated. Donated time will be valued under the federal minimum wage standards.

(3) Applications for leased property must include a copy of the lease agreement.

(4) The property meets all the conditions of RCW 84.36.800 through 84.36.865.

(5) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in generally accepted accounting principles.

(6) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(7) The use of the property for fund-raising activities sponsored by the exempt organization does not subject

the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted. The term "fund raising" means any revenue-raising activity limited to less than five days in length including but not limited to art auctions, use of the property by professional organizations for conferences, seminars, or other activities which enhance the reputation of the organization.

WSR 85-05-026**ADOPTED RULES****DEPARTMENT OF****LABOR AND INDUSTRIES**

[Order 85-1—Filed February 15, 1985]

I, [R. A. Davis], director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to the amending of several sections of chapter 296-150A WAC, rules and regulations for factory-built housing and commercial structures and governor's advisory board administrative rules. The amended sections are: WAC 296-150A-005 clarifies the provision for applicable in-plant inspections of closed construction not inspectable after delivery to the site; 296-150A-016 adds definitions for (27) closed construction, (28) listed factory-built structure and component manufacturer, (29) local enforcement agency compliance control, (30) shell house, (31) service core, and (32) technical service; 296-150A-040 is amended to allow the department to notify the applicant within a reasonable time of plan deficiencies; 296-150A-100 is amended to read that a complaint must be made by an occupant within one year after occupancy; 296-150A-105, "application" fee is amended to read "minimum inspection" fee; 296-150A-125, the term "violations" is amended to read "noncompliance"; and 296-150A-300 is amended to adopt the 1982 edition of the Uniform Building Code, the 1984 edition of the National Electrical Code, the 1982 edition of the Uniform Mechanical Code, and the 1982 edition of the Uniform Plumbing Code.

This action is taken pursuant to Notice No. WSR 84-22-033 filed with the code reviser on November 5, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.22.470, 43.22.480 and 43.22.490 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 21, 1985.

By R. A. Davis
Director

AMENDATORY SECTION (Amending Order 82-19, filed 5/20/82)

WAC 296-150A-005 APPLICATION AND SCOPE. (1) This chapter implements the provisions of RCW 43.22.450 through 43.22.490, which cover the construction and approval of factory-built structures. The provisions apply to the in-plant inspection of closed construction not inspectable after delivery to the site.

(2) This chapter applies to:

- (a) Factory-built structures;
- (b) Components; and
- (c) Equipment and installations intended to be used in factory-built structures and components.

AMENDATORY SECTION (Amending Order 82-19, filed 5/20/82)

WAC 296-150A-016 DEFINITIONS. For the purposes of this chapter:

(1) "Alteration" means the replacement, addition, modification, or removal of any equipment or installations that affect the construction, structural members, fire safety, or occupancy classification, or the plumbing, heating, or electrical systems, of a structure or component.

The following are not alterations unless they are made to repair damage caused by fires, floods, or wrecks in transit or during installation:

- (a) Repairs with approved parts;
 - (b) Modification of a listed fuel-burning appliance in accordance with the terms of its listing;
 - (c) Replacement of equipment with similar equipment; and
 - (d) Adjustment and maintenance of equipment.
- (2) "Approved" means approved by the department.
- (3) "Audit" means an inspection to examine for compliance a manufacturer's production and compliance control procedures.

(4) "Building site" means a tract, parcel, or subdivision of land on which a structure is or will be installed.

(5) "Compliance control" means the plan and method for ensuring that the in-plant manufacture, fabrication, assembly, or erection of structures, components, and installations, and the storing, handling, and use of materials, complies with this chapter.

(6) "Component" means a discrete element that is not inspectable at the time of installation either in the factory or in a site-built unit, but is:

- (a) Designed to be installed in a structure;
- (b) Manufactured as a unit; and
- (c) Designed for a particular function or group of functions.

A component may be a floor, wall panel, roof panel, plumbing wall, electrical service wall, heating assembly, or similar assemblies. "Component" includes service cores, but does not include roof trusses.

(7) "Consumer" means a person, firm, corporation, agency, or governmental body, other than a manufacturer or dealer, that buys or leases a structure for his, her, or its own use.

(8) "Custom structure" means a one-of-a-kind structure.

(9) "Dealer" means a person, company, or corporation authorized to engage in the business of leasing, selling, offering for sale or lease, buying, or trading structures.

(10) "Department" means the Washington state department of labor and industries.

(11) "Design option" means a design that a manufacturer may use as an option to its design plan.

(12) "Design plan" means a plan for construction of a structure or component.

(13) "Equipment" means all materials, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, installation, or alteration of structures and components.

(14) "Factory-built structure" means a structure that is designed for occupation or use, or is occupied or used by persons; and that complies with the Uniform Building Code. "Factory-built structure" includes factory-built housing and commercial structures.

(15) "Independent inspection agency" means an organization that is in the business of inspecting structures, components, or equipment.

(16) "Insignia" means a label, stamp, or tag issued by the department to indicate that the structure or component bearing the insignia complies with this chapter.

(17) "Install" means to erect, construct, assemble, or set in place a structure, component, or piece of equipment at a building site or in another structure or building.

(18) "Labeled" means bearing the department's insignia or a label of approval from a testing or listing agency.

(19) "Lease" means an oral or written contract for the use, possession, or occupancy of property. It includes rent.

(20) "Listed" means that a piece of equipment, a component, or an installation appears in a list published by an approved testing or listing agency.

(21) "Listing agency" means an organization that is in the business of approving equipment or installations.

(22) "Local enforcement agency" means a city or county agency that enforces its laws or ordinances governing the construction and installation of structures ((and)), components, and buildings that are inspectable at the site.

(23) "Manufacturing" means making, fabricating, forming, or assembling a structure, component, equipment, or installation.

(24) "Structure" means a factory-built structure of closed construction rendering it not inspectable at the site that is entirely or substantially prefabricated or assembled at a factory or a place other than the building site on which the structure will be installed.

(25) "System" means a part of a structure or component that is designed to serve a particular function, such as a structural, plumbing, electrical, heating, or mechanical system.

(26) "Testing agency" means an organization that is in the business of testing equipment, installations, or systems.

(27) "Closed construction" means a factory assembled structure or component that may enclose a factory-installed mechanical, electrical, or plumbing equipment

and is not open for visible inspection of the equipment, systems, or structure at the site.

(28) "Listed factory-built structure and component manufacturer" means a manufacturer who has paid its filing fee and has submitted applications, plans and fees to the FBH-CS Section and by such proposes to manufacture pursuant to these rules and regulations.

(29) "Local enforcement agency compliance control" means an inspection program implemented and maintained by a local enforcement agency under department certification and audit procedures.

(30) "Shell house" means factory-built housing and/or a commercial structure having incomplete construction to such an extent that it is inspectable at the site.

(31) "Service core" means a factory-assembled three-dimensional section of a building that may include installed elements containing mechanical, electrical, plumbing, heating and cooling elements, and related systems. These units may contain the kitchen, one or more bathrooms, and a utility room complex. Service cores are sometimes referred to as wet boxes, mechanical cores, or utility cores.

(32) "Technical service" means research, evaluation, consultation, plan examination, interpretation, and clarification by the department of technical data relating to the application of these rules and regulations, but not including inspections.

AMENDATORY SECTION (Amending Order 82-19, filed 5/20/82)

WAC 296-150A-040 DEPARTMENT CHECK OF THE DESIGN PLAN. The department shall check a design plan for compliance with this chapter. If the design plan does not comply with this chapter, the department shall notify the applicant in writing, within a reasonable time, of the deficiencies in the plan. The applicant may resubmit a corrected design plan pursuant to WAC 296-150A-045.

If the department does not find any areas in which the design plan does not comply with this chapter, the department will send the applicant a letter stating the applicant's manufacturer number and the plan number for the design plan. The applicant may begin construction of the structure or component upon receipt of the letter from the department.

The applicant must keep a copy of the design plan at each location at which it is building the structure or component described by the design plan.

AMENDATORY SECTION (Amending Order 82-19, filed 5/20/82)

WAC 296-150A-100 COMPLAINT INVESTIGATIONS. A person may complain in writing within one year after occupancy to the department about a structure or component. The complaint should describe the items that the person feels do not comply with this chapter. The department will send a copy of the complaint to the manufacturer and the dealer. The manufacturer and dealer have 30 days to respond. The department shall base its actions on the response.

If the department decides an investigation is necessary and discovers that the unit inspected violates this chapter, the manufacturer or dealer shall pay the cost of the inspection. If the department does not discover any violations, the complainant must pay the fees.

AMENDATORY SECTION (Amending Order 82-19, filed 5/20/82)

WAC 296-150A-105 FEE REQUIRED IF A STRUCTURE OR COMPONENT IS NOT READY FOR INSPECTION. If a manufacturer or person applies to the department for an inspection of a structure or component, and the structure or component is not ready to be inspected at the time or place specified in the application, the manufacturer or person must pay the department the ((application)) minimum inspection fee and any travel and per diem expenses.

AMENDATORY SECTION (Amending Order 82-19, filed 5/20/82)

WAC 296-150A-125 NOTICE OF ((VIOLATIONS)) NONCOMPLIANCE. If an inspection or investigation reveals that a structure or component ((violates)) does not comply with this chapter, the department shall give or mail a notice of ((violations)) noncompliances to the owner, dealer, manufacturer, or other person responsible for the ((violation)) noncompliance. The notice of ((violation)) noncompliance shall describe how the structure or component ((violates)) does not comply with this chapter.

A person who receives a notice of ((violations)) noncompliances must, within ten days after receipt, notify the department in writing of the action he or she has taken or will take to correct the ((violation)) noncompliance. If the person has not corrected the ((violation)) noncompliance within ten days after receipt of the notice, or within any other period of time allowed by the department, the department may confiscate the insignia assigned to the structure or component.

No person who has received a notice of ((violations)) noncompliances may move, cause to be moved, or allow another person to move the structure or component to which the notice refers until the ((violations)) noncompliances have been corrected, the corrections have been inspected and approved by the department, and the person has paid the appropriate inspection and insignia fees.

AMENDATORY SECTION (Amending Order 82-19, filed 5/20/82)

WAC 296-150A-300 CONSTRUCTION STANDARDS FOR FACTORY-BUILT STRUCTURES. Factory-built structures must comply with the following codes, except where a state law supersedes a code provision.

(1)(a) The design and fabrication of factory-built structures must comply with the Uniform Building Code, Appendix (except for chapter 35), and Standards ((+1979)) 1982 editions). The "building official" mentioned in the Uniform Building Code means the assistant director of the department's building and construction

safety inspection services division or his or her authorized representative.

(b) Live loading designs must comply with the Uniform Building Code. Live loading for roofs must comply with Section 2305(d), Snow Loads, and may not be less than 25 pounds per square foot.

(2) Electrical equipment, installations, and systems in or on factory-built housing and commercial structures must comply with the National Electrical Code ((+1981)) 1984 edition published by the National Fire Protection Association, as amended by chapter 19.28 RCW and the rules adopted under that chapter.

(3) Mechanical equipment, installations, and systems in or on factory-built housing and commercial structures must comply with the Uniform Mechanical Code ((+1979)) 1982 edition published by the International Association of Plumbing and Mechanical Officials, including Appendix B of chapter 22 and the standards.

(4)(a) Plumbing equipment, installations, and systems in or on factory-built housing and commercial structures must comply with the Uniform Plumbing Code ((+1979)) 1982 edition published by the International Association of Plumbing and Mechanical Officials. The code, however, shall not apply to gas piping, water heaters, or vents for water heaters.

(b) A manufacturer may not use plastic drain, waste, or vent pipe for laundries, laundromats, cleaners, service stations, repair garages, restaurants, snack bars, hospitals, nursing homes, medical clinics, manufacturing plants, factories, assembly buildings, theatres, or schools, or other buildings used for education, unless the pipes will carry only domestic sewage.

(5) All factory-built structures that are not residential dwellings must comply with the rules adopted pursuant to RCW 19.27.030(5), which requires manufacturers to make buildings and facilities accessible to and usable by the physically handicapped and elderly persons.

(6) All factory-built structures must comply with the Washington State Energy Code set by chapter 51-12 WAC as of March 1, 1982.

WSR 85-05-027
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 85-2—Filed February 15, 1985]

I, R. A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to the amending of one item in WAC 296-150B-990, fees. The fees for inspections of HUD-labeled mobile homes are changed from \$32.00 minimum plus \$16.00 for every half-hour over one hour to \$23.00 per floor for routine inspections and \$50.00 minimum plus \$25.00 per half-hour over one hour for nonroutine inspections.

This action is taken pursuant to Notice No. WSR 84-24-055 filed with the code reviser on December 5, 1984. These rules shall take effect thirty days after they are

filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.22.350 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 11, 1985.
By R. A. Davis
Director

AMENDATORY SECTION (Amending Order 82-37, filed 12/6/82)

WAC 296-150B-990 FEES.

- (1) Initial manufacturer filing fee: \$ 25.00
- (2) Fees for application for design plan approval. The fees listed in this subsection cover the application filing fee and one hour of examination time. The applicant will be required to pay for examination time beyond the base hours pursuant to the fees set in subsection (6).
 - (a) Fee for application for commercial coach, recreational vehicle, or component design plan approval: \$ 70.00
 - (b) Fees for resubmittals of a design plan for a commercial coach, recreational vehicle, or component: \$ 50.00
- (3) Design plan renewal fees.
 - (a) Renewal of an unexpired and unrevoked commercial coach or recreational vehicle design plan or related group of plans: \$ 30.00
 - (b) Renewal of an expired or revoked design plan: 100% of fee for new design plan.

- (4) Fee for transfer of design plan approval to a different manufacturer: \$100.00
- (5) Fee for filing a commercial coach, recreational vehicle, or component quality control manual: \$ 10.00
- (6)(a) Fee for inspections, examinations of design plans, and other technical services performed by the department; other than inspections, examinations, and services for a HUD-labeled mobile home before it is sold or leased to a consumer: \$50.00 minimum plus \$25.00 for every half-hour or fraction of a half-hour over one hour.
- (b) Fee for inspections, examinations, and other technical services performed by the department for a HUD-labeled mobile home before it is sold or leased to a consumer: (~~(\$32.00 minimum plus \$16.00 for every half-hour or fraction of a half-hour over one hour.)~~) \$23.00 per floor for routine inspections; \$50.00 minimum plus \$25.00 for every half-hour or fraction of a half-hour over one hour for nonroutine inspections and reinspections.
- (7) Insignia fees.
 - (a) For each recreational vehicle: \$ 20.00
 - (b) For each single width commercial coach, or for the first section of a multiple section commercial coach: \$ 15.00
 - (c) For each additional section of a multiple section commercial coach: \$ 10.00
 - (d) For each service core: \$ 50.00
 - (e) For each component other than a service core: \$ 10.00
 - (f) For each reissuance of a mobile home, commercial coach, or recreational vehicle insignia: \$ 10.00
 - (g) For each alteration insignia: \$ 25.00
- (8) Fee for each notification to a local enforcement agency: \$ 15.00
- (9) Travel fees and expenses. If a manufacturer or other person requests an inspection or other technical service outside the state, the manufacturer must prepay the travel expenses of the department's employees on an estimated basis to be corrected after the inspections are completed. The department will not charge for travel expenses incurred for inspections or other services performed in Washington. The expenses shall be calculated pursuant to the following list:
 - (a) Surface travel, per mile: \$.185
 - (b) Air travel: Cost of air fare based on published rates.

- (c) Hourly charge for travel time: \$25.00 per half-hour or fraction of a half-hour.
- (d) Expenses: Expenses include, but are not limited to, car rental, parking lot charges, and personal expenses. Personal expenses, including food, lodging, and per diem, shall be calculated pursuant to the allowances and costs set by the Washington State Office of Financial Management.
- (10) Fee for change in manufacturer's or dealer's name, address, or ownership: \$ 15.00

WSR 85-05-028
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 85-5—Filed February 15, 1985]

I, R. A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to the amending of WAC 296-150B-300, 296-150B-305 and 296-150B-310 to adopt the 1982 ANSI standards.

This action is taken pursuant to Notice No. WSR 84-24-057 filed with the code reviser on December 5, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.22.340 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 11, 1985.
 By R. A. Davis
 Director

AMENDATORY SECTION (Amending Order 82-4, filed 2/2/82)

WAC 296-150B-300 CONSTRUCTION REQUIREMENTS FOR MOBILE HOMES. Alterations and repairs to mobile homes made after sale to a dealer shall comply with this section.

(1) Subject to the exceptions in subsections 2 and 3, mobile homes must comply with the ((1977)) 1982 edition of the Standard for Mobile Homes, as adopted by the National Fire Protection Association (NFPA) and approved by the American National Standards Institute (ANSI) in ANSI/NFPA 501B ((1977)) 1982.

(2) Mobile homes need not comply with Chapter 1, 1-2 Definitions Common to Chapters 1-5 (see WAC 296-150-015).

(3) Mobile homes must comply with the following provisions of ANSI/NFPA 501B ((1977)) 1982, as amended. Chapter 4, Section 4-6.3.5 Installation of Solid Fuel-Burning Fireplaces and Fireplace Stoves. Subsection (A)1. is amended to read: "A listed factory-built chimney designed to be attached directly to the fireplace or fireplace stove shall be used. The listed factory-built chimney shall be equipped with and contain as part of its listing a termination device and a spark arrester." Subsection (A)3. is amended to read: "The combustion air inlet shall conduct the air directly into the fire chamber and shall be designed to prevent material from the hearth dropping into the area beneath the mobile home."

AMENDATORY SECTION (Amending Order 82-4, filed 2/2/82)

WAC 296-150B-305 STANDARDS FOR RECREATIONAL VEHICLES. (1) Subject to the exceptions in subsection (2), recreational vehicles must comply with the ((1977)) 1982 edition of the Standard for Recreational Vehicles, as adopted by the National Fire Protection Association (NFPA) and approved by the American National Standards Institute (ANSI) ANSI/NFPA 501C (((1977))) 1982 edition).

(2) Recreational vehicles need not comply with the following provision of ANSI/NFPA 501C ((1977)) 1982.

(a) Delete Section 4-7.6.4 and exceptions No. 1 and No. 2 of Chapter 4, Electrical Systems. See WAC 296-150B-310.

(b) Delete the note in Section 3-6.2.2 in Chapter 3, Heating/Air Conditioning, and add the following exception:

A fuel-burning refrigerator may be installed to meet the above requirements using panels provided by the recreational vehicle manufacturer if the refrigerator manufacturer furnishes the necessary vents and grills as specified by the listing requirements and the refrigerator is equipped with the necessary means to ensure the integrity of the separation of the combustion system when the refrigerator is removed for field service and reinstalled.

(c) Delete Section 4-4.1 from Chapter 4, Electrical Systems. See WAC 296-150B-315.

AMENDATORY SECTION (Amending Order 82-4, filed 2/2/82)

WAC 296-150B-310 CONSTRUCTION REQUIREMENTS FOR RECREATIONAL VEHICLES—POWER-SUPPLY ASSEMBLY. In accordance with Sections 4-7.6.4 and 4-7.4.4 of Chapter 4 of ANSI/NFPA 501C ((1977)) 1982, any recreational vehicle with a rating that exceeds 30 amperes, 120 volts, shall use an approved, listed, and appropriately rated 120/240 volt power-supply assembly. However, if a recreational vehicle has a dual power supply source that consists of a generator and a power-supply cord, the recreational vehicle must comply with Section 4-7.8 of Chapter 4 of ANSI/NFPA 501C ((1977)) 1982.

WSR 85-05-029
EMERGENCY RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Order 216—Filed February 15, 1985]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to special pay ranges, amending WAC 356-15-130.

We, the State Personnel Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule was brought before the above board and adopted effective February 15, 1985.

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

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 14, 1985.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 181, filed 3/25/83)

WAC 356-15-130 SPECIAL PAY RANGES. These ranges are used to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

(1) "E" Range: This range is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "E" range is a standard range with the first four steps removed. Thus, the first step of such a range is the same as step E of the standard range having the same range number. Periodic increases through the steps of this range are made at the same time intervals as through standard ranges, i.e., a two-step increase after six months at step E and two annually thereafter up to the maximum step of the range.

(2) "L" Range: This special range is used only for the class of Liquor Store Clerk (0628). The "L" range was designed to more closely parallel the prevailing pay structure for retail clerks in private industry. Periodic increases through the steps of the "L" range are made at the same time intervals as through a standard range. Normal progression is steps A, D, G and K, which represents ten percent per periodic increase.

(3) "T" Range: Used only for the classes of Institution Teachers. These ranges are constructed by identifying Step K of the correspondingly numbered regular State ranges as "Step 10" of the T-range; the lower nine steps of the T-range are each two regular-range steps (approximately 5%) apart. Advancement through these ranges is at the rate of one step per year.

(4) "V" Range: Used only for the classes of Teachers of the Deaf or Blind and Principals, School for the Deaf or Blind. "V" ranges are the same as the current ranges of Vancouver, Washington School District #37 for certificated employees of similar background and experience. Advancement through the range is at the rate of one step per year.

(5) "F" Range: This range is always 10 ranges higher than the range approved for Lottery District Sales Representative and it may be applied only to that class. Use of this range is limited to sales incentive programs which: (1) may not exceed 10 weeks for any program; (2) may not exceed 4 programs in any consecutive 12 months; (3) require achievement of specific goals which are set for each program by the Lottery, such goals to be in excess of normal performance standards for the class.

The Lottery is authorized to compensate individual employees on the "F" range for not more than three months as a result of any one sales incentive program, with the number of months stipulated in the incentive program announcement. Within these limits, movement of any employee to and from the "F" range will be at the discretion of the Lottery, and shall be from and to the same step, subject to change by the employee's periodic increase date.

WSR 85-05-030
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Order 217—Filed February 15, 1985]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin,

Olympia, WA 98504, that it does adopt the annexed rules relating to:

- Amd WAC 356-05-050 Basic salary range.
 Amd WAC 356-15-070 Split shift—Provisions and compensation.
 Amd WAC 356-26-030 Register designation.

This action is taken pursuant to Notice No. WSR 85-02-034 filed with the code reviser on December 31, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 14, 1985.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 209, filed 8/10/84)

WAC 356-05-050 BASIC SALARY ((~~RANGE~~)). The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

AMENDATORY SECTION (Amending Order 98, filed 1/13/77, effective 2/13/77)

WAC 356-15-070 SPLIT SHIFT PROVISIONS AND COMPENSATION. When an employee's assigned workshift is split ((~~e.g., 6 a.m. to 10 a.m., 4 p.m. to 8 p.m.~~)) with ((~~the~~)) a minimum of four intervening hours not worked((~~g~~)), she/he shall receive the premium rate set in the shift differential schedule for all hours worked. The provisions of WAC 356-15-060 (2) through (4) shall apply to employees working split shifts.

AMENDATORY SECTION (Amending Order 207, filed 6/22/84)

WAC 356-26-030 REGISTER DESIGNATION.
 (1) Agency reduction in force.

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-

35-010 and who have submitted to the director of personnel a current ((~~physician's~~)) statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the state personnel board at the time.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(ii) Employee's names shall not appear for classes at or below the range level of a class in which the employees are serving on a permanent fulltime basis, except when the employees have accepted options beyond a reasonable commuting distance in lieu of separation due to reduction in force. In the excepted cases, the employees' names may appear for classes at the same or lower range levels when the availability would return the employees back to their previous work locations.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

(i) This register will be ranked according to seniority.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction in force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-agency reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or in a position under the jurisdiction of the higher education personnel board were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency promotional.

(a) Composition.

(i) This register will be established by appropriate classes for each agency and shall include the names of those current permanent employees of each agency who have served six months of a probationary period, or past permanent employees who have been separated due to reduction in force within the last year and who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a ((physician's)) statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(5) Service-wide reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency or in a position under the jurisdiction of the higher education personnel board were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(7) Voluntary demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of ranking.

(i) This register shall be unranked. However, employees subject to reduction in force shall have priority.

(c) Life of register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(8) Service-wide promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees who have served six months of a probationary period or past permanent employees who have been separated due to reduction in force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the director of personnel a ((physician's)) statement from a physician or licensed mental health professional that they are physically and/or mentally able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(9) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and

an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction in force status and have been offered and declined employment. The director of personnel may extend the time during which an employee may apply for reemployment if the director of personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(10) Inter-system employment.

(a) Composition. This register shall contain the names of permanent classified employees under the jurisdiction of the higher education personnel board who have submitted an application and who have passed the required examination.

(b) Method of ranking. This register shall be ranked according to final passing score from the highest to the lowest.

(c) Life of register. An eligible's name will normally remain on this register for one year.

(d) Special provisions. Employees appointed from this register will serve a six month trial service period.

(11) Open competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of ranking.

(i) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

and Health Services intends to adopt, amend, or repeal rules concerning:

Rep	ch. 275-32 WAC	Special supervision—County juvenile probation programs.
Rep	ch. 275-34 WAC	Diversion.
New	ch. 275-35 WAC	Consolidated juvenile services programs.
New	ch. 275-37 WAC	Division of juvenile rehabilitation—Rules, practices and procedures.
Amd	WAC 275-110-040	Institutions and eligible impacted political subdivisions;

that the agency will at 10:00 a.m., Wednesday, March 27, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 3, 1985.

The authority under which these rules are proposed is RCW 13.06.030, 13.40.210 and 72.72.040.

The specific statute these rules are intended to implement is chapter 13.06 RCW and RCW 13.40.210 and 72.72.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 27, 1985.

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

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by March 13, 1985. The meeting site is in a location which is barrier free.

Dated: February 14, 1985

By: Edwin Porter

for David A. Hogan, Director

Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Repealing chapters 275-32 and 275-34 WAC, new chapters 275-35 and 275-37 WAC and amending WAC 275-110-040.

The Purpose of the Rule and Rule Changes: To repeal rules no longer applicable, adopt rules as required by RCW and amend rule to update information and correct errors.

Statutory Authority: RCW 13.06.030 for chapter 275-35 WAC, RCW 13.40.210(2) for chapter 275-37 WAC and RCW 72.72.040 for WAC 275-110-040.

Summary of the Rule and Rule Changes: Programs previously covered by chapters 275-32 and 275-34 WAC will now be covered by chapter 275-35 WAC, consolidated juvenile services. Chapter 275-35 WAC establishes rules for consolidated juvenile services and chapter 275-37 WAC establishes a rated bed capacity for DJR. The amendment of WAC 275-110-040 deletes a closed facility and makes other corrections.

WSR 85-05-031
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed February 15, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social

Person Responsible for the Drafting, Implementation and Enforcement of the Rule or Rule Change: Jerome M. Wasson, Director, Division of Juvenile Rehabilitation, mailstop OB 32, phone 753-7402.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 275-32-005	AUTHORITY.
WAC 275-32-010	DEFINITIONS.
WAC 275-32-015	COUNTY'S RESOLUTION OF INTENTION TO PARTICIPATE.
WAC 275-32-025	APPLICATION FOR PARTICIPATION.
WAC 275-32-035	ANNOUNCEMENT OF PROGRAM APPROVAL.
WAC 275-32-045	MODIFICATION OF APPROVED PROGRAM PLAN.
WAC 275-32-060	ELIGIBLE PROBATIONERS FOR SPECIAL SUPERVISION.
WAC 275-32-065	ASSIGNMENT OF FUNDS.
WAC 275-32-075	RESTRICTIONS ON SPENDING.
WAC 275-32-080	WORKLOADS FOR SPECIAL SUPERVISION PROGRAM.
WAC 275-32-085	FISCAL ACCOUNTABILITY AND DEPARTMENTAL AUDIT.
WAC 275-32-095	PROGRAM REVIEW AND MONITORING.
WAC 275-32-105	EXCEPTIONS TO RULES.
WAC 275-32-115	TREATMENT PLAN.
WAC 275-32-135	STANDARD COST AND WORKLOAD STANDARDS.
WAC 275-32-145	EARNING OF CREDITS.
WAC 275-32-155	COUNTY PLANNING PROCESS.
WAC 275-32-165	COUNTY'S COOPERATION WITH OTHER AGENCIES.
WAC 275-32-175	ALTERNATE PLANS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 275-34-010	DEFINITIONS.
WAC 275-34-020	PLANNING—COMMITTEES—CREATION OF PLANS.
WAC 275-34-030	PLANNING—SUBMISSION OF PLANS—TIME LIMITS.
WAC 275-34-040	STATE FUNDING.
WAC 275-34-050	PROGRAM PLAN—REQUIRED ELEMENTS.
WAC 275-34-060	DIVERSION UNIT—SPECIFICATIONS IN PLANS.
WAC 275-34-070	APPROVAL OF PLAN BY SECRETARY.
WAC 275-34-080	MODIFICATION OF APPROVED PLAN.
WAC 275-34-090	SEPARATE ADMINISTRATION—EXCEPTIONS.
WAC 275-34-100	EXCEPTIONS TO RULES.
WAC 275-34-110	PROGRAM REVIEW AND MONITORING.
WAC 275-34-120	REFUSAL OF SERVICES.
WAC 275-34-140	SUBSTANTIAL VIOLATION.

Chapter 275-35 WAC CONSOLIDATED JUVENILE SERVICES PROGRAMS

NEW SECTION

WAC 275-35-010 AUTHORITY. Rules and regulations relating to consolidated juvenile service programs are hereby adopted pursuant to chapter 13.06 RCW.

NEW SECTION

WAC 275-35-020 DEFINITIONS. (1) "Application" is the document requesting state funds for specific projects under the consolidated juvenile services program.

(2) "Consolidated juvenile services program" or "program" is that portion of the county's juvenile justice system providing services to a juvenile who has been adjudicated an offender or referred to a diversion unit.

(3) "Consolidated juvenile services review committee" or "review committee" means a group of individuals whose function is to provide input and review and make comments regarding the application. Said review committee shall be selected by the program administrator in consultation with the executive body and include, but not necessarily be limited to, representatives from the following: The executive's office, juvenile court judges and staff, law enforcement, prosecuting and defense attorneys, law and justice planning personnel, state-funded diversion units, educators, ethnic minorities, children services professionals, citizens, and private sector youth-serving groups.

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

(5) "Director" means the director of the division of juvenile rehabilitation or his or her designee.

(6) "Division" means the division of juvenile rehabilitation.

(7) "Juvenile justice system" or "system" means the organizational structure and process existing in the county for handling juvenile offenders.

(8) "Participating county" means a county or counties making application under this chapter.

(9) "Planning body" means that individual or group of individuals responsible for the development of the application.

(10) "Program administrator" or "administrator" means the person designated to administer the consolidated juvenile services (CJS) program. This will be the juvenile court administrator except in those counties choosing not to participate in CJS or in those instances where the juvenile court administrator chooses not to administer the program.

(11) "Project" is a single unit of work to be performed as part of a consolidated juvenile services program.

(12) "Project supervisor" or "supervisor" means a person designated to supervise a project or projects in the consolidated juvenile services program.

(13) "Regional administrator" means the regional administrator of one of the division's six administrative regions.

(14) "Regional plan" means the document approved by the division setting forth regional program emphasis and priorities for the ensuing funding period.

(15) "Secretary" means the secretary of the department of social and health services.

NEW SECTION

WAC 275-35-030 ESTABLISHMENT OF A CONSOLIDATED JUVENILE SERVICES PROGRAM. (1) Request to participate.

(a) A request by a county or group of counties to participate under these provisions shall include a resolution or letter of intent submitted to the division by the executive body expressing intent to participate.

(b) After official acceptance by the regional administrator, the county's application will be considered in determining the division's community program expenditure for the ensuing funding period.

(c) Other public and private sector agencies within the county shall be considered in the development of the application and may be included as subcontractors in the county's request for funding by the division.

(d) Other public and private sector agencies may apply directly to the division for program funds. In such instances said agencies shall be responsible to meet all obligations and requirements specified for participating counties under this chapter.

(2) Program planning process and approval.

(a) Based upon divisional goals, the regional administrator develops regional priorities to assist planning bodies in formulating local priorities and program strategies.

(b) Each participating county shall develop through its existing planning process a program application for the delivery of services to juvenile offenders and shall agree through submission of the application to comply with the provisions of this chapter.

(c) The application will be submitted to the review committee who will review and make comments, which shall include but not be limited to the following areas:

(i) The provision of services to identified offender groups and access to services by all offenders;

(ii) Efforts to identify and utilize existing community services;

(iii) The avoidance of service duplication;

(iv) The maintenance of existing county and private agency commitment of funds to juvenile offender programs;

(v) Appropriate linkage to and support from other elements of the county's existing juvenile justice system; and

(vi) The extent to which regional priorities have been considered.

(d) Prior to the submission of the application to the regional administrator, the comments of the review committee will be considered by the planning body who will, if needed, either modify the plan or attach to the plan the reasons for not making suggested modifications.

(e) Written guidelines and instructions for preparing the application will be provided by the division. The application shall be developed in consultation with the regional administrator to ensure the coordination of state, county, and private sector resources within regional boundaries and shall be submitted to the regional administrator for review and subsequent approval.

(f) The division may provide planning bodies and review committees with technical services in the development of the application.

(3) Definitions of juvenile offender groups. Applications submitted must address service components for at least the following groups of juvenile offenders:

(a) Divertees. Juveniles participating in diversion under chapter 13.40 RCW.

(b) Court-adjudicated offenders not committed to the department. Juveniles who have been adjudicated by the court, but not committed to the department, and fall into one of the following categories:

(i) Minor/first offenders. Juvenile offenders defined as minor/first under chapter 13.40 RCW.

(ii) Middle offenders. Juvenile offenders who:

(A) Are not minor/first offenders as defined by chapter 13.40 RCW, or

(B) Have less than one hundred ten points on the standard sentencing scale, or

(C) Have not been committed to the department through the declaration of "manifest injustice."

(iii) High risk offenders. Juvenile offenders who:

(A) Have one hundred ten points or more on the standard sentencing scale, or

(B) Have committed a current offense that is a felony and are already on community supervision as a middle or serious offender, or

(C) Have committed a current offense which is a felony against people, or

(D) Have committed a current offense which is a felony and have evidenced increasingly serious criminal behavior within the previous twelve months, or

(E) Are defined as a serious offender by chapter 13.40 RCW and are allowed to remain in the community through the declaration of "manifest injustice."

(c) Court-adjudicated offenders committed to the department. Juveniles who have been adjudicated by the court and committed to the department, and fall into one of the following categories:

(i) Juveniles residing in the community as parolees or under the community residential placement program.

(ii) Juveniles residing in a county detention facility under a community commitment program.

(iii) Juveniles residing in a division institution or group home.

(d) Interstate compact agreement offenders. Juveniles supervised on parole through the interstate compact agreement.

NEW SECTION

WAC 275-35-040 GENERAL PROVISIONS. (1) Access to services and use of existing community resources.

(a) Program administrators shall ensure all juvenile offenders have access to appropriate services, activities, and opportunities.

(b) Planning bodies shall avoid duplicating existing community services. If proposed services are similar to those already existing in the community, clear evidence must be presented in the application to demonstrate why such existing services are inappropriate or unavailable to meet identified needs or why such services cannot be provided through cooperative program planning or shared funding arrangements.

(2) All juveniles served by projects covered under this chapter shall be afforded due process in all contacts, especially those which may result in a more restrictive intervention.

(3) All projects included in the application shall comply with the provisions of this chapter, applicable divisional policies and standards, juvenile court rules, as well as other applicable standards.

NEW SECTION

WAC 275-35-050 ORGANIZATION. (1) The organizational structure of the program is the prerogative of the county or private sector agency participating under this chapter and shall not be dictated by these standards.

(2) The organizational structure shall be set forth in the application and shall reflect the program's relationship to other juvenile justice components operating within the county and region.

NEW SECTION

WAC 275-35-060 ADMINISTRATION. (1) The distribution of funds for consolidated juvenile service programs shall be contingent upon:

(a) The designation of a program administrator, and

(b) The designation of a single project supervisor for each subcontract awarded outside the prime contract.

Said administrators and supervisors are responsible for the implementation of the program and the accomplishment of stated activities, results, and impacts.

(2) Administrators or supervisors will meet at least quarterly with the regional administrator or designees to review progress toward the achievement of results and other matters related to the overall implementation and funding of projects within the consolidated juvenile services program.

(3) Administrators or supervisors shall submit activity, narrative, and other reports and data as requested relating to programs and/or projects covered under this chapter to the regional administrator and shall participate with the regional administrator in the development of program and/or project status reports as may be required by the division.

(4) Case records and management information.

(a) Administrators and supervisors shall ensure a case record is kept for each juvenile offender in projects covered under this chapter, except diversion units will keep only such information as is necessary to monitor and evaluate the referral and disposition activities.

(b) Records other than diversion shall minimally contain:

(i) A treatment plan based upon identified needs setting forth specific objectives and methods in concise behavioral terms; and

(ii) A termination/closing report summarizing case activity.

(c) Case records shall be current and treatment plans updated at least quarterly.

(d) The provisions of chapter 13.50 RCW pertaining to the maintenance and confidentiality of social and legal information apply to all programs and projects covered under this chapter.

(e) Administrators and/or supervisors will provide necessary statistical data to maintain case files in the division's management information system.

(5) Policies and procedures.

(a) Each administrator shall maintain written policies and procedures which shall include, but not be limited to, the following:

(i) Reporting of serious criminal incidents involving juveniles participating in the program to the regional administrator.

(ii) Reporting of misconduct or malfeasance by staff of the program to the regional administrator.

(b) These policies and procedures will be reviewed at least annually by the regional administrator or designee.

(6) Change in application.

(a) Modification of a project requires the advance written approval of the regional administrator and may, at the regional administrator's discretion, require review and comment by the review committee.

(b) Changes in the budget during a funding period are accomplished by transfer, modification, or amendment.

(i) Transfers. The reallocation of funds between line items of the contract which will not exceed four thousand dollars or five percent, whichever is less, of the total budget within a fiscal year and which will not change the overall scope of the program may be accomplished by written notification to the regional administrator.

(ii) Modifications. Reallocation of funds between line items of the contract exceeding four thousand dollars or five percent, whichever is less, of the total budget within a fiscal year requires advance written approval of the regional administrator. The regional administrator may require review and comment by the review committee.

(iii) Amendments. Amendments require the involvement of the department's contracts office, shall be processed through the division's regional office, and may, at the regional administrator's discretion, require review and comment by the review committee. Amendments are necessary when:

- (A) Contract amounts are increased or decreased;
 - (B) Major change in the application is proposed;
 - (C) Increased agency staffing is requested;
 - (D) A change exceeds ten percent of the total contract budget;
 - (E) A change moves moneys into a previously vacant line item.
- (7) Training. Each participating county or agency providing services under this chapter shall provide relevant staff training.
- (8) Assumption of division services.
- (a) The assumption of division services shall be negotiated between the regional administrator and the administrator and will be reviewed by the review committee and the division's central office prior to a final decision.
- (b) Where such services are assumed, the regional administrator will provide appropriate orientation and training.
- (9) Review board authority in projects covered by this chapter shall rest with the administrator.

NEW SECTION

WAC 275-35-070 MONITORING OF PERFORMANCE AND EVALUATION OF PROGRAM IMPACT. (1) It shall be the responsibility of the administrator to submit activity reports, quarterly reports, corrective action plans and reports, and other such reports as specified in the division's monitoring system for the program to the regional administrator.

(2) It shall be the responsibility of the regional administrator to submit to the division's central office progress reports as specified in the division's monitoring system for the program.

(3) The regional administrator may, at any time, request a formal program/project or fiscal audit through the department and may also request other available technical services to assist in monitoring and evaluating the program/projects.

NEW SECTION

WAC 275-35-080 DISTRIBUTION OF FUNDS AND FISCAL MANAGEMENT. (1) Funding constraints.

(a) Funds for programs covered by this chapter shall be utilized for the achievement of activities, results, and impacts stated for each project.

(b) Failure on the part of any project to perform in accordance with the provisions of this chapter or to achieve established activities, results, and impacts may result in the termination or reduction of funds.

(c) The administrator shall be responsible for the management of all fiscal matters related to the program, shall comply with state and local policies and procedures and the terms and conditions of the contract, and shall provide information to the regional administrator at regular and requested intervals.

(2) Limitations of funding.

(a) Funds received by participating counties shall not be used to replace local funds for existing services.

(b) Mileage reimbursement and per diem may not exceed the current allowable state or county rate, whichever is less.

(c) Equipment purchases must be approved in advance by the regional administrator and should be processed through the regional office whenever possible and feasible.

(d) Funds for evaluation are allowable, but the design, scope, and the expected final product must be clearly specified in the application (as an attachment).

(e) Funds for administrative salaries, benefits, and program support may not exceed ten percent of the total contract award.

(f) Further limitations on the distribution of funds for certain expenditure categories may be set forth in the division's application and budget instructions for the program.

NEW SECTION

WAC 275-35-090 SERVICES. (1) Diversion.

(a) Diversion staff shall be limited in their actions as set forth in chapter 13.40 RCW and the applicable divisional policies and standards.

(b) Diversion staff shall ensure divertees receive penalties on a priority continuum, whereby the heaviest penalty is assessed for the most

serious of the divertable offenses and the least penalty is assessed for the least serious offense.

(c) Diversion staff shall develop: A statement of work; program philosophy; written policies and procedures; and shall maintain a line of communication with appropriate community entities, such as law enforcement and community service resources.

(d) Diversion staff shall contact divertees at least monthly or shall establish and maintain some other mechanism to ensure compliance with the diversion agreement; said divertee shall be terminated upon completion of the agreement.

(2) Community supervision. The administrator shall prepare minimum standards regarding frequency of contact and length of stay on a priority continuum, whereby the more serious offenders are provided more intense services for longer periods of supervision than are the less serious offenders. Said standards shall be set forth in the application.

(3) Parole services.

(a) Parole supervision must be provided for all youth committed to the department as juvenile offenders, unless legal age limits have been reached or other post-institutional plan has been arranged through the regional administrator.

(b) Staff shall plan for and coordinate the youth's release from the institution; facilitate family, foster, or group home placement; facilitate youth's school re-entry; placement in vocational training, skills training, or employment; and develop other support programs that can reasonably be expected to be effective in achieving successful reintegration.

(c) Staff shall develop and monitor requirements for all interstate parolees.

(4) Community residential services.

(a) Community residential placement program.

(i) The community residential placement program provides placements for committed youth serving sentences at the minimum security level;

(ii) It shall provide twenty-four-hour supervision and such support services as arranging school and work programs, counseling, and other similar social services;

(iii) It shall provide a transitional program for youth between residential placement and the intended community placement in order to maximize successful reintegration; and

(iv) It shall ensure availability of medical and dental care, psychiatric and psychological consultations and testing, and such other services as may be needed to enhance reintegration.

(b) Community commitment program.

(i) The community commitment program provides placement and programming for committed youth serving sentences in county detention facilities.

(ii) It shall provide a transitional program for youth between secure detention and community supervision.

(5) Other services may be supported by the division as funds are available.

NEW SECTION

WAC 275-35-100 EXCEPTIONS TO RULES. A waiver of the specific requirements of this chapter may be requested by written application to the director in situations where the imposition of such provisions can be shown to be detrimental or impractical to overall program operations. The director will give each waiver request individual consideration and promptly advise the applicant in writing of the director's decision regarding the waiver and explain the basis for such decision.

Chapter 275-37 WAC DIVISION OF JUVENILE REHABILITATION—RULES, PRACTICES, AND PROCEDURES

NEW SECTION

WAC 275-37-010 DEFINITIONS. (1) "Department" means the department of social and health services.

(2) "Director" means the director of the division of juvenile rehabilitation or his or her designee.

(3) "Division" means the division of juvenile rehabilitation.

(4) "Regional administrator" means the regional administrator of one of the division's six administrative regions.

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

(6) "Superintendent" means the superintendent of one of the division's three institutions or two forest camps.

NEW SECTION

WAC 275-37-020 RATED BED CAPACITY. The rated bed capacity of the division is that number of confinement beds on file with the office of financial management by the first day of each biennium for operation during each ensuing fiscal year.

AMENDATORY SECTION (Amending Order 1682, filed 7/20/81)

WAC 275-110-040 INSTITUTIONS AND ELIGIBLE IMPACTED POLITICAL SUBDIVISIONS. Reimbursement shall be limited to the following city, town, and county governments impacted by the offenses from inmates assigned to institutions listed in this section.

Institution	Cities/County
(1) Washington state penitentiary	Walla Walla/Walla Walla
(2) Washington state reformatory	Monroe/Snohomish
(3) McNeil Island corrections center	Steilacoom/Pierce
(4) Washington corrections center	Shelton/Mason
(5) Purdy treatment center for women	Gig Harbor/Pierce
(6) Firland correctional center	Seattle/King
(7) Larch corrections center	Yacolt/Clark
(8) Clearwater correctional center	Forks/Clallam
(9) Olympic corrections center	Forks/Clallam
(10) Indian Ridge treatment center	Arlington/Snohomish
(11) Pine Lodge correctional center	Medical Lake/Spokane/Spokane
(12) Cedar Creek correctional center	Littlerock/Thurston
(13) Special offender center	Monroe/Snohomish
(14) Echo Glen children's center	Snoqualmie/King
(15) Green Hill school	Chehalis/Lewis
(16) Maple Lane school	Rochester/Thurston
(17) Mission Creek youth camp	Belfair/Mason
(18) Naselle youth camp	Naselle/Pacific
(19) Woodinville group home	Woodinville/((Snohomish)) King
(20) Canyon View group home	East Wenatchee/Douglas
(21) Sunrise group home	Ephrata/Grant
(22) Twin Rivers group home	Richland/Benton
(23) Oakridge group home	Tacoma/Pierce
(24) Park Creek group home	Kittitas/Kittitas
(25) Ridgeview group home	Yakima/Yakima
(26) ((Pioneer group home	Tacoma/Pierce
((27))) Western state hospital	Steilacoom/Pierce
((28))) ((27)) Eastern state hospital	Medical Lake/Spokane/Spokane
((29))) ((28)) Child study and treatment center	Steilacoom/Pierce

((30)) ((29)) For any institution ((which is)) not listed ((above)) in this section, reimbursement shall be limited to the political subdivisions ((in which)) where the institution is located. Such institutions include adult work release facilities and juvenile group homes housing inmates as defined in WAC 275-110-020(7).

WSR 85-05-032
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 2208—Filed February 15, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to certificate of need, amending chapter 248-19 WAC.

This action is taken pursuant to Notice No. WSR 85-01-048 filed with the code reviser on December 14, 1984. These rules shall take effect thirty days after they

are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.38.135 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 70.38 RCW.

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

APPROVED AND ADOPTED February 6, 1985.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-360 BASES FOR FINDINGS AND ACTION ON APPLICATIONS. (1) The findings of the department's review of certificate of need applications and the action of the secretary's ((action)) designee on such applications shall, with the exceptions provided for in WAC 248-19-410 and 248-19-415 be based on determinations as to:

- (a) Whether the proposed project is needed;
- (b) Whether the proposed project will foster containment of the costs of health care;
- (c) Whether the proposed project is financially feasible; and
- ((c)) ((d)) Whether the proposed project will meet the criteria for structure and process of care identified in WAC 248-19-390((; and
- ((d)) Whether the proposed project will foster containment of the costs of health care).

(2) The ((secretary's)) decision on a certificate of need application shall be consistent with the state health plan in effect((, except in emergency circumstances which pose a threat to the public health)) at the time the secretary's designee made the original or reconsidered or remanded decision. A finding of inconsistency shall not be based solely on the fact ((that)) a proposed project is not specifically referenced in the state health plan.

(3) Criteria contained in this section and in WAC 248-19-370, 248-19-380, 248-19-390, and 248-19-400 shall be used by the department in making the required determinations.

(a) In the use of criteria for making the required determinations, the department shall consider:

(i) The ((relationship)) consistency of the proposed project ((to)) with the applicable regional health ((systems)) plan ((HSP)) (RHP) and annual implementation plan (AIP), and the state health plan (SHP);

(ii) The standards in the state health plan ((which have been)) identified to be used for certificate of need review purposes and ((are)) applicable to the type of project under review;

(iii) In the event ((that)) standards in the state health plan or regional health plan do not address((;)) in sufficient detail for a required determination((;)) the services or facilities for health services ((which are)) proposed, the department may consider standards ((which are)) not in conflict with the state health plan or regional

health plan in accordance with subsection (3)(b) of this section;

(iv) The findings and recommendations of the regional health ((systems agency)) council and the hospital commission (in relation to the immediate and long-range financial feasibility of a hospital project as well as the probable impact of such project on the cost of and charges for providing health services by the hospital, including recommendations to approve, conditionally approve, partially approve, or deny an application); and

(v) The relationship of the proposed project to the long-range plan (if any) of the person proposing the project.

(b) The department may consider any of the following in its use of criteria for making the required determinations:

(i) Nationally recognized standards from professional organizations;

(ii) Standards developed by professional organizations in Washington state;

(iii) Federal Medicare and Medicaid certification requirements;

(iv) State licensing regulations;

(v) The hospital commission's policies, guidelines and regulations;

(vi) Applicable standards ((which have been)) developed by other individuals, groups, or organizations with recognized expertise related to a proposed undertaking; and

(vii) The written findings and recommendations of individuals, groups, or organizations with recognized expertise related to a proposed undertaking, with whom the department consults during the review of an application.

(c) At the request of an applicant, the department shall identify the criteria and standards it will use prior to the submission and screening of a certificate of need application: PROVIDED((:)) HOWEVER, That when a person requests identification of criteria and standards prior to the submission of an application, the person shall submit such descriptive information on a project as is determined by the department to be reasonably necessary in order to identify the applicable criteria and standards. The department shall respond to such request within fifteen working days of its receipt. In the absence of an applicant's request under this subsection, the department shall identify the criteria and standards it will use during the screening of a certificate of need application. The department shall inform the applicant about any consultation services it will use in the review of a certificate of need application prior to the use of such consultation services.

(d) Representatives of the department or consultants whose services are engaged by the department may make an on-site visit to a health care facility, or other place for which a certificate of need application is under review, or for which a proposal to withdraw a certificate of need is under review when the department deems such an on-site visit is necessary and appropriate to the department's review of a proposed project.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-370 DETERMINATION OF NEED. The determination of need for any project shall be based on the following criteria, except these criteria will not justify exceeding the limitation on increases of nursing home beds provided in WAC 248-19-373.

(1) The population served or to be served has need for the project and other services and facilities of the type proposed are not or will not be sufficiently available or accessible to meet that need. The assessment of the conformance of a project with this criterion shall include, but need not be limited to, consideration of the following:

(a) In the case of a reduction, relocation, or elimination of a service, the need ((that)) the population presently served has for the service, the extent to which the need will be met adequately by the proposed relocation or by alternative arrangements, and the effect of the reduction, elimination, or relocation of the service on the ability of low-income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups and the elderly to obtain needed health care;

(b) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

(c) In the case of an application by an osteopathic or allopathic facility for a certificate of need to construct, expand, or modernize a health care facility, acquire major medical equipment, or add services, the need for that construction, expansion, modernization, acquisition of equipment, or addition of services on the basis of the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients, and the impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels; and

(d) In the case of a project ((which does)) not ((involve)) involving health services, the contribution of the project toward overall management and support of such services.

(2) All residents of the service area, including low-income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups and the elderly are likely to have adequate access to the proposed health ((service(s))) service or services. The assessment of the conformance of a project with this criterion shall include, but not be limited to, consideration as to whether the proposed services makes a contribution toward meeting the health-related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services, particularly those needs identified in the applicable regional health ((systems)) plan, annual implementation plan, and state health plan as deserving of priority. Such consideration shall include an assessment of the following:

(a) The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations are expected to use the proposed services if approved;

(b) The past performance of the applicant in meeting obligations, if any, under any applicable federal regulations requiring provision of uncompensated care, community service, or access by minorities and handicapped persons to programs receiving federal financial assistance (including the existence of any unresolved civil rights access complaints against the applicant);

(c) The extent to which Medicare, Medicaid, and medically indigent patients are served by the applicant; and

(d) The extent to which the applicant offers a range of means by which a person will have access to its services (e.g., outpatient services, admission by house staff, admission by personal physician).

(3) The resources for the proposed project are not needed for higher priority alternative uses identified in applicable health plans.

(4) The applicant has substantiated any of the following special needs and circumstances ((which)) the proposed project is to serve.

(a) The special needs and circumstances of entities such as medical and other health professions schools, multidisciplinary clinics and specialty centers ((which provide)) providing a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas.

(b) The special needs and circumstances of biomedical and behavioral research projects ((which are)) designed to meet a national need and for which local conditions offer special advantages.

(c) The special needs and circumstances of osteopathic hospitals and nonallopathic services.

(5) The project will not have an adverse effect on health professional schools and training programs. The assessment of the conformance of a project with this criterion shall include consideration of:

(a) The effect of the means proposed for the delivery of health services on the clinical needs of health professional training programs in the area in which the services are to be provided; and

(b) If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools serving the area will have access to the services for training purposes.

(6) ~~((If appropriate, the project fosters competition. The assessment of conformance to this criterion shall include consideration of the following:~~

~~(a) Factors identified in the state health plan which influence the effect of competition on the supply of health services of the type being reviewed;~~

~~(b) Improvements or innovations in the financing and delivery of health services which foster competition and serve to promote quality assurance and cost effectiveness; or~~

~~(c) Community or regional circumstances where competition and consumer choice constructively serve to advance the purposes of quality assurance, cost effectiveness and access.~~

(7)) The project is needed to meet the special needs and circumstances of enrolled members or reasonably anticipated new members of a health maintenance organization or proposed health maintenance organization and the services proposed are not available from nonhealth maintenance organization providers or other health maintenance organizations in a reasonable and cost-effective manner ((which is)) consistent with the basic method of operation of the health maintenance organization or proposed health maintenance organization. In assessing the availability of ((these)) health services from these providers, the department shall consider only whether the services from these providers:

(a) Would be available under a contract of at least five years' duration;

(b) Would be available and conveniently accessible through physicians and other health professionals associated with the health maintenance organization or proposed health maintenance organization (for example – whether physicians associated with the health maintenance organization have or will have full staff privileges at a nonhealth maintenance organization hospital);

(c) Would cost no more than if the services were provided by the health maintenance organization or proposed health maintenance organization; and

(d) Would be available in a manner ((which is)) administratively feasible to the health maintenance organization or proposed health maintenance organization.

NEW SECTION

WAC 248-19-373 DETERMINATION OF NURSING HOME BED NEEDS. (1) The following rules are adopted for use in making decisions on certificate of need applications involving nursing home beds submitted for review under the provisions of RCW 70.38.105.

(a) With the assistance of a work group, the state health coordinating council developed a method for determining future nursing home bed needs with the intention of incorporating that method as an amendment to the 1982 state health plan. The secretary of the department reviewed the method and submitted it to the governor for adoption as an amendment to the state health plan. The governor adopted the method as part of an amendment of the state health plan on March 27, 1984. See RCW 70.38.045 and RCW 70.38.065.

(b) The nursing home bed need projections in subsection (3)(a) of this section shall be used to interpret the certificate of need review criteria in RCW 70.38.115(2)(b) and WAC 248-19-370.

(2) The secretary finds:

(a) That in developing the amendment to the 1982 state health plan the state health coordinating council sought and received the assistance of a work group consisting of representatives from a wide variety of groups interested in nursing home bed needs in this state.

(b) That the work group consisted of representatives from the following: State health coordinating council;

Puget Sound health systems agency; Washington association of homes for the aging; Washington state health facilities association; united nursing home association; area agency on aging; nursing home ombudsman; state nursing home advisory council; senior citizens lobby; state council on aging; the department's bureau of aging and adult services, bureau of nursing home affairs, and regional offices; and the house committee on social and health services.

(c) That the following assumptions which were incorporated in the amendment regarding the bed need projection method are the appropriate policy considerations for projecting nursing home bed needs.

(i) Nursing home bed need projections should reflect variations in nursing home use by different age groups of the population.

(ii) Nursing home beds should ordinarily be located reasonably close to the people they serve.

(iii) Equity and the availability in use of nursing home beds within the state should be increased by reducing the wide variation in nursing home use rates within age groups among areas of the state.

(iv) Areas of the state that are underbedded, adequately bedded, and overbedded should be identified and treated differently in the bed need projection process.

(v) The overall supply of beds in the state should represent a reasonable and appropriate state nursing home bed to elderly population ratio.

(vi) Most current nursing home use in the state reflects an appropriate need for formal services which should be met by nursing home beds or other services in long-term care continuum.

(vii) To be responsive to unique local circumstances, the nursing home bed need projection process should include local discretion in defining nursing home planning areas and bed allocations.

(d) That the amendment to the 1982 state health plan established a 1990 target state nursing home bed to elderly population ratio (see subsection (2)(c)(v) of this section) of 53.7 beds per one thousand persons aged sixty-five or older. Taken into account in establishing this ratio were the following:

(i) The national bed ratio and the bed ratios of other states judged to have reasonable and progressive long-term care policies, and

(ii) State policy goals for the allocation of scarce resources between nursing home beds and other institutional and community-based services in the long-term care continuum, and

(iii) The effects on nursing home bed needs of new health system developments, such as hospital diagnostic related group (DRG) reimbursement, and

(iv) Progress being made in developing other long-term care services for the population at risk of nursing home placement.

(e) That nursing home bed need projections derived from the state health plan bed need methodology should not be exceeded in decisions on applications for certificates of need.

(3) The following are the 1987 projections of total nursing home beds needed in each county as derived

from the state health plan nursing home bed need projection methodology. These projections will remain in effect until updated. The next update is scheduled for the last half of 1986. The projections do not reflect necessary reductions for current licensed nursing home beds (excluding nursing home beds used for IMR), beds in hospitals used for long-term care, and the number of nursing home beds approved by certificate of need, but not yet licensed. The projections less these reductions equal additional beds needed.

(a)	Clallam	470
	Island	215
	Jefferson	129
	King	8,867
	Kitsap	1,151
	Pierce	3,105
	San Juan	73
	Skagit	505
	Snohomish	2,270
	Whatcom	1,081
	Clark	1,178
	Cowlitz	585
	Grays Harbor	667
	Klickitat	100
	Lewis	493
	Mason	195
	Pacific	196
	Thurston	719
	Wahkiakum	53
	Benton	396
	Chelan	439
	Douglas	107
	Franklin	138
	Grant	231
	Kittitas	227
	Okanogan	275
	Yakima	1,436
	Adams	112
	Asotin	233
	Columbia	71
	Ferry	27
	Garfield	40
	Lincoln	101
	Pend Oreille	56
	Spokane	2,667
	Stevens	176
	Walla Walla	497
	Whitman	236

(b) These bed need projections include the allocation plans of the applicable regional health council, as provided for in the nursing home bed need projection method. Where there is no regional health council allocation plan, the nonallocated projection is shown.¹

(c) Certificates of need issued by the department shall approve no more than the number of additional beds indicated as needed for a given county by the projection method as listed in subsection (3)(a) of this section.

NOTE:

Step 5 of the state health plan nursing home bed need projection methodology concerns the determination of the appropriate number of nursing home beds in each county. The method states the regional health councils are responsible for the development of an allocation plan. The regional health councils may group counties into multiple county planning areas and allocate beds or reallocate beds among counties based on the planning areas. The allocation plan shall be developed separate from the review of individual certificate of need applications.

WSR 85-05-033
ADOPTED RULES
BOARD OF HEALTH
[Order 280—Filed February 15, 1985]

Be it resolved by the Washington State Board of Health, acting at Olympia, Washington, that it does adopt the annexed rules relating to WAC 248-18-99902, Appendix B—Dates of documents adopted by reference in chapter 248-18 WAC.

This action is taken pursuant to Notice No. WSR 85-02-068 filed with the code reviser on January 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

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

APPROVED AND ADOPTED February 13, 1985.
By John A. Beare, MD, MPH
Secretary

AMENDATORY SECTION (Amending Order 248, filed 11/18/82)

WAC 248-18-99902 APPENDIX B—DATES OF DOCUMENTS ADOPTED BY REFERENCE IN CHAPTER 248-18 WAC. (1) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA), ((~~56A, 1978 edition~~)) 99, Chapter 3, 1984.

(2) Use of the guide, published by the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), recommended for design of heating and ventilating systems. ASHRAE Handbook series - four volumes: ((~~1978~~)) 1982 Applications; ((~~1979~~)) 1983 Equipment; ((~~1980~~)) 1984 Systems; 1981 Fundamentals.

(3) UNIFORM PLUMBING CODE, International Association of Plumbing and Mechanical Officials (IAPMO), ((~~1979~~)) 1982 edition.

(4) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA), 56F, ((~~1977 edition~~)) 1983.

(5) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA), ((~~Standard Number~~)) 90A((~~, 1978 edition~~))—1981.

(6) Food Service Equipment Standards of the National Sanitation Foundation, ((~~1976~~)) 1984, NSF Bldg., P.O. Box 1468, Ann Arbor, Michigan 48106.

(7) Recommend use of the following standards:

(a) "Classification of Etiologic Agents on the Basis of Hazard"

United States Department of Health((~~, Education~~)) and ((~~Welfare~~)) Human Services Publication Public Health Service

Centers for Disease Control

Office of Biosafety

Atlanta, Georgia 30333

(b) "Selecting a Biological Safety Cabinet"

United States Department of Health((~~, Education~~)) and ((~~Welfare~~)) Human Services

Public Health Service

National Institutes of Health

National Cancer Institute

Office of Research Safety

Bethesda, Maryland 20014

(c) For the design, construction, and performance of "Class II Biohazard Cabinetry NSF No. 49"

National Science Foundation

NSF Building

Ann Arbor, Michigan 48105

(8) UNIFORM MECHANICAL CODE (UMC), International Association of Plumbing and Mechanical Officials (IAPMO), ((~~1979~~)) 1982 edition.

(9) UNDERWRITERS LABORATORIES (UL), 181-15 Standard for Safety Air Ducts, 1974 edition.

(10) SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION, INC., (SMACNA), Duct Liner Application Standard, Second edition, 1975.

(11) Compressed ((~~Air~~)) Gas Association, Inc., Pamphlet Number ((~~2-2.1~~)) P-2.1-1983, "((~~Standards~~)) Recommendations for Medical-Surgical Vacuum Systems," ((~~1976~~)) 1983 edition.

(12) Illuminating Engineers Lighting Handbook (IES), 1981 Application Volume.

(13) NATIONAL FIRE PROTECTION ASSOCIATION ((~~(NFPA-70), 1981 edition~~)) (NFPA) 70-1984.

(14) METHOD OF TESTING AIR-CLEANING DEVICES USED IN GENERAL VENTILATION FOR REMOVING PARTICULATE MATTER," American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), Standard 52-76, 1976 edition.

(15) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 30-1981.

(16) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 99, CHAPTER 7, 1984.

(17) NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 43C-1980.

WSR 85-05-034
ADOPTED RULES
BOARD OF HEALTH

[Order 281—Filed February 15, 1985]

Be it resolved by the Washington State Board of Health, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 248-18-260 Processing and sterilizing services.
 Amd WAC 248-18-680 Central sterilizing and processing service facilities.
 Amd WAC 248-18-700 Receiving, storage and distribution.

This action is taken pursuant to Notice No. WSR 85-02-069 filed with the code reviser on January 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 which directs that the Washington State Board of Health has authority to implement the provisions of chapter 70.41 RCW.

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

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

APPROVED AND ADOPTED February 13, 1985.

By John A. Beare, MD, MPH
 Secretary

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-260 PROCESSING AND STERILIZING ((AND SUPPLY)) SERVICES. (1) ~~((The))~~ Hospitals shall make adequate provisions ~~((within the hospital))~~ for proper cleaning, disinfection, and sterilization of supplies, equipment, utensils, and solutions.

(2) Processing and sterilizing services and areas shall have adequate space and equipment for sorting, processing, and storage.

(a) Separation between soiled and clean items shall be maintained during sorting, processing, transporting, and storage.

(b) Positive air pressure shall be maintained in clean areas in relation to adjacent areas.

(c) Negative air flow shall be maintained in soiled areas.

(d) Equipment including sterilizers ((and autoclaves)) of the proper type ((and necessary capacity)) for adequate sterilization shall be provided and maintained in a satisfactory and safe condition.

(e) If ethylene oxide sterilizers are used, mechanical aerators shall be provided and maintained in a safe and satisfactory condition.

~~(3) ((Standard procedures for the sterilization of the various types of supplies, equipment, utensils, and solutions shall be established and carried out. These procedures shall be written and readily available to all~~

~~personnel responsible for sterilization procedures)) Processing and sterilizing services shall be adequately staffed with trained personnel:~~

~~(a) Orientation and inservice, including infection control and safe practices, shall be provided.~~

~~(b) Written policies and procedures shall specify scheduled activities and routines of personnel.~~

~~(4) ((The hospital shall adopt)) There shall be written policies and procedures, approved by the infection control committee or an equivalent interdisciplinary group, for the activities performed in all processing and sterilizing areas in the hospital addressing:~~

~~(a) Collecting, receiving, decontaminating, packaging, sterilizing, and distributing of items;~~

~~(b) Aerating of items exposed to ethylene oxide;~~

~~(c) A recognized method of checking sterilizer performance by mechanical monitoring of time, temperature, and pressure as well as biological and chemical testing;~~

~~(d) Establishment of shelf life determined by packaging material and storage environment;~~

~~(e) Recall, disposal, and reprocessing of outdated, improperly sterilized, and limited-use items;~~

~~(f) Maintaining clean areas free of external shipping containers.~~

~~(5) ((Clean and sterilized supplies and equipment shall be kept separate from soiled and contaminated supplies and equipment)) There shall be written policies and procedures addressing emergency collection and disposition of supplies when special warnings have been issued by a manufacturer or safety agency.~~

~~(6) Processed and sterilized items shall be maintained as specified in WAC 248-18-190(3)(a), (b), (c), (d), and (e).~~

AMENDATORY SECTION (Amending Order 269, filed 9/20/83)

WAC 248-18-680 CENTRAL STERILIZING AND ((SUPPLY)) PROCESSING SERVICE FACILITIES. Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS. SEE WAC 248-18-515.)

(1) ((CENTRAL STERILIZING AND SUPPLY SERVICE FACILITIES;)) GENERAL.

(a) A SEGREGATED UNIT DESIGNED AND LOCATED:

(i) TO PREVENT THROUGH TRAFFIC,

(ii) TO AVOID CONTAMINATION OF CLEAN AND STERILE SUPPLIES AND EQUIPMENT,

(iii) TO PREVENT OBJECTIONABLE HEAT AND NOISE ((TO)) IN PATIENT CARE AREAS, ((AND TO ELIMINATE THROUGH TRAFFIC;))

(((b) LOCATED)) (iv) TO FACILITATE DELIVERY AND RETURN OF SUPPLIES AND EQUIPMENT TO AND FROM OTHER SERVICES ((AND DEPARTMENTS;))²⁴

(v) Near or adjacent to central stores and distribution services.

~~(((c) Located to facilitate delivery of linen and new supplies and equipment from laundry and general stores to central sterilizing and supply service.~~

~~((d))~~ (b) AREAS WITHIN ((CENTRAL STERILIZING AND SUPPLY SERVICE)) THE UNIT ADEQUATE TO PROVIDE FOR PROPER HANDLING OF SUPPLIES AND EQUIPMENT ((IN ACCORDANCE WITH PLANNED STORES AND SUPPLY SYSTEM)).²⁴

(c) WORK FLOW:

~~((e))~~ (i) EQUIPPED AND ARRANGED TO PROVIDE WORK FLOW MAINTAINING PROPER SEPARATION OF CLEAN OR STERILE ITEMS FROM SOILED ((f))OR CONTAMINATED((g)) ITEMS.

~~((f) Division into work areas or rooms may be according to type of supply or equipment to be processed (gloves, syringes and needles, solution, etc.):~~

~~(g) Separate room for glove processing recommended.~~

~~(h))~~ (ii) DESIGNED FOR CONTINUOUS OR SEQUENTIAL WORK FLOW FROM RECEIVING TO ISSUING.

~~(d) SEPARATE ((UNSTERILE EQUIPMENT STORAGE)) RECEIVING AND DECONTAMINATION ROOM.~~

~~((i) SEPARATE, PROPERLY EQUIPPED, SOLUTION PREPARATION ROOM IF PARENTERAL SOLUTIONS ARE TO BE MANUFACTURED.²⁵~~

~~(j))~~ (e) SEPARATE ((FACILITIES FOR RECEIVING, CLEANING, AND PACKAGING FOR BEDSIDE UTENSILS IF THE UTENSILS ARE TO BE CLEANED AND/OR PACKAGED IN CENTRAL STERILIZING AND SUPPLY SERVICE)) CLEAN EQUIPMENT STORAGE ROOM.²⁴

~~((k))~~ (f) ADEQUATE SPACE FOR CIRCULATION AND PARKING OF CARTS.²⁴

(2) SOILED RECEIVING AND DECONTAMINATION ROOM OR ROOMS.

(a) FACILITIES FOR RECEIVING, DISASSEMBLING, AND CLEANING OF SUPPLIES AND EQUIPMENT PHYSICALLY SEPARATED FROM ALL OTHER AREAS OF CENTRAL PROCESSING SERVICE.

~~((a))~~ (b) LOCATED TO FACILITATE RETURN OF SOILED ((f))OR CONTAMINATED((g)) ITEMS WITHOUT TRANSPORTING THE ITEMS THROUGH OTHER AREAS OF ((THE)) CENTRAL ((STERILIZING AND SUPPLY)) PROCESSING SERVICE.

(c) SPACE FOR PARKING OF SOILED COLLECTION CARTS, IF USED.

(d) PROVISIONS FOR CLEANING AND DISINFECTING CARTS AND LARGE EQUIPMENT UNLESS CART WASH FACILITIES PROVIDED ELSEWHERE. Refer to WAC 248-18-710(6).

(e) WORK FLOW FROM DECONTAMINATION ROOM DIRECTLY INTO CLEAN PREPARATION ROOM AND/OR CLEAN CART STORAGE/PARKING AREA OR AREAS.

~~((b))~~ (f) EQUIPMENT:

(i) AT LEAST ONE DOUBLE-COMPARTMENT SINK ((f))MOUNTED IN COUNTER OR INTEGRAL WITH COUNTER((g)).

(ii) ADDITIONAL SINKS ((f))OR MECHANICAL WASHERS((g)) AS REQUIRED BY TYPES AND VOLUME OF ITEMS TO BE PROCESSED.²⁴

(iii) Washer-sterilizer or sterilizer, pass-through type.

(iv) WORK COUNTER ((f))OR EQUIVALENT((g)) SPACE FOR COLLECTION EQUIPMENT ADJACENT TO EACH SINK OR MECHANICAL WASHER FOR COLLECTION OF SOILED ((f))OR CONTAMINATED((g)) ITEMS.

(v) WORK COUNTER ((f))OR EQUIVALENT((g)) SPACE FOR COLLECTION EQUIPMENT ADJACENT TO EACH SINK OR MECHANICAL WASHER FOR COLLECTION OF ITEMS WHICH HAVE BEEN WASHED.

(vi) STORAGE FOR CLEANING AGENTS AND OTHER CLEANING SUPPLIES AND EQUIPMENT.

~~((Suction and compressed air outlets:))~~

(vii) FLUSH OR RECESSED FLOOR DRAIN.

(viii) Pressure systems such as air, water, steam, vacuum.

(ix) Deionized or distilled water system.

(3) CLEAN WORKROOM, PREPARATION, AND REPACKAGING AREAS.

(a) SPACE AND FACILITIES ARRANGED FOR ASSEMBLING AND PACKAGING SUPPLIES AND EQUIPMENT FOR STERILIZATION.

~~((EQUIPMENT:))~~

(b) WORK ((COUNTERS OR TABLES (OR EQUIVALENT) AS REQUIRED BY TYPES AND VOLUME OF ITEMS)) SURFACES OF SUFFICIENT SIZE AND QUANTITY TO FACILITATE ASSEMBLY OF MATERIALS AND EQUIPMENT.²⁴

(c) STORAGE FOR CLEAN ITEMS AND MATERIALS USED IN PACKAGING.

(d) SPACE FOR PARKING OF CARTS AND OTHER MOVABLE EQUIPMENT.

(e) HANDWASHING LAVATORY LOCATED TO PREVENT SPLASH OR SPRAY ON CLEAN ITEMS.²⁴

(f) WHEN PREPARATION OF LINEN IS A FUNCTION IN CENTRAL PROCESSING, A SEPARATE ROOM IS REQUIRED TO AVOID ACCUMULATION AND SPREAD OF LINT.²⁴

(4) ((FACILITIES FOR STORAGE OF LINEN AND RESERVE OF NEW (OR BULK) UNSTERILE SUPPLIES:

~~(a) LOCATED APART FROM FACILITIES FOR STORAGE OF STERILE ITEMS:~~

~~(b) May be centralized in one storage room or area or decentralized according to areas where different types of items are to be used. May be combined with unsterile equipment storage room:~~

~~(5))~~ FACILITIES FOR STERILIZING.

~~(a) ((APART FROM OTHER FACILITIES WITHIN CENTRAL STERILIZING AND SUPPLY SERVICE:~~

~~(b))~~ LOCATED BETWEEN FACILITIES FOR ASSEMBLING AND PACKAGING AND FACILITIES FOR STORAGE OF CLEAN AND STERILE SUPPLIES.

~~((c)) (b) EQUIPMENT:~~~~(i) AT LEAST ONE PRESSURE STERILIZER ((AUTOCLAVE)) OF ADEQUATE SIZE.~~~~(ii) ADDITIONAL PRESSURE STERILIZERS ((AUTOCLAVES)) AS REQUIRED BY VOLUME OF ITEMS TO BE PROCESSED.~~~~(iii) PRESSURE STERILIZERS ((AUTOCLAVES)) TO HAVE RECORDING THERMOMETERS AND AUTOMATIC CONTROLS. ((Automatic controls recommended:~~~~One smaller pressure sterilizer for small loads, in addition to pressure sterilizer or sterilizers of large capacity, recommended:~~~~Water still and drip pan and waste connection recommended:~~~~Dry heat sterilizer recommended:~~~~Equipment for gas sterilization recommended:~~~~Recessing of sterilizing equipment recommended))~~~~(iv) Ethylene oxide sterilizer with automatic controls. MECHANICAL AERATOR REQUIRED WHEN ETHYLENE OXIDE STERILIZER INSTALLED.⁶~~~~(v) Dry heat sterilizer.~~~~(5) STORAGE OF CLEAN AND STERILE ITEMS FOR ISSUE/DISTRIBUTION FROM CENTRAL PROCESSING SERVICE.^{6, 18}~~~~(a) SEPARATE ROOM OR AREA LOCATED TO FACILITATE ISSUE WITHOUT TRANSPORT OF CLEAN AND STERILE ITEMS THROUGH OTHER AREAS OF CENTRAL PROCESSING AND STERILIZING SERVICE.~~~~(b) IF STORAGE AREA IS PART OF THE PREPARATION AREA, ENCLOSED SHELVING IN CABINETS, CARTS, OR EQUIVALENT SHALL BE PROVIDED.⁶ Open shelving permitted if separate room provided.⁶~~~~(6) ((FACILITIES FOR)) CLEAN EQUIPMENT STORAGE ROOM, AREA, OR AREAS¹⁸ ((AND ISSUE OF CLEAN AND STERILE SUPPLIES)). Also refer to WAC 248-18-700.~~~~(a) ((APART FROM OTHER FACILITIES WITHIN CENTRAL STERILIZING AND SUPPLY SERVICE:~~~~(b)) LOCATED TO FACILITATE ISSUE ((WITHOUT TRANSPORT OF CLEAN AND STERILE SUPPLIES AND)) OF LARGE AND SMALL PATIENT CARE EQUIPMENT ((THROUGH OTHER AREAS OF CENTRAL STERILIZING AND SUPPLY SERVICE)). SEPARATED FROM OTHER AREAS OF CENTRAL PROCESSING SERVICE. May be centralized in one room or area or decentralized on each nursing unit or within each department.²⁴~~~~(b) AREA SUFFICIENT TO PROVIDE FOR PROPER HANDLING OF EQUIPMENT IN ACCORDANCE WITH PLANNED SYSTEM.²⁴~~~~(c) ((EQUIPMENT:~~~~ADEQUATE CABINETS⁶ TO PROVIDE FOR STORAGE OF SUPPLIES AND EQUIPMENT IN ACCORDANCE WITH PLANNED STORES AND SUPPLY SYSTEM. May be open shelving if in separate room)) PROVISION FOR CLEANING THE~~~~EQUIPMENT IN THE DECONTAMINATION ROOM, CART-WASH ROOM OR AREA OR OTHER SUITABLE FACILITIES IN THE HOSPITAL WITH SINK OR EQUIVALENT.~~~~(7) ((UNSTERILE EQUIPMENT STORAGE ROOM)) DISTRIBUTION/ISSUE AREA OR AREAS. Also refer to WAC 248-18-700.⁽¹⁸⁾~~~~(a) LOCATED TO FACILITATE ((RETURN AND)) ISSUE OF ((LARGE EQUIPMENT)) CLEAN AND STERILE ITEMS WITHOUT BACKTRACKING THROUGH OTHER AREAS OF CENTRAL PROCESSING SERVICE.~~~~(b) ((Located to permit proper control and supervision of equipment handling)) SPACE FOR MOVEMENT AND PARKING OF CARTS.²⁴~~~~(c) ((AREA SUFFICIENT TO PROVIDE FOR PROPER HANDLING OF EQUIPMENT IN ACCORDANCE WITH PLANNED SYSTEM:~~~~(d)) SPACE FOR EQUIPMENT; e.g., communication system, files, labeling((: SINK (MOUNTED IN COUNTER OR INTEGRAL WITH COUNTER):~~~~STORAGE FOR CLEANING SUPPLIES AND EQUIPMENT)).~~~~(8) PERSONNEL FACILITIES.~~~~(a) TOILET, SHOWER ROOM OR AREA, CHANGE AND LOCKER AREA AS CLOSE AS POSSIBLE TO ENTRANCE OF CENTRAL PROCESSING/STERILIZING UNIT WITH STORAGE FOR CLEAN WORK ATTIRE. May be combined with other facilities if close by and adequate for both.~~~~(b) LOCKER ROOM with storage²⁴ or equivalent for clean attire LOCATED TO ALLOW SEPARATE ACCESS TO AND FROM CLEAN AND SOILED ROOMS.~~~~(9) OFFICE ROOM OR SPACE WITH COMMUNICATION DEVICE.~~~~(a) LOCATED TO PERMIT ACCESS FROM PUBLIC AREAS WITHOUT ENTERING PROCESSING AREAS.~~~~(b) Located to allow observation of activities within central ((sterilizing and supply)) processing service.~~~~((b)) (c) May be desk and file space in suitable location within ((main room)) workroom. ((Separate room recommended in hospitals having over one hundred beds.~~~~(9)) (10) HOUSEKEEPING FACILITIES.⁵~~~~((Suitable)) Combination with other housekeeping facilities permitted only if suitable and convenient to central sterilizing and ((supply)) processing service facilities.~~

NOTES:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-710(5), HOUSEKEEPING FACILITIES.⁶May be movable equipment.¹⁸See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-710(3), STORAGE FACILITIES.⁽²⁾See PHARMACY, WAC 248-18-670(4)) ²⁴In accordance with program.

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-700 RECEIVING, STORAGE AND ((STORES)) DISTRIBUTION. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)

(1) ((RECEIVING AREA:

~~(a) Raised platform at truck bed height with roof over.~~

~~(b) INDOOR SPACE ADJACENT TO ENTRANCE FOR TEMPORARY STORAGE AND UNPACKING. MUST NOT RESTRICT REQUIRED MEANS OF EGRESS.~~

~~(c) One area to serve for receiving of all types of goods.~~

~~(d) Stores office for receiving and dispensing adjacent to entrance and general storage room.~~

~~(e) Floor scales)) CENTRAL STORAGE FACILITIES, IN ADDITION TO THE SUPPLY FACILITIES IN INDIVIDUAL DEPARTMENTS, SHALL BE PROVIDED.~~

(2) AT LEAST TWENTY SQUARE FEET FLOOR AREA STORAGE PER BED OR EQUIVALENT.²⁴

(3) OFFICE.

~~((2)) (4) GENERAL STORAGE ((ROOM:)) SHALL:~~

~~(a) BE DESIGNED AND LOCATED FOR ((A)) MINIMUM ((OF)) DISTURBANCE TO THE OPERATION OF THE HOSPITAL.~~

~~(b) BE LOCATED TO PREVENT CONTAMINATION OR DAMAGE DURING MOVEMENT OF GOODS TO AND FROM STORAGE.~~

~~(c) ((AT LEAST 20 SQUARE FEET FLOOR AREA PER BED:~~

~~((d)) BE DESIGNED AND CONSTRUCTED TO PREVENT ENTRANCE AND HARBORAGE OF RODENTS AND INSECTS, AND SPOILAGE, CONTAMINATION, AND CORROSION OF GOODS STORED THEREIN.~~

~~(d) PROVIDE FOR PROTECTION AGAINST INCLEMENT WEATHER DURING TRANSFER OF SUPPLIES WHEN GENERAL STORAGE FACILITIES ARE LOCATED IN SEPARATE BUILDING.~~

~~(e) ((When responsibility for different types of storage is divided, general storage room should be similarly divided to provide proper control.~~

~~(f) ALL SHELVING AT LEAST 12 INCHES ABOVE THE FLOOR:~~

~~(g) Shelving away from wall)) If pharmaceuticals are stored, PROVIDE SECURED SPACES WITH APPROPRIATE ENVIRONMENTAL CONDITIONS AS APPROVED BY DIRECTOR OF HOSPITAL PHARMACY²⁴ AND IN ACCORDANCE WITH FEDERAL AND STATE LAWS AND RULES ON DRUG STORAGE.~~

(5) RECEIVING AREA OR AREAS.

(a) UNLOADING FACILITIES LOCATED TO PROVIDE PROTECTION FOR SUPPLIES AND TO PREVENT AUTOMOTIVE EXHAUST FROM ENTERING AIR INTAKES OF HOSPITAL.²⁴ Offstreet,

raised platform at truck bed height with roof cover allowing fourteen feet vertical clearance.

(b) ADMINISTRATIVE WORK SPACE FOR RECEIVING NEAR TO RECEIVING AND BREAK-OUT AREAS. May be combined with distribution and issue area.

(c) Floor scales.

(6) BULK STORAGE ROOM OR ROOMS WITH STORAGE OFF FLOOR.

(7) BREAK-OUT AREA.

(a) INDOOR SPACE WITHIN THE HOSPITAL TO ALLOW FOR REMOVAL AND DISPOSAL OF OUTSIDE SHIPPING CONTAINERS PRIOR TO STORAGE OR TRANSPORT WITHIN CLEAN AREAS.

(b) PHYSICALLY SEPARATED FROM CLEAN STORAGE ROOMS.

(c) SHALL NOT RESTRICT REQUIRED MEANS OF EGRESS.

(8) CLEAN STORAGE ROOMS.

(a) DESIGNED AND EQUIPPED FOR STORAGE OF ITEMS REMOVED FROM ORIGINAL SHIPPING CONTAINERS INCLUDING PROCESSED AND STERILIZED ITEMS THAT ARE PACKAGED.

(b) May be centralized in one storage room or decentralized according to areas or rooms for grouping of different types of items according to use.

(c) SPACE FOR SHELVING AND/OR CART STORAGE.²⁴

(d) LOCATION AND DESIGN OF STORAGE UNITS⁶ TO ALLOW FOR CLEANING OF WALLS, SHELVES, AND FLOORS.²⁴

(e) ALL FIXED SHELVING AT LEAST SIX INCHES ABOVE FLOOR.

(9) DISTRIBUTION OR ISSUE AREA OR AREAS (also see WAC 248-18-680).

(a) LOCATED CONVENIENT TO THE EXIT FROM CLEAN STORAGE ROOMS. May be combined with office for receiving area or with issue area from central processing service.

(b) EQUIPMENT FOR ADMINISTRATIVE FUNCTIONS²⁴, e.g., desk, communication system, files.

((3) ALCOHOL STORAGE.²⁴

(a) LOCATED TO MINIMIZE HAZARD TO THE HOSPITAL:

(b) SIZED TO ACCOMMODATE QUANTITY REQUIRED BY PROGRAM)) (10) FLAMMABLE AND COMBUSTIBLE LIQUID STORAGE FACILITIES SHALL MEET REQUIREMENTS OF FLAMMABLE AND COMBUSTIBLE LIQUIDS CODE NFPA 30. SEE WAC 248-18-99902(15) (e.g., alcohol, acetone, paint thinners, oils, and chemicals used in laboratory).

(a) SEPARATE STORAGE ROOM OR ROOMS SIZED IN ACCORDANCE WITH QUANTITY TO BE STORED.²⁴

(b) LOCATED TO MINIMIZE HAZARD TO THE HOSPITAL.

(c) APPROVED CONTAINERS, VENTILATED STORAGE CABINETS, AND APPROVED FLAMMABLE STORAGE REFRIGERATORS.

(d) CHEMICALS USED IN LABORATORY STORED IN ACCORDANCE WITH NFPA 99, CHAPTER 7. SEE WAC 248-18-99902(16).

~~((4) OXYGEN AND NITROUS OXIDE STORAGE))~~ (11) GASEOUS OXIDIZING MATERIALS INCLUDING BUT NOT LIMITED TO OXYGEN, NITROUS OXIDE, NITROGEN TRIOXIDE, FLUORINE, CHLORINE, AND CHLORINE TRIFLUORIDE SEGREGATED IN ACCORDANCE WITH REQUIREMENTS OF STORAGE OF GASEOUS OXIDIZING MATERIALS NFPA 43C. SEE WAC 248-18-99902(17).⁽²⁵⁾

~~(a) ((LOCATED TO MINIMIZE HAZARD AND DISTURBANCE TO THE HOSPITAL))~~ SEGREGATED EITHER BY SPACE OR IN A SEPARATE ROOM OR IN A SEPARATE BUILDING.

~~(b) SPACE SIZED TO ACCOMMODATE QUANTITY ((REQUIRED BY PROGRAM))~~ TO BE STORED.²⁴

~~(c) ((See NFPA 565, Standard for Nonflammable Medical Gas System and NFPA 56, Code for Use of Flammable Anesthetics))~~ NONFLAMMABLE MEDICAL GAS SYSTEMS INCLUDING OXYGEN, NITROUS OXIDE, AND MEDICAL COMPRESSED AIR SHALL MEET THE STANDARD NFPA 56F. SEE WAC 248-18-99902(4).

~~((5))~~ (12) FLAMMABLE ANESTHETIC STORAGE, when flammable anesthetics to be used in hospital. SEE WAC 248-18-99902(1).⁽²⁴⁾

~~(a) LOCATED TO MINIMIZE HAZARD AND DISTURBANCE TO THE HOSPITAL.~~

~~(b) SIZED TO ACCOMMODATE QUANTITY REQUIRED BY PROGRAM.~~

~~(c) ((See NFPA 56, Code for Use of Flammable Anesthetics))~~ FOR USE OF FLAMMABLE ANESTHETICS, NFPA 99, CHAPTER 3, APPLIES. SEE WAC 248-18-99902(1).

~~((6))~~ (13) BULK FOOD STORAGE ((AREA)) ROOM.

~~(a) May be ((in same room with other general stores or))~~ combined with day storage in room adjacent to kitchen.

~~(b) ((CONVENIENTLY))~~ ACCESSIBLE FROM AN OUTSIDE DELIVERY ENTRANCE.²⁴

~~(c) Location convenient to the kitchen.~~

~~(d) PROPER CONSTRUCTION, VENTILATION, AND TEMPERATURE TO MINIMIZE SPOILAGE.~~

~~(e) PEST-PROOF CONSTRUCTION.~~

~~(f) NO OPENINGS OR SPACES WHICH CANNOT BE CLEANED.~~

~~(g) BOTTOM SHELF FOR FOOD STORAGE AT LEAST ((+2)) SIX INCHES ABOVE FLOOR.~~

~~(h) ((NO SHELF FOR FOOD STORAGE (EXCEPT UNOPENED CANNED GOODS)) TOUCHING ANY WALL.~~

~~(i) SHELVING REMOVABLE FOR CLEANING = Metal))~~ LOCATION AND DESIGN OF STORAGE UNITS⁶ TO ALLOW FOR EASY AND REGULAR CLEANING OF SHELVES, WALLS, AND FLOORS.²⁴

NOTE:

~~((³⁴For construction, ventilation and electrical requirements, refer to standards of state fire marshal and the electrical inspection division of the state department of labor and industries))~~ ⁶May be movable equipment.

²⁴In accordance with program.

WSR 85-05-035

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 85-12—Filed February 15, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are adopted pursuant to the Columbia River compact and are necessary to harvest available salmon.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1985.

By Gene DiDonato
for William R. Wilkerson
Director

NEW SECTION

WAC 220-32-03000P GILL NET SEASON. Notwithstanding the provisions of WAC 220-32-030, WAC 220-32-031 and WAC 220-32-032, it is unlawful to take fish for or possess salmon for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E, except in those areas, at those times and with the gear designated below:

Areas 1A, 1B, 1C and that portion of 1D downstream from a line perpendicular to the thread of the river from Kelley Point, east bank of Willamette River.

12:00 noon February 18 until 6:00 p.m. February 22, 1985.

12:00 noon February 24 until 6:00 p.m. March 1, 1985.

12:00 noon March 3 until 6:00 p.m. March 8, 1985.

8 inch minimum mesh restriction.

WSR 85-05-036

ATTORNEY GENERAL OPINION

Cite as: AGO 1985 No. 5

[February 7, 1985]

PUBLIC WORKS—EMPLOYEES—APPRENTICES—APPLICABILITY OF STATE PREVAILING WAGE LAW

A federal Bureau of Apprenticeship and Training (BAT) apprentice program may not be substituted for a state-approved apprenticeship program under chapter 49.04 RCW for the purposes of ascertainment of the prevailing wage on public works projects under RCW 39.12.021.

Requested by:

Honorable Jeannette Hayner
State Senator, 16th District
302 Legislative Building
Olympia, Washington 98504

WSR 85-05-037

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—February 14, 1985]

The Washington State Human Rights Commission will conduct a special meeting to discuss legislation on February 19, 1985. The meeting will be held by conference call which will originate in the Olympia office beginning at 10:00 a.m.

WSR 85-05-038

**PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed February 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning the Washington Strawberry Commission, new chapter 16-555 WAC;

that the agency will at 1:15 p.m., Friday, April 12, 1985, in the Kalhus Hall Conference Room, Western Washington Research and Extension Center, 7612 Pioneer Way, Puyallup, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 14, 1985.

The authority under which these rules are proposed is chapter 15.65 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 12, 1985.

Dated: February 19, 1985
By: Arthur C. Scheunemann
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-555 WAC, Washington Strawberry Commission.

Description of Purpose: Create a Washington Strawberry Commission.

Summary of Rules: Create a Washington Strawberry Commission to fund research for strawberry production problems.

Reasons Supporting Proposed Action: Producers have expressed their need for research for new varieties and ways to increase production.

Agency Personnel Responsible for Drafting and Implementation: Roger L. Roberts, Agricultural Programs Administrator, Washington State Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504; and Enforcement: Washington Strawberry Commission.

Persons Proposing Rules: Washington strawberry producers by a petition to the director of agriculture as provided for in RCW 15.65.050, private.

Agency Comments or Recommendations: None.

Rule is not necessary as a result of federal law or federal or state court action.

Economic Impact Statement: None.

**Chapter 16-555 WAC
WASHINGTON STRAWBERRY COMMISSION**

WAC

16-555-010	Definition of terms.
16-555-020	Strawberry commodity board.
16-555-030	Marketing order purposes.
16-555-040	Assessments and collections.
16-555-041	Time—Place—Method for payment and collection of assessments.
16-555-050	Obligations of the board.
16-555-060	Termination of the order.
16-555-070	Effective time.
16-555-080	Separability.

NEW SECTION

WAC 16-555-010 DEFINITION OF TERMS. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington Agricultural Enabling Act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association, or corporation.

(5) "Affected producer" means any person who produces strawberries in commercial quantities in that portion of the state of Washington located west of the summit of the Cascade Mountains for fresh market, for processing, or for sale to processors.

(6) "Commercial quantity" means any strawberries produced for a market in quantities of ten thousand pounds or more, by a producer in any calendar year.

(7) "Handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing, storing, freezing, or distributing strawberries not produced by him.

(8) "Strawberry commodity board," hereinafter referred to as "board," means the commodity board formed under the provisions of WAC 16-555-020.

(9) "Strawberries" means and includes all kinds, varieties, and hybrids of "FRAGARIA-X-ANANASSA" grown and marketed in the state of Washington.

(10) "Marketing season" or "fiscal year" means the twelve-month period beginning with January 1 of any year and ending with the last day of December following, both dates being inclusive.

(11) "Producer-handler" means any person who acts both as a producer and as a handler with respect to strawberries. A producer-handler shall be deemed to be a producer with respect to the strawberries which he produces and a handler with respect to the strawberries which he handles, including those produced by himself.

(12) "Affected area" means that portion of the state of Washington located west of the summit of the Cascade Mountains.

(13) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

(14) "Affected unit" means one pound net of strawberries.

NEW SECTION

WAC 16-555-020 STRAWBERRY COMMODITY BOARD.

(1) ADMINISTRATION. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) BOARD MEMBERSHIP.

(a) The board shall consist of six members. Five members shall be affected producers elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be that portion of the state of Washington located west of the summit of the Cascade Mountains and shall be divided into three representative districts as follows:

(i) District I shall have two board members, being positions 1 and 2, and shall include the counties of Island, San Juan, Skagit, and Whatcom.

(ii) District II shall have two board members, being positions 3 and 4, and shall include the counties of King, Clallam, Jefferson, Kitsap, Pierce, and Snohomish.

(iii) District III shall have one board member, being position 5, and shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania, Wahkiakum, Grays Harbor, Mason, and Thurston.

(3) BOARD MEMBERSHIP QUALIFICATIONS. The affected producer members of the board shall be practical producers of strawberries and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing strawberries within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) TERM OF OFFICE.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through five and the member appointed by the director, position six.

(c) The term of office for the initial board members shall be as follows:

- Position one - one year;
- Positions three and five - two years;
- Positions two and four - three years.

(d) No elected member of the board may serve more than two full consecutive three-year terms.

(5) NOMINATION AND ELECTION OF BOARD MEMBERS.

Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, the director shall deem that said nominee satisfies the requirements of

the position and then it shall be deemed that said nominee has been duly elected.

(6) ELECTION OF BOARD MEMBERS.

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) VACANCIES PRIOR TO ELECTION. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) QUORUM. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) BOARD COMPENSATION. No member of the board shall receive any salary or other compensation, but each member may receive \$35.00 for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, together with travel expenses at the rates allowed state employees.

(10) POWERS AND DUTIES OF THE BOARD. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments, contributions, or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish a "strawberry board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, shall be deposited each day or as often as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each calendar year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each calendar year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(1) PROCEDURES FOR BOARD.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by regular news services.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: PROVIDED, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

NEW SECTION

WAC 16-555-030 **MARKETING ORDER PURPOSES.** The order is to promote the general welfare of the state, to enable producers of strawberries to help themselves facilitate cultural and harvesting improvements, and regulate unfair trade practices within the industry. To carry out the purposes of the order, the board may provide for a program in one or more of the following areas:

(1) Provide for research in the production, processing, and/or marketing of strawberries and expend the necessary funds for such purposes. Insofar as practicable, such research shall be carried on by experiment stations of Washington State University, but if in the judgment of the board, said experiment stations do not have the facilities for a particular project or if some other research entity has better facilities therefor, the project may be carried out by other research entities selected by the board.

(2) Provide for marketing information and services to affected producers, for the verification of grades, standards, weights, tests, and sampling of quality and quantity of strawberries purchased by handlers from affected producers and for the purpose of facilitating the efficient marketing of strawberries.

(3) Prohibit and/or otherwise regulate any one or more or all of the practices listed to the extent that such practices affect, directly or indirectly, strawberries or any product thereof, but only with respect to persons who engage in such practices with the intent of or with the reasonably foreseeable effect of inducing any purchaser to become his customer or his supplier or of otherwise dealing or trading with him or of diverting trade from a competitor, to wit:

(a) Paying rebates, commissions or unearned discounts;

(b) Unfairly extending privileges or benefits (pertaining to price, to credit, to the loan, lease or giving away of facilities, equipment or other property or to any other matter or thing) to any customer, supplier or other person;

(c) Discriminating between customers, or suppliers of a like class;

(d) Making or publishing false or misleading advertising. Such regulation may authorize uniform trade practices applicable to all similarly situated handlers and/or other persons.

(4) The board may authorize use of any money received and of any persons employed thereunder for legal proceedings, of any type and in the name of any person, directed to the enforcement of this or any other law in force in the state of Washington relating to the prevention of unfair trade practices.

NEW SECTION

WAC 16-555-040 **ASSESSMENTS AND COLLECTIONS.** (1) Assessments.

(a) The annual assessment on all varieties of strawberries shall be one-fourth cent per affected unit (pound).

(b) For the purpose of collecting assessments, the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year, may be refunded on a prorata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of this marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year, or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION

WAC 16-555-041 **TIME—PLACE—METHOD FOR PAYMENT AND COLLECTION OF ASSESSMENTS.** Effective with the growing season of 1985, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.65.410 and WAC 16-561-040:

(1) All first handlers of strawberries for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. Where the first handler does not remit proceeds to the producer, the first handler shall include in his bill for services the assessment due and upon payment by the producer shall remit same to the commission. All such assessments accumulated will be due and payable to the commission on or before September 30 of each year, a report listing the name, address, pounds handled or purchased, and amount deducted or collected for each producer on forms provided by the commission.

(2) All growers selling strawberries other than to first handlers for resale or processing, whether selling direct or through brokers, and including all sales at retail, including u-pick, shall pay the assessment directly to the commission, on or before September 30 of each year.

(3) All growers having strawberries in cold storage that are not sold on September 15 of each year, shall compute the assessment due on such berries and pay same to the commission by September 30 of each year.

(4) Any assessments paid after the above deadlines shall be accompanied by a penalty fee of 10% as provided in RCW 15.65.440 of the act.

NEW SECTION

WAC 16-555-050 **OBLIGATIONS OF THE BOARD.** Obligations incurred by the board or employee or agent thereof pertaining to their performance or nonperformance or misperformance of any matters or things authorized, required, or permitted them by the act or this order, and any other liabilities or claims against them or any of them shall be enforced in the same manner as if the whole organization under the order were a corporation. No liability for the debts or

actions of the board, employee, or agent incurred in their official capacity under this order shall exist either against the board, officers, employees, and/or agents in their individual capacity, nor against the state of Washington or any subdivision or instrumentality thereof nor against any other organization, administrator, or board (or employee or agent thereof) established pursuant to this act or the assets thereof. The board, and its agents and employees, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other board, member of the board, or other person. The liability of the members of the board shall be several and not joint and no member shall be liable for the default of any other member.

NEW SECTION

WAC 16-555-060 **TERMINATION OF THE ORDER.** The order shall be terminated if the director finds that fifty-one percent by numbers and fifty-one percent by volume of production of the affected producers favor or assent such dissolution. The director may ascertain without compliance with RCW 15.65.050 through 15.65.130 of the act whether such termination is so assented to or favored whenever twenty percent by numbers and twenty percent by volume of production of the affected producers file written application with him for such termination. The termination shall not, however, become effective until the expiration of the marketing season.

NEW SECTION

WAC 16-555-070 **EFFECTIVE TIME.** The marketing order for strawberries shall become effective on and after June 15, 1985.

NEW SECTION

WAC 16-555-080 **SEPARABILITY.** If any provisions hereof are declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder hereof or of the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

WSR 85-05-039

NOTICE OF PUBLIC MEETINGS WESTERN WASHINGTON UNIVERSITY [Memorandum—February 8, 1985]

The location of the regularly scheduled March 7, 1985, meeting of the Western Washington University board of trustees has been changed from the WWU campus to the Skagit Valley College campus in Mt. Vernon.

The regularly scheduled April 4, 1985, meeting will be held on the WWU campus, rather than out of town.

WSR 85-05-040

ADOPTED RULES DEPARTMENT OF LICENSING (Dental Disciplinary Board) [Order PL 520—Filed February 19, 1985]

Be it resolved by the Washington State Dental Disciplinary Board, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

New WAC 308-37-160 Representation of care, fees and records.
New WAC 308-37-170 Disclosure of provider services.

New WAC 308-37-180 Disclosure of membership affiliation.
New WAC 308-37-190 Specialty representation.

This action is taken pursuant to Notice No. WSR 85-02-062 filed with the code reviser on January 2, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.32.640(1) which directs that the Washington State Dental Disciplinary Board has authority to implement the provisions of RCW 18.32.510 and 18.32.530 through 18.32.780.

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

APPROVED AND ADOPTED February 8, 1985.

By Clifford H. Rankin
Acting Chairman

NEW SECTION

WAC 308-37-160 **REPRESENTATION OF CARE, FEES, AND RECORDS.** Dentists shall not represent the care being rendered to their patients or the fees being charged for providing such care in a false or misleading manner, nor alter patient records, such as but not limited to, misrepresenting dates of service or treatment codes.

NEW SECTION

WAC 308-37-170 **DISCLOSURE OF PROVIDER SERVICES.** In order that patients and the public are adequately informed of the provider of dental services, a dentist who is personally present operating as a dentist or personally overseeing the operations being performed in a dental office, over fifty percent of the time that such office is being operated, shall identify himself or herself in any representation to the public associated with such office or practice and shall provide readily visible signs designating his or her name at such respective office entrances or office buildings. Any representation that omits such a listing of dentists is misleading, deceptive, or improper conduct. Dentists who are present or overseeing operations under this rule less than fifty percent of the time shall identify themselves to patients prior to services being initiated or rendered in any fashion. Every office shall have readily available a list of the names of dentists who are involved in such office less than fifty percent of the time.

NEW SECTION

WAC 308-37-180 **DISCLOSURE OF MEMBERSHIP AFFILIATION.** It shall be misleading, deceptive or improper conduct for any dentist to represent that he or she is a member of any dental association, society, organization, or any component thereof where such membership in fact does not exist.

NEW SECTION

WAC 308-37-190 SPECIALTY REPRESENTATION. (1) It shall be misleading, deceptive or improper conduct for a dentist to represent or imply that he or she is a specialist or use any of the terms to designate a dental specialty such as:

- (a) Endodontist
- (b) Oral or Maxillofacial Surgeon
- (c) Oral pathologist
- (d) Orthodontist
- (e) Pedodontist
- (f) Periodontist
- (g) Prosthodontist
- (h) Public Health

or any derivation of these specialties unless he or she is entitled to such specialty designation under the guidelines for specialties of the Commission on Accreditation of Dental Education of the American Dental Association in effect of January 1, 1985, or such guidelines as subsequently amended and approved by the dental disciplinary board, or other such organization recognized by the board.

(2) A dentist not currently entitled to such specialty designation shall not represent that his or her practice is limited to providing services in a specialty area without clearly disclosing in the representation that he or she is a general dentist. A specialist who represents services in areas other than his or her specialty is considered a general dentist.

WSR 85-05-041
PROPOSED RULES
STATE TOXICOLOGIST
 [Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Toxicologist intends to adopt, amend, or repeal rules relating to administration of breath tests, chapter 448-12 WAC;

that the agency will at 1:30 p.m., Tuesday, March 26, 1985, in the Harborview Medical Center, 325 9th Avenue, Seattle, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 46.61.506.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 26, 1985.

Dated: February 20, 1985
 By: Dr. Vidmantas A. Raisys
 State Toxicologist

STATEMENT OF PURPOSE

Title: State Toxicologist—Breath alcohol testing.

Description of Purpose: To provide for implementation of a breath test program involving new equipment and procedures.

Statutory Authority: RCW 46.61.506.

Summary of Rule: These rules will allow new breath test instrumentation purchased by the State Patrol to be used in processing DWI arrests. Along with the new equipment, there are new procedures to implement. One of the new rules provides for the phasing out of existing WAC rules and equipment.

Reasons Supporting Proposed Action: A new program for breath testing is being implemented involving new equipment and procedures. This will greatly advance the states' effort in dealing with the DWI problem.

Agency Personnel Responsible for Drafting: Mr. John Vercimak, Washington State Patrol, General Administration Building, Olympia, WA 98504, 753-3482; Implementation: Dr. Vidmantas A. Raisys, State Toxicologist, Harborview Medical Center, 325 9th Avenue, Seattle, WA 98104, 223-3311; and Enforcement: Sergeant Rod G. Gullberg, Washington State Patrol Crime Lab, Public Safety Building, Seattle, WA 98104, 464-7074.

Person or Organization Proposing Rule: Dr. Vidmantas A. Raisys, Washington State Toxicologist, governmental organization.

PROPOSED WAC'S FOR INFRARED BREATH INSTRUMENTNEW SECTION

WAC 448-12-210 BAC VERIFIER DATA MASTER, INFRARED BREATH TEST INSTRUMENT APPROVED. The BAC Verifier Data Master infrared breath test instrument is approved by the state toxicologist as a device for the measurement of a person's breath for alcohol concentration. A simulator will be attached to each instrument and will provide a known external standard for each test. This simulator test will be run automatically between the two breath measurements. The simulator test will ensure the correct operation and calibration of the instrument and thus will certify the instrument with each test.

NEW SECTION

WAC 448-12-220 TEST DEFINED. The test of a person's breath for alcohol concentration by infrared test method shall consist of the person to insufflate deep lung (alveolar) air sample into the instrument no less than two times. There will be sufficient time between the provision of each sample by the person to permit the instrument to evaluate each sample individually. The two breath samples supplied by the individual shall constitute one test. This shall be effective May 1, 1985.

NEW SECTION

WAC 448-12-230 ADMINISTRATION OF BREATH TEST ON BAC VERIFIER DATA MASTER INSTRUMENT. Pursuant to RCW 46.61.506, the state toxicologist approves the following method for performing the breath test on the BAC Verifier Data Master infrared breath testing instrument. To obtain a valid breath test, it must be determined (a) that the subject has had nothing to eat or drink for at least fifteen (15) minutes prior to the administration of the test, and (b) that the subject does not have any foreign substances, not to include dental work, fixed or removable, in his/her mouth at the beginning of the fifteen (15) minute observation period. Such determination shall be made by either an examination of the mouth or a denial by the subject that he/she has any foreign substances in his/her mouth.

In conducting the test, the operator must be sure the temperature of the solution in the simulator is 34° Centigrade, plus or minus .2° Centigrade, prior to the time the test is given. The reading from the simulator test must be between .090 and .110. The operator must follow the instructions displayed by the instrument or the instrument will not complete the test.

NEW SECTION

WAC 448-12-240 INSTRUCTORS. The state toxicologist shall certify persons found by him to be competent and qualified as instructors. They are authorized to administer breath tests using the BAC Verifier Data Master infrared breath testing instrument, and to train and certify as operators, on behalf of the toxicologist, persons the instructor finds qualified to administer the breath test utilizing the BAC Verifier Data Master breath test instrument.

NEW SECTION

WAC 448-12-250 OPERATORS. The state toxicologist or instructors on his behalf shall certify as "operators" persons found to be competent and qualified through instruction to administer breath tests for alcohol concentration, utilizing the BAC Verifier Data Master infrared breath test instrument. A list of persons so certified shall be maintained in the office of the state toxicologist.

NEW SECTION

WAC 448-12-260 REVIEW OF QUALIFICATIONS. The qualifications of operators shall be subject to review by field representatives of the state toxicologist, who shall also have the authority to evaluate periodically the operational condition of any breath testing equipment in the state of Washington. If an operator fails or refuses to demonstrate that he or she has the ability to adequately perform his or her responsibilities as an operator, the field representative shall have the ability to suspend or revoke the permit on behalf of the state toxicologist.

NEW SECTION

WAC 448-12-270 PERMIT CARDS. The state toxicologist shall authorize the issuance to persons deemed qualified for the respective designation "operator" or "instructor" a wallet-sized card bearing his or her name and designation. Permit cards shall bear the signature or facsimile signature of the state toxicologist, be dated, and may bear the instructor's signature. Such permits shall expire three years after the date on the card or January 1, 1987, whichever date is later in time.

NEW SECTION

WAC 448-12-280 COURSE APPROVAL. Instructors prior to the conducting of a course for the training or retraining of operators for use of the infrared BAC Verifier Data Master breath test instrument shall submit to the state toxicologist for his approval the curriculum to be used in the course. If the curriculum is approved, subsequent courses embodying the same curriculum may be conducted without individual approval of each course.

NEW SECTION

WAC 448-12-290 MINIMUM COURSE REQUIREMENTS. A minimum course of training for an operator shall include the following: (a) Theory of operator; (b) detailed procedure of operation; (c) practical experience; (d) written examination; and (e) practical examination.

NEW SECTION

WAC 448-12-300 INSTRUCTION. Individuals who have attended courses approved by the state toxicologist in the operation of the BAC Verifier Data Master infrared breath testing instrument shall, upon certification of attendance and qualification, be approved for the designation "operator."

NEW SECTION

WAC 448-12-310 OPERATORS AND INSTRUCTORS. The operators and instructors certified by the state toxicologist on the BAC Verifier Data Master infrared breath test instrument are not to be considered in any manner medically trained personnel with qualifications to testify to any type of medical matters which may be involved with respect to those cases in which results from tests given on the BAC Verifier Data Master infrared breath test instrument are used. Persons so certified by the state toxicologist are certified in only the operation and/or theory of operation of the BAC Verifier infrared breath testing instrument.

NEW SECTION

WAC 448-12-320 ADDRESS FOR CORRESPONDENCE. Individuals seeking certification in accordance with these rules or approval of equipment to administer the breath test for alcohol concentration shall direct their request to the State Toxicologist, Department of Laboratory Medicine, Harborview Medical Center ZA-88, 325 - 9th Avenue, Seattle, Washington 98104.

NEW SECTION

WAC 448-12-330 NAMES OF INSTRUCTORS. Pursuant to WAC 448-12-250, the state toxicologist will maintain a list of persons certified as BAC Verifier Data Master instructors. These names shall be made available to interested parties upon request to the state toxicologist at the address set forth in WAC 448-12-320.

NEW SECTION

WAC 448-12-340 EFFECTIVE DATE. WAC's 448-12-210 through 448-12-330 shall become effective as of May 1, 1985, and will remain in full force and effect until otherwise directed by the state toxicologist. The aforementioned WAC's will be in effect concurrently with WAC's 448-12-010 through 448-12-100 until January 1, 1987. On January 1, 1987, WAC's 448-12-010 through 448-12-100 shall be held to be replaced and of no force and effect after the date.

WSR 85-05-042**PROPOSED RULES****LIQUOR CONTROL BOARD**

[Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 314-16-190	Class H restaurant—Qualifications.
New	WAC 314-16-197	Minimum qualifications for applicants who apply for Class A and/or D licenses in lieu of presently held Class B license;

that the agency will at 9:30 a.m., Wednesday, April 3, 1985, in the Office of the Liquor Control Board, 1025 East Union Avenue, Capital Plaza Building, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is RCW 66.08.010, 66.08.030 (1) and (2) and chapter 66.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 3, 1985.

Dated: February 20, 1985

By: L. H. Pedersen
Chairman**STATEMENT OF PURPOSE**

Title: WAC 314-16-190 Class H restaurant—Qualifications.

Description of Purpose: The purpose of this proposed amendment is to establish minimum qualifications for applicants who apply for Class H licenses in lieu of presently held Class B licenses.

Statutory Authority: RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

Statutes Implemented by the Rule: RCW 66.08.010, 66.08.030 (1) and (2) and chapter 66.24 RCW.

Summary of Rule: WAC 314-16-190(8) is summarized as follows: An applicant who is operating a business which is primarily a restaurant and desires a Class H in lieu of a presently held Class B must for a period of at least one year establish gross sales reflecting on-premises food sales of 51% or more of the total sales. Gross sales figures submitted must be segregated and include food sales for on-premises consumption; food sales for off-premises consumption; beer and/or wine sales for on-premises consumption; beer and/or wine sales for off-premises consumption; sales of cigarettes, candies, packaged snack foods, etc.; and where such activities have been conducted, income from games, gambling, cover charges, etc.

Reason Supporting Proposed Action: The current rule does not provide the board with criteria with which to give consideration for Class H in lieu of Class B licenses. This amendment carries out the board's longstanding policies which it has relied upon when considering minimum qualifications for such Class H in lieu applications.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Ray Hensel, Supervisor, License Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6259.

Person or Organization Proposing Rule: This rule was proposed by the Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for both large and small businesses is estimated to be minimal to zero.

Title: WAC 314-16-197 Minimum qualifications for applicants who apply for Class A and/or D licenses in lieu of presently held Class B license.

Description of Purpose: The purpose of this rule is to establish minimum qualifications for applicants who apply for Class A and/or D licenses in lieu of a presently held Class B license.

Statutory Authority: RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

Statutes Implemented by the Rule: RCW 66.08.010, 66.08.030 (1) and (2) and chapter 66.24 RCW.

Summary of Rule: The new rule provides that an applicant who is operating a business which is primarily a restaurant and desires a Class A and/or D license in lieu of a presently held Class B license must for a period of at least one year establish gross sales reflecting on-premises food sales of 51% or more of total sales. Gross sales figures submitted must be segregated and include food sales for on-premises consumption; food sales for off-premises consumption; beer and/or wine for on-premises consumption; beer and/or wine for off-premises consumption; sales of cigarettes, candies, packaged snack foods, etc.; and where such activities have been

conducted, income from games, gambling, cover charges, etc.

Reason Supporting Proposed Action: This rule will implement the board's longstanding policies which it has relied upon when considering Class A and/or D in lieu applications.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Ray Hensel, Supervisor, License Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6259.

Person or Organization Proposing Rule: This rule was proposed by the Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for both large and small businesses is estimated to be minimal to zero.

AMENDATORY SECTION (Amending Order 66, Resolution No. 75, filed 6/9/78)

WAC 314-16-190 CLASS H RESTAURANT—QUALIFICATIONS. (1) All restaurant applicants for a Class H license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66-24.400 and 66.24.410(2).

(2) A restaurant applicant for a Class H license shall be subject to the following requirements which are conditions precedent to action by the board on the application:

(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value.

(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in paragraph (a) above is in place and is operational.

(3) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have the license applied for issued merely because the requested figures have been submitted.

(4) To demonstrate to the satisfaction of the board that a Class H restaurant as defined in RCW 66.24.410(2) is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals, a Class H restaurant shall maintain daily average gross food sales of one hundred dollars or more, and such food sales shall amount to forty percent or more of the restaurant's total food-liquor sales.

(5) Each Class H restaurant licensee shall submit semi-annual reports on forms provided by the board, showing its gross food and liquor sales. If for two successive semi-annual reports, a Class H restaurant's daily average gross food sales are less than one hundred dollars, or its food sales are less than forty percent of its total food-liquor sales, such restaurant shall be ineligible to retain its Class H license.

(6) The restaurant area of any Class H restaurant shall be open to the public for service of complete meals at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day on any day liquor is offered for sale,

service or consumption, unless otherwise authorized in writing by the board to alleviate demonstrated hardship. At all other times when the restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, sandwiches and/or short orders of food shall be available for sale to the public.

(7) In the event a Class H restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its Class H license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the Class H license under such terms and conditions as the board determines are in the best interest of the public.

(8) Licensees who presently hold a class B liquor license and who apply for a class H liquor license in lieu thereof, in order to demonstrate to the satisfaction of the board that the business such applicant has been operating is primarily that of a restaurant, must submit and establish the following data and information:

(a) Sales figures for the year preceding the in lieu application showing total sales, segregated as to the following categories:

- (i) Food sales for on-premises consumption;
- (ii) Food sales for off-premises consumption;
- (iii) Beer and/or wine sales for on-premises consumption;
- (iv) Beer and/or wine sales for off-premises consumption;
- (v) Miscellaneous sales, including but not limited to, cigarettes, candies, packaged snack foods, and where such activity has been conducted the income from games, gambling, cover charges, etc.

(b) That for a period of at least one year prior to the date of filing the class H license application, the gross food sales for on-premises consumption constituted fifty-one percent or more of total sales.

While the requirements of (a) and (b) of this subsection must be established before the board will give consideration to the issuance of an in lieu class H license, the fact that an applicant meets those criteria does not establish a vested right that such license shall issue.

NEW SECTION

WAC 314-16-197 MINIMUM QUALIFICATIONS FOR APPLICANTS WHO APPLY FOR CLASS A AND/OR D LICENSES IN LIEU OF PRESENTLY HELD CLASS B LICENSE. (1) Licensees who presently hold a class B liquor license and who apply for a class A and/or D license in lieu thereof, in order to demonstrate to the satisfaction of the board that the business such applicant has been operating is primarily that of a restaurant, must submit and establish the following data and information:

(a) Applicant shall submit sales figures for the year preceding the in lieu application showing total sales, segregated as to the following categories:

- (i) Food sales for on-premises consumption;
- (ii) Food sales for off-premises consumption;
- (iii) Beer and/or wine sales for on-premises consumption;
- (iv) Beer and/or wine sales for off-premises consumption;
- (v) Miscellaneous sales, including but not limited to, cigarettes, candies, packaged snack foods, and where such activity has been conducted the income from games, gambling, cover charges, etc.

(b) That for a period of at least one year prior to the date of filing the class A and/or D license application, the gross food sales for on-premises consumption constituted fifty-one percent or more of total sales.

(2) While the requirements of (a) and (b) of this subsection must be established before the board will give consideration to the issuance of an in lieu class A and/or D license, the fact that an applicant meets those criteria does not establish a vested right that such license shall issue.

WSR 85-05-043
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor

and Industries intends to adopt, amend, or repeal rules concerning the amending of WAC 296-24-19003, 296-24-31503, 296-24-31505, 296-24-32003, 296-24-33009, 296-24-33011, 296-24-33013, 296-24-33015, 296-24-33017, 296-24-37005, 296-24-37019, 296-24-37023, 296-24-40509 and 296-24-47505, these are state initiated amendments in the general safety and health standard to correct the references to the electrical section of the standard. WAC 296-56-60001, 296-56-60019, 296-56-60045, 296-56-60069, 296-56-60073, 296-56-60077, 296-56-60081, 296-56-60083, 296-56-60085, 296-56-60089, 296-56-60093, 296-56-60098, 296-56-60099, 296-56-60115, 296-56-60117, 296-56-60135, 296-56-60209, 296-56-60211, 296-56-60217, 296-56-60219, 296-56-60227, 296-56-60233, 296-56-60235 and 296-56-60237, state initiated amendments in the marine terminal standard to correct typographical errors. WAC 296-62-05403, 296-62-05405, 296-62-05411, 296-62-05413, 296-62-05421 and 296-62-05425, state initiated corrections to the hazard communication standard in order to be in compliance with federal regulations as published in Federal Register Vol. 48, No. 228, Friday, November 25, 1983. WAC 296-62-07302, list of carcinogens is a state initiated amendment to correct a typographical error. WAC 296-62-07306 is amended to reflect an OSHA correction to the carcinogen standard, as published in 29 CFR 1910.1016. WAC 296-62-07353, ethylene oxide, is amended to correct errors in standard in order to mirror OSHA CFR 1910.1047, published in Federal Register Vol. 49, No. 122, Friday, June 22, 1984. WAC 296-62-130, emergency washing facilities, is a state initiated change to clarify an existing standard. WAC 296-155-665 is a state initiated amendment to correct a reference (Table N-3 to N-5). WAC 296-360-040(2) is a new section in the discrimination standard, pursuant to RCW 49.17-.160, which is state initiated. The new section provides that after a discrimination complainant receives a determination from the assistant director that prohibited discrimination has not occurred, the complainants may file a written request for review by the director within fifteen working days of receipt of the determination; that the agency will at 9:30 a.m., Thursday, March 28, 1985, in the Large Conference Room, General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 19, 1985.

The authority under which these rules are proposed is RCW 49.17.040 and 49.17.050.

The specific statute these rules are intended to implement is RCW 49.17.050(4), 49.17.060(1) and 49.17.240(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 21, 1985.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the formal decision for

adoption or in response to written comments received before the deadline.

The agency may need to change the date for formal decision for adoption on short notice. To ascertain the adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

G. David Hutchins
Acting Assistant Director
Industrial Safety and Health
Division
P.O. Box 207, Olympia, WA 98504
(206) 753-6500

Dated: February 14, 1985

By: R. A. Davis
Director

STATEMENT OF PURPOSE

Title and Number of Rule(s) or Chapter: Chapter 296-24 WAC, General safety and health standards; chapter 296-56 WAC, Marine terminals; chapter 296-62 WAC, General occupational health standards; WAC 296-62-054 Hazard communication, 296-62-07302, 296-62-07306, 296-62-130 and 296-62-07353; chapter 296-155 WAC, Safety standards for construction workers; and chapter 296-360 WAC, Discrimination standard, pursuant to RCW 49.17.160.

Statutory Authority: RCW 49.17.040 and 49.17.050.

Specific Statute that Rules are Intended to Implement: RCW 49.17.050(4), 49.17.060(1) and 49.17.240(2).

Summary of the Rule(s): See above.

Reasons Supporting the Proposed Rule(s): To ensure safe and healthful working conditions for every person working in the state of Washington; and to be in compliance with federal regulations.

Agency Personnel Responsible for Drafting: Ray V. Wax, Technical Services Chief, Division of Industrial Safety and Health, 814 East Fourth, Olympia, Washington 98504, 753-6381; Implementation: G. David Hutchins, Acting Assistant Director, Division of Industrial Safety and Health, 814 East Fourth, Olympia, Washington 98504, 753-6500; and Enforcement: Same as above.

Name of Person or Organization, Whether Private, Public, or Governmental that is Proposing the Rule(s): Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): These are basic rules that will not be difficult or expensive for employers who must comply with them. However, the rules will likely prevent many costly injuries, including death, to employees in the state of Washington.

Portions of the rules are necessary to comply with a federal law, 29 U.S.C. subsection 667(c)(2).

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: No negative impact.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-19003 GENERAL REQUIREMENTS. (1) New installations. All new installations after August 27, 1971, shall be in conformity with WAC 296-24-190 through 296-24-19015.

(2) Existing installations. All existing plant installations or equipment contracted for prior to the effective date of these standards, shall comply with WAC 296-24-190 through 296-24-19015.

(3) Auxiliary equipment. Mechanical and electrical equipment and auxiliaries shall be installed in accordance with this section and the state of Washington safety standards for installing electric wires and equipment, WAC ((296-24-950 through 296-24-955)) 296-24-956.

(4) Mill roll heights. All new mill installations shall be installed so that the top of the operating rolls is not less than 50 inches above the level on which the operator stands, irrespective of the size of the mill. This distance shall apply to the actual working level, whether it be at the general floor level, in a pit, or on a platform.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-31503 GASEOUS HYDROGEN SYSTEMS. (1) Design. (a) Containers. (i) Hydrogen containers shall comply with one of the following:

(A) Designed, constructed, and tested in accordance with appropriate requirements of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968.

(B) Designed, constructed, tested and maintained in accordance with U.S. Department of Transportation specifications and regulations.

(ii) Permanently installed containers shall be provided with substantial noncombustible supports on firm noncombustible foundations.

(iii) Each portable container shall be legibly marked with the name "hydrogen" in accordance with "marking compressed gas containers to identify the material contained" ANSI Z48.1-1954. Each manifolded hydrogen supply unit shall be legibly marked with the name hydrogen or a legend such as "this unit contains hydrogen."

(b) Safety relief devices. (i) Hydrogen containers shall be equipped with safety relief devices as required by the ASME Boiler and Pressure Vessel Code, Section VIII Unfired Pressure Vessels, 1968 or the DOT specifications and regulations under which the container is fabricated.

(ii) Safety relief devices shall be arranged to discharge upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container, adjacent structure of personnel. This requirement does not apply to DOT specification containers having an internal volume of 2 cubic feet or less.

(iii) Safety relief devices or vent piping shall be designed or located so that moisture cannot collect and freeze in a manner which would interfere with proper operation of the device.

(c) Piping, tubing, and fittings. (i) Piping, tubing, and fittings shall be suitable for hydrogen service and for the pressures and temperatures involved. Case iron pipe and fittings shall not be used.

(ii) Piping and tubing shall conform to Section 2—"Industrial Gas and Air Piping"—Code for Pressure Piping, ANSI B31.1-1967 with addenda B31.1-1969.

(iii) Joints in piping and tubing may be made by welding or brazing or by use of flanged, threaded, socket, or compression fittings. Gaskets and thread sealants shall be suitable for hydrogen service.

(d) Equipment assembly. (i) Valves, gauges, regulators, and other accessories shall be suitable for hydrogen service.

(ii) Installation of hydrogen systems shall be supervised by personnel familiar with proper practices with reference to their construction and use.

(iii) Storage containers, piping, valves, regulating equipment, and other accessories shall be readily accessible, and shall be protected against physical damage and against tampering.

(iv) Cabinets or housings containing hydrogen control or operating equipment shall be adequately ventilated.

(v) Each mobile hydrogen supply unit used as part of a hydrogen system shall be adequately secured to prevent movement.

(vi) Mobile hydrogen supply units shall be electrically bonded to the system before discharging hydrogen.

(e) Marking. The hydrogen storage location shall be permanently placarded as follows: "HYDROGEN—FLAMMABLE GAS—NO SMOKING—NO OPEN FLAMES," or equivalent.

(f) Testing. After installations, all piping, tubing, and fittings shall be tested and proved hydrogen gas tight at maximum operating pressure.

(2) Location. (a) General. (i) The system shall be located so that it is readily accessible to delivery equipment and to authorized personnel.

- (ii) Systems shall be located above ground.
- (iii) Systems shall not be located beneath electric power lines.
- (iv) Systems shall not be located close to flammable liquid piping or piping of other flammable gases.
- (v) Systems near aboveground flammable liquid storage shall be located on ground higher than the flammable liquid storage except when dikes, diversion curbs, grading, or separating solid walls are used to prevent accumulation of flammable liquids under the system.
- (b) Specific requirements. (i) The location of a system, as determined by the maximum total contained volume of hydrogen, shall be in the order of preference as indicated by Roman numerals in Table H-1.

TABLE H-1

Nature of location	Size of hydrogen system		
	Less than 3,000 CF	3,000 CF to 15,000 CF	In excess of 15,000 CF
Outdoors	I	I	I
In a separate building	II	II	II
In a special room	III	III	Not permitted.
Inside buildings not in a special room and exposed to other occupancies	IV	Not permitted.	Not permitted.

(ii) The minimum distance in feet from a hydrogen system of indicated capacity located outdoors, in separate buildings or in special rooms to any specified outdoor exposure shall be in accordance with Table H-2.

(iii) The distances in Table H-2 Items 1, 14, and 3 to 10 inclusive do not apply where protective structures such as adequate fire walls are located between the system and the exposure.

(iv) Hydrogen systems of less than 3,000 CF when located inside buildings and exposed to other occupancies shall be situated in the building so that the system will be as follows:

- (A) In an adequately ventilated area as in (3)(b)(ii) of this section.
- (B) Twenty feet from stored flammable materials or oxidizing gases.
- (C) Twenty-five feet from open flames, ordinary electrical equipment or other sources of ignition.
- (D) Twenty-five feet from concentrations of people.
- (E) Fifty feet from intakes of ventilation or air-conditioning equipment and air compressors.
- (F) Fifty feet from other flammable gas storage.
- (G) Protected against damage or injury due to falling objects or working activity in the area.
- (H) More than one system of 3,000 CF or less may be installed in the same room, provided the systems are separated by at least 50 feet. Each such system shall meet all of the requirements of this section.

(3) Design consideration at specific locations. (a) Outdoor locations. (i) Where protective walls or roofs are provided, they shall be constructed of noncombustible materials.

(ii) Where the enclosing sides adjoin each other, the area shall be properly ventilated.

(iii) Electrical equipment within 15 feet shall be in accordance with WAC ((296-24-950 and 296-24-955)) 296-24-956.

(b) Separate buildings. (i) Separate buildings shall be built of at least noncombustible construction. Windows and doors shall be located so as to be readily accessible in case of emergency. Windows shall be of glass or plastic in metal frames.

(ii) Adequate ventilation to the outdoors shall be provided. Inlet openings shall be located near the floor in exterior walls only. Outlet openings shall be located at the high point of the room in exterior walls or roof. Inlet and outlet openings shall each have minimum total area of one square foot per 1,000 cubic feet of room volume. Discharge from outlet openings shall be directed or conducted to a safe location.

(iii) Explosion venting shall be provided in exterior walls or roof only. The venting area shall be equal to not less than 1 square foot per 30 cubic feet of room volume and may consist of any one or any combination of the following: Walls of light noncombustible material, preferably single thickness, single strength glass; lightly fastened hatch covers; lightly fastened swinging doors in exterior walls opening outward; lightly fastened walls or roof designed to relieve at a maximum pressure of 25 pounds per square foot.

(iv) There shall be no sources of ignition from open flames, electrical equipment, or heating equipment.

(v) Electrical equipment shall be in accordance with WAC ((296-24-950 and 296-24-955)) 296-24-956 for Class I, Division 2 locations.

(vi) Heating, if provided, shall be by steam, hot water, or other indirect means.

(c) Special rooms. (i) Floor, walls, and ceiling shall have a fire-resistance rating of at least 2 hours. Walls or partitions shall be continuous from floor to ceiling and shall be securely anchored. At least one wall shall be an exterior wall. Openings to other parts of the building shall not be permitted. Windows and doors shall be in exterior walls and shall be located so as to be readily accessible in case of emergency. Windows shall be of glass or plastic in metal frames.

(ii) Ventilation shall be as provided in (3)(b)(ii) of this section.

(iii) Explosion venting shall be as provided in (3)(b)(iii) of this section.

(iv) There shall be no sources of ignition from open flames, electrical equipment or heating equipment.

(v) Electrical equipment shall be in accordance with Article 501 of the National Electrical Code, NFPA 70-1971; ANSI C1-1971 (Rev. of 1968), for Class I Division 2 locations.

(vi) Heating, if provided, shall be by steam, hot water, or indirect means.

(4) Operating instructions. For installations which require any operation of equipment by the user, legible instructions shall be maintained at operating locations.

(5) Maintenance. (a) The equipment and functioning of each charged gaseous hydrogen system shall be maintained in a safe operating condition in accordance with the requirements of this section. The area within 15 feet of any hydrogen container shall be kept free of dry vegetation and combustible material.

TABLE H-2

Type of outdoor exposure	Size of hydrogen system		
	Less than 3,000 CF	3,000 CF to 15,000 CF	In excess of 15,000 CF
1. Building or structure			
Wood frame construction*	10	25	50
Heavy timber, noncombustible or ordinary construction*	0	10	**25
Fire-resistive construction*	0	0	0
2. Wall openings			
Not above any part of a system	10	10	10
Above any part of a system	25	25	25
3. Flammable liquids above ground			
0 to 1,000 gallons	10	25	25
In excess of 1,000 gallons	25	50	50
4. Flammable liquids below ground—0 to 1,000 gallons			
Tank	10	10	10
Vent or fill opening of tank	25	25	25
5. Flammable liquids below ground—in excess of 1,000 gallons			
Tank	20	20	20
Vent or fill opening of tank	25	25	25

TABLE H-2

Type of outdoor exposure		Size of hydrogen system		
		Less than 3,000 CF	3,000 CF to 15,000 CF	In excess of 15,000 CF
6. Flammable gas storage, either high pressure or low pressure	0 to 15,000 CF capacity— In excess of 15,000 CF capacity	10 25	25 50	25 50
7. Oxygen storage	12,000 CF or less More than 12,000 CF	Refer to NFPA No. 51, gas systems for welding and cutting (1969). Refer to NFPA No. 566, bulk oxygen systems at consumer sites (1969).		
8. Fast burning solids such as ordinary lumber, excelsior or paper		50	50	25
9. Slow burning solids such as heavy timber or coal		25	25	25
10. Open flames and other sources of ignition		25	25	50
11. Air compressor intakes or inlets to ventilating or air-condition equipment		50	50	50
12. Concentration of people***		25	50	50
13. Public sidewalks		15	15	15
14. Line of adjoining property which may be built upon		5	5	5

*Refer to NFPA No. 220 standard types of building construction for definitions of various types of construction. (1969 Ed.)

**But not less than one-half the height of adjacent side wall of the structure.

***In congested areas such as offices, lunchrooms, locker rooms, time-clock areas, and places of public assembly.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-31505 LIQUEFIED HYDROGEN SYSTEMS.

(1) Design. (a) Containers. (i) Hydrogen containers shall comply with the following: Storage containers shall be designed, constructed, and tested in accordance with appropriate requirements of the ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels (1968) or applicable provisions of API Standard 620, Recommended Rules for Design and Construction of Large, Welded, Low-Pressure Storage Tanks, Second Edition (June 1963) and Appendix R (April 1965).

(ii) Portable containers shall be designed, constructed and tested in accordance with DOT specifications and regulations.

(b) Supports. Permanently installed containers shall be provided with substantial noncombustible supports securely anchored on firm noncombustible foundations. Steel supports in excess of 18 inches in height shall be protected with a protective coating having a 2-hour fire-resistance rating.

(c) Marking. Each container shall be legibly marked to indicate "LIQUEFIED HYDROGEN—FLAMMABLE GAS."

(d) Safety relief devices. (i) Stationary liquefied hydrogen containers shall be equipped with safety relief devices sized in accordance with CGA Pamphlet S-1-1966, Part 3, Safety Relief Device Standards for Compressed Gas Storage Containers.

(A) Portable liquefied hydrogen containers complying with the U.S. Department of Transportation regulations shall be equipped with safety relief devices as required in the U.S. Department of Transportation specifications and regulations. Safety relief devices shall be sized in accordance with the requirements of CGA Pamphlet S-1-1966, Safety Relief Device Standards, Part 1, Compressed Gas Cylinders and Part 2, Cargo and Portable Tank Containers.

(ii) Safety relief devices shall be arranged to discharge unobstructed to the outdoors and in such a manner as to prevent impingement of escaping liquid or gas upon the container, adjacent structures or personnel. See (2)(a)(vi) of this section for venting of safety relief devices in special locations.

(iii) Safety relief devices or vent piping shall be designed or located so that moisture cannot collect and freeze in a manner which would interfere with proper operation of the device.

(iv) Safety relief devices shall be provided in piping wherever liquefied hydrogen could be trapped between closures

(e) Piping, tubing, and fittings. (i) Piping, tubing, and fittings and gasket and thread sealants shall be suitable for hydrogen service at the pressures and temperatures involved. Consideration shall be given to the thermal expansion and contraction of piping systems when exposed to temperature fluctuations of ambient to liquefied hydrogen temperatures.

(ii) Gaseous hydrogen piping and tubing (above—20°F) shall conform to the applicable sections of Pressure Piping Section 2—Industrial Gas and Air Piping, ANSI B31.1-1967 with addenda B31.1-1969. Design of liquefied hydrogen or cold (—20°F or below) gas piping shall use Petroleum Refinery Piping ANSI B31.3-1966 or Refrigeration Piping ANSI B31.5-1966 with addenda B31.5a-1968 as a guide.

(iii) Joints in piping and tubing shall preferably be made by welding or brazing; flanged, threaded, socket, or suitable compression fittings may be used.

(iv) Means shall be provided to minimize exposure of personnel to piping operating at low temperatures and to prevent air condensate from contacting piping, structural members, and surfaces not suitable for cryogenic temperatures. Only those insulating materials which are rated nonburning in accordance with ASTM Procedures D1692-68 may be used. Other protective means may be used to protect personnel. The insulation shall be designed to have a vapor-tight seal in the outer covering to prevent the condensation of air and subsequent oxygen enrichment within the insulation. The insulation material and outside shield shall also be of adequate design to prevent attrition of the insulation due to normal operating conditions.

(v) Uninsulated piping and equipment which operate at liquefied-hydrogen temperature shall not be installed above asphalt surfaces or other combustible materials in order to prevent contact of liquid air with such materials. Drip pans may be installed under uninsulated piping and equipment to retain and vaporize condensed liquid air.

(f) Equipment assembly. (i) Valves, gauges, regulators, and other accessories shall be suitable for liquefied hydrogen service and for the pressures and temperatures involved.

(ii) Installation of liquefied hydrogen systems shall be supervised by personnel familiar with proper practices and with reference to their construction and use.

(iii) Storage containers, piping, valves, regulating equipment, and other accessories shall be readily accessible and shall be protected against physical damage and against tampering. A shutoff valve shall be located in liquid product withdrawal lines as close to the container as practical. On containers of over 2,000 gallons capacity, this shutoff valve shall be of the remote control type with no connections, flanges, or other appurtenances (other than a welded manual shutoff valve) allowed in the piping between the shutoff valve and its connection to the inner container.

(iv) Cabinets or housings containing hydrogen control equipment shall be ventilated to prevent any accumulation of hydrogen gas.

(g) Testing. (i) After installation, all field-erected piping shall be tested and proved hydrogen gas-tight at operating pressure and temperature.

(ii) Containers if out of service in excess of 1 year shall be inspected and tested as outlined in (1) of this section. The safety relief devices shall be checked to determine if they are operable and properly set.

(h) Liquefied hydrogen vaporizers. (i) The vaporizer shall be anchored and its connecting piping shall be sufficiently flexible to provide for the effect of expansion and contraction due to temperature changes.

(ii) The vaporizer and its piping shall be adequately protected on the hydrogen and heating media sections with safety relief devices.

(iii) Heat used in a liquefied hydrogen vaporizer shall be indirectly supplied utilizing media such as air, steam, water, or water solutions.

(iv) A low temperature shutoff switch shall be provided in the vaporizer discharge piping to prevent flow of liquefied hydrogen in the event of the loss of the heat source.

(i) Electrical systems. (i) Electrical wiring and equipment located within 3 feet of a point where connections are regularly made and disconnected, shall be in accordance with WAC ((296-24-950 and 296-24-955)) 296-24-956 for Class I, Group B, Division 1 locations.

(ii) Except as provided in (i) of this section, electrical wiring, and equipment located within 25 feet of a point where connections are regularly made and disconnected or within 25 feet of a liquid hydrogen storage container, shall be in accordance with WAC ((296-24-950 and 296-24-955)) 296-24-956 for Class I, Group B, Division 2 locations. When equipment approved for Class I, Group B atmospheres is not commercially available, the equipment may be:

(A) Purged or ventilated in accordance with NFPA No. 496-1967, Standard for Purged Enclosures for Electrical Equipment in Hazardous Locations,

(B) Intrinsically safe, or

(C) Approved for Class I, Group C atmospheres. This requirement does not apply to electrical equipment which is installed on mobile supply trucks or tank cars from which the storage container is filled.

(j) Bonding and grounding. The liquefied hydrogen container and associated piping shall be electrically bonded and grounded.

(2) Location of liquefied hydrogen storage. (a) General requirements. (i) The storage containers shall be located so that they are readily accessible to mobile supply equipment at ground level and to authorized personnel.

(ii) The containers shall not be exposed by electric power lines, flammable liquid lines, flammable gas lines, or lines carrying oxidizing materials.

(iii) When locating liquefied hydrogen storage containers near above-ground flammable liquid storage or liquid oxygen storage, it is advisable to locate the liquefied hydrogen container on ground higher than flammable liquid storage or liquid oxygen storage.

(iv) Where it is necessary to locate the liquefied hydrogen container on ground that is level with or lower than adjacent flammable liquid storage or liquid oxygen storage, suitable protective means shall be taken (such as by diking, diversion, curbs, grading), with respect to the adjacent flammable liquid storage or liquid oxygen storage, to prevent accumulation of liquids within 50 feet of the liquefied hydrogen container.

(v) Storage sites shall be fenced and posted to prevent entrance by unauthorized personnel. Sites shall also be placarded as follows: "Liquefied hydrogen—Flammable gas—No smoking—No open flames."

(vi) If liquefied hydrogen is located in (as specified in Table H-3) a separate building, in a special room, or inside buildings when not in a special room and exposed to other occupancies, containers shall have the safety relief devices vented unobstructed to the outdoors at a minimum elevation of 25 feet above grade to a safe location as required in (I)(d)(ii) of this section.

(b) Specific requirements. (i) The location of liquefied hydrogen storage, as determined by the maximum total quantity of liquefied hydrogen, shall be in the order of preference as indicated by Roman numerals in the following Table H-3.

TABLE H-3

MAXIMUM TOTAL QUANTITY OF LIQUEFIED HYDROGEN STORAGE PERMITTED

Nature of location	Size of hydrogen storage (capacity in gallons)			
	39.63 (150 liters) to 50	51 to 300	301 to 600	In excess of 600
Outdoors	I	I	I	I
In a separate building	II	II	II	Not permitted.
In a special room	III	III	Not permitted	Not permitted.
Inside buildings not in a special room and exposed to other occupancies	IV	Not permitted	Not permitted	Not permitted.

NOTE: This table does not apply to the storage in dewars of the type generally used in laboratories for experimental purposes.

(ii) The minimum distance in feet from liquefied hydrogen systems of indicated storage capacity located outdoors, in a separate building, or in a special room to any specified exposure shall be in accordance with Table H-4.

TABLE H-4

MINIMUM DISTANCE (FEET) FROM LIQUEFIED HYDROGEN SYSTEMS TO EXPOSURE

Type of exposure	Liquefied hydrogen storage (capacity in gallons)		
	39.63 (150 liters) to 3,500	3,501 to 15,000	15,001 to 30,000
1. Fire-resistive building and fire walls*	5	5	5
2. Noncombustible building* —	25	50	75
3. Other buildings*	50	75	100
4. Wall openings, air-compressor intakes, inlets for air-conditioning or ventilating equipment	75	75	75
5. Flammable liquids (above ground and vent or fill openings if below ground) (see 513 and 514)	50	75	100
6. Between stationary liquefied hydrogen containers	5	5	5
7. Flammable gas storage	50	75	100
8. Liquid oxygen storage and other oxidizers (see 513 and 514)	100	100	100
9. Combustible solids	50	75	100
10. Open flames, smoking, and welding	50	50	50
11. Concentrations of people**	75	75	75
12. Public ways, railroads, and property lines	25	50	75

*Refer to standard types of building construction, NFPA No. 220-1969 for definitions of various types of construction.

**In congested areas such as offices, lunchrooms, locker rooms, time-clock areas, and places of public assembly.

NOTE 1: The distance in Nos. 2, 3, 5, 7, 9, and 12 in Table H-4 may be reduced where protective structures, such as firewalls equal to height of top of the container, to safeguard the liquefied hydrogen storage system, are located between the liquefied hydrogen storage installation and the exposure.

NOTE 2: Where protective structures are provided, ventilation and confinement of product should be considered. The 5-foot distance in Nos. 1 and 6 facilitates maintenance and enhances ventilation.

(c) Handling of liquefied hydrogen inside buildings other than separate buildings and special rooms. Portable liquefied hydrogen containers of 50 gallons or less capacity as permitted in Table H-3 and in compliance with (2)(a)(vi) of this section when housed inside buildings not located in a special room and exposed to other occupancies shall comply with the following minimum requirements:

(i) Be located 20 feet from flammable liquids and readily combustible materials such as excelsior or paper.

(ii) Be located 25 feet from ordinary electrical equipment and other sources of ignition including process or analytical equipment.

(iii) Be located 25 feet from concentrations of people.

(iv) Be located 50 feet from intakes of ventilation and air-conditioning equipment or intakes of compressors.

(v) Be located 50 feet from storage of other flammable-gases or storage of oxidizing gases.

(vi) Containers shall be protected against damage or injury due to falling objects or work activity in the area.

(vii) Containers shall be firmly secured and stored in an upright position.

(viii) Welding or cutting operations, and smoking shall be prohibited while hydrogen is in the room.

(ix) The area shall be adequately ventilated. Safety relief devices on the containers shall be vented directly outdoors or to a suitable hood. See (1)(d)(ii) of this section and (2)(a)(vi) of this section.

(3) Design considerations at specific locations. (a) Outdoor locations. (i) Outdoor location shall mean outside of any building or structure, and includes locations under a weather shelter or canopy provided such locations are not enclosed by more than two walls set at right angles and are provided with vent-space between the walls and vented roof or canopy.

(ii) Roadways and yard surfaces located below liquefied hydrogen piping, from which liquid air may drop, shall be constructed of non-combustible materials.

(iii) If protective walls are provided, they shall be constructed of noncombustible materials and in accordance with the provisions of (3)(a)(i) of this section as applicable.

(iv) Electrical wiring and equipment shall comply with (1)(i)(i) and (ii) of this section.

(v) Adequate lighting shall be provided for nighttime transfer operation.

(b) Separate buildings. (i) Separate buildings shall be of light non-combustible construction on a substantial frame. Walls and roofs shall be lightly fastened and designed to relieve at a maximum internal pressure of 25 pounds per square foot. Windows shall be of shatter-proof glass or plastic in metal frames. Doors shall be located in such a manner that they will be readily accessible to personnel in an emergency.

(ii) Adequate ventilation to the outdoors shall be provided. Inlet openings shall be located near the floor level in exterior walls only. Outlet openings shall be located at the high point of the room in exterior walls or roof. Both the inlet and outlet vent openings shall have a minimum total area of 1 square foot per 1,000 cubic feet of room volume. Discharge from outlet openings shall be directed or conducted to a safe location.

(iii) There shall be no sources of ignition.

(iv) Electrical wiring and equipment shall comply with (1)(i)(i) and (ii) of this section except that the provisions of (1)(i)(ii) of this section shall apply to all electrical wiring and equipment in the separate building.

(v) Heating, if provided, shall be by steam, hot water, or other indirect means.

(c) Special rooms. (i) Floors, walls, and ceilings shall have a fire resistance rating of at least 2 hours. Walls or partitions shall be continuous from floor to ceiling and shall be securely anchored. At least one wall shall be an exterior wall. Openings to other parts of the building shall not be permitted. Windows and doors shall be in exterior walls and doors shall be located in such a manner that they will be accessible in an emergency. Windows shall be of shatterproof glass or plastic in metal frames.

(ii) Ventilation shall be as provided in (3)(b)(ii) of this section.

(iii) Explosion venting shall be provided in exterior walls or roof only. The venting area shall be equal to not less than 1 square foot per 30 cubic feet of room volume and may consist of any one or any combination of the following: Walls of light noncombustible material; lightly fastened hatch covers; lightly fastened swinging doors opening outward in exterior walls; lightly fastened walls or roofs designed to relieve at a maximum pressure of 25 pounds per square foot.

(iv) There shall be no sources of ignition.

(v) Electrical wiring and equipment shall comply with (1)(i)(i) and (ii) of this section except that the provisions of (1)(i)(ii) of this section shall apply to all electrical wiring and equipment in the special room.

(vi) Heating, if provided, shall be steam, hot water, or by other indirect means.

(4) Operating instructions. (a) Written instructions. For installation which require any operation of equipment by the user, legible instructions shall be maintained at operating locations.

(b) Attendant. A qualified person shall be in attendance at all times while the mobile hydrogen supply unit is being unloaded.

(c) Security. Each mobile liquefied hydrogen supply unit used as part of a hydrogen system shall be adequately secured to prevent movement.

(d) Grounding. The mobile liquefied hydrogen supply unit shall be grounded for static electricity.

(5) Maintenance. (a) The equipment and functioning of each charged liquefied hydrogen system shall be maintained in a safe operating condition in accordance with the requirements of this section. Weeds or similar combustibles shall not be permitted within 25 feet of any liquified hydrogen equipment.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-32003 BULK OXYGEN SYSTEMS. (1) Definitions. As used in this section: A bulk oxygen system is an assembly of equipment, such as oxygen storage containers, pressure regulators, safety devices, vaporizers, manifolds, and interconnecting piping, which has storage capacity of more than 13,000 cubic feet of oxygen, Normal Temperature and Pressure (NTP), connected in service or ready for service, or more than 25,000 cubic feet of oxygen (NTP) including unconnected reserves on hand at the cite. The bulk oxygen system terminates at the point where oxygen at service pressure first enters the supply line. The oxygen containers may be stationary or movable, and the oxygen may be stored as gas or liquid.

(2) Location. (a) General. Bulk oxygen storage systems shall be located above ground out of doors, or shall be installed in a building of noncombustible construction, adequately vented, and used for that purpose exclusively. The location selected shall be such that containers and associated equipment shall not be exposed by electric power lines, flammable or combustible liquid lines, or flammable gas lines.

(b) Accessibility. The system shall be located so that it is readily accessible to mobile supply equipment at ground level and to authorized personnel.

(c) Leakage. Where oxygen is stored as a liquid, noncombustible surfacing shall be provided in an area in which any leakage of liquid oxygen might fall during operation of the system and filling of a storage container. For purposes of these standards, asphaltic or bituminous paving is considered to be combustible.

(d) Elevation. When locating bulk oxygen systems near above ground flammable or combustible liquid storage which may be either indoors or outdoors, it is advisable to locate the system on ground higher than the flammable or combustible liquid storage.

(e) Dikes. Where it is necessary to locate a bulk oxygen system on ground lower than adjacent flammable or combustible liquid storage suitable means shall be taken (such as by diking, diversion curbs, or grading) with respect to the adjacent flammable or combustible liquid storage to prevent accumulation of liquids under the bulk oxygen system.

(3) Distance between systems and exposures. (a) General. The minimum distance from any bulk oxygen storage container to exposures, measured in the most direct line except as indicated in (3)(f) and (g) of this section shall be as indicated in (3)(b) to (r) of this section inclusive.

(b) Combustible structures. Fifty feet from any combustible structures.

(c) Fire resistive structures. Twenty-five feet from any structures with fire-resistive exterior walls or sprinklered buildings or other construction, but not less than one-half the height of adjacent side wall of the structure.

(d) Openings. At least 10 feet from any opening in adjacent walls of fire resistive structures. Spacing from such structures shall be adequate to permit maintenance, but shall not be less than 1 foot.

(e) Flammable liquid storage above ground.

Distance (feet)	Capacity (gallons)
50	0-1000
90	1001 or more

(f) Flammable liquid storage below ground.

Distance measured horizontally from oxygen storage container to flammable liquid tank (feet)	Distance from oxygen storage container to filling and vent connections or openings to flammable liquid tank (feet)	Capacity gallons
15	50	0-1000
30	50	1001 or more

(g) Combustible liquid storage above ground.

Distance (feet)	Capacity (gallons)
25	0-1000
50	1001 or more

(h) Combustible liquid storage below ground.

Distance measured horizontally from oxygen storage container to combustible liquid tank (feet)	Distance from oxygen storage container to filling and vent connections or openings to combustible liquid tank (feet)
15	40

(i) Flammable gas storage. (Such as compressed flammable gases, liquefied flammable gases and flammable gases in low pressure gas holders):

Distance (feet)	Capacity (cu. ft. NTP)
50	Less than 5000
90	5000 or more

(j) Highly combustible materials. Fifty feet from solid materials which burn rapidly, such as excelsior or paper.

(k) Slow-burning materials. Twenty-five feet from solid materials which burn slowly, such as coal and heavy timber.

(l) Ventilation. Seventy-five feet in one direction and 35 feet in approximately 90° direction from confining walls (not including firewalls less than 20 feet high) to provide adequate ventilation in courtyards and similar confining areas.

(m) Congested areas. Twenty-five feet from congested areas such as offices, lunchrooms, locker rooms, time clock areas, and similar locations where people may congregate.

(n) Public areas. Fifty feet from places of public assembly.

(o) Patients. Fifty feet from areas occupied by nonambulatory patients.

(p) Sidewalks. Ten feet from any public sidewalk.

(q) Adjacent property. Five feet from any line of adjoining property.

(r) Exceptions. The distances in (3)(b), (c), (e) to (k) inclusive, and (p) and (q) of this section do not apply where protective structures such as firewalls of adequate height to safeguard the oxygen storage systems are located between the bulk oxygen storage installation and the exposure. In such cases, the bulk oxygen storage installation may be a minimum distance of 1 foot from the firewall.

(4) Storage containers. (a) Foundations and supports. Permanently installed containers shall be provided with substantial noncombustible supports on firm noncombustible foundations.

(b) Construction—Liquid. Liquid oxygen storage containers shall be fabricated from materials meeting the impact test requirements of paragraph UG-84 of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968. Containers operating at pressures above 15 pounds per square inch gage (p.s.i.g.) shall be designed, constructed, and tested in accordance with appropriate requirements of ASME Boiler and Pressure Vessel Code, Section VII—Unfired Pressure Vessels—1968. Insulation surrounding the liquid oxygen container shall be noncombustible.

(c) Construction—Gaseous. High-pressure gaseous oxygen containers shall comply with one of the following:

(i) Designed, constructed, and tested in accordance with appropriate requirements of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968.

(ii) Designed, constructed, tested, and maintained in accordance with DOT specifications and regulations.

(5) Piping, tubing, and fittings. (a) Selection. Piping, tubing, and fittings shall be suitable for oxygen service and for the pressures and temperatures involved.

(b) Specification. Piping and tubing shall conform to Section 2—Gas and Air Piping Systems of Code for Pressure Piping, ANSI, B31.1—1967 with addenda B31.10a—1969.

(c) Fabrication. Piping or tubing for operating temperatures below -20°F shall be fabricated from materials meeting the impact test requirements of paragraph UG-84 of ASME Boiler and Pressure Vessel

Code, Section VIII—Unfired Pressure Vessels—1968, when tested at the minimum operating temperature to which the piping may be subjected in service.

(6) Safety relief devices. (a) General. Bulk oxygen storage containers, regardless of design pressure shall be equipped with safety relief devices as required by the ASME code or the DOT specifications and regulations.

(b) DOT containers. Bulk oxygen storage containers designed and constructed in accordance with DOT specification shall be equipped with safety relief devices as required thereby.

(c) ASME containers. Bulk oxygen storage containers designed and constructed in accordance with the ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessel—1968 shall be equipped with safety relief devices meeting the provisions of the Compressed Gas Association Pamphlet "Safety Relief Device Standards for Compressed Gas Storage Containers," S-1, Part 3.

(d) Insulation. Insulation casings on liquid oxygen containers shall be equipped with suitable safety relief devices.

(e) Reliability. All safety relief devices shall be so designed or located that moisture cannot collect and freeze in a manner which would interfere with proper operation of the device.

(7) Liquid oxygen vaporizers. (a) Mounts and couplings. The vaporizer shall be anchored and its connecting piping be sufficiently flexible to provide for the effect of expansion and contraction due to temperature changes.

(b) Relief devices. The vaporizer and its piping shall be adequately protected on the oxygen and heating medium sections with safety relief devices.

(c) Heating. Heat used in an oxygen vaporizer shall be indirectly supplied only through media such as steam, air, water, or water solutions which do not react with oxygen.

(d) Grounding. If electric heaters are used to provide the primary source of heat, the vaporizing system shall be electrically grounded.

(8) Equipment assembly and installation. (a) Cleaning. Equipment making up a bulk oxygen system shall be cleaned in order to remove oil, grease or other readily oxidizable materials before placing the system in service.

(b) Joints. Joints in piping and tubing may be made by welding or by use of flanged, threaded, slip, or compression fittings. Gaskets or thread sealants shall be suitable for oxygen service.

(c) Accessories. Valves, gages, regulators, and other accessories shall be suitable for oxygen service.

(d) Installation. Installation of bulk oxygen systems shall be supervised by personnel familiar with proper practices with reference to their construction and use.

(e) Testing. After installation all field erected piping shall be tested and proved gas tight at maximum operating pressure. Any medium used for testing shall be oil free and nonflammable.

(f) Security. Storage containers, piping, valves, regulating equipment, and other accessories shall be protected against physical damage and against tampering.

(g) Venting. Any enclosure containing oxygen control or operating equipment shall be adequately vented.

(h) Placarding. The bulk oxygen storage location shall be permanently placarded to indicate: "OXYGEN—NO SMOKING—NO OPEN FLAMES," or an equivalent warning.

(i) Electrical wiring. Bulk oxygen installations are not hazardous locations as defined and covered in WAC ((~~296-24-950 and 296-24-955~~) ~~296-24-956~~). Therefore, general purpose or weatherproof types of electrical wiring and equipment are acceptable depending upon whether the installation is indoors or outdoors. Such equipment shall be installed in accordance with the applicable provisions of WAC ((~~296-24-950 and 296-24-955~~) ~~296-24-956~~).

(9) Operating instructions. For installations which require any operation of equipment by the user, legible instructions shall be maintained at operating locations.

(10) Maintenance. (a) The equipment and functioning of each charged bulk oxygen system shall be maintained in a safe operating condition in accordance with the requirements of this section. Wood and long dry grass shall be cut back within 15 feet of any bulk oxygen storage container.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-33009 CONTAINER AND PORTABLE TANK STORAGE. (1) Scope. (a) General. This section shall apply only to

the storage of flammable or combustible liquids in drums or other containers (including flammable aerosols) not exceeding 60 gallons individual capacity and those portable tanks not exceeding 660 gallons individual capacity.

(b) Exceptions. This section shall not apply to the following:

- (i) Storage of containers in bulk plants, service stations, refineries, chemical plants, and distilleries;
- (ii) Class I or Class II liquids in the fuel tanks of a motor vehicle, aircraft, boat, or portable or stationary engine;
- (iii) Flammable or combustible paints, oils, varnishes, and similar mixtures used for painting or maintenance when not kept for a period in excess of 30 days;
- (iv) Beverages when packaged in individual containers not exceeding 1 gallon in size.

(2) Design, construction, and capacity of containers. (a) General. Only approved containers and portable tanks shall be used. Metal containers and portable tanks meeting the requirements of and containing products authorized by Chapter 1, Title 49 of the Code of Federal Regulations - October 1, 1972, (regulations issued by the hazardous materials regulations board, department of transportation), shall be deemed to be acceptable.

(b) Emergency venting. Each portable tank shall be provided with one or more devices installed in the top with sufficient emergency venting capacity to limit internal pressure under fire exposure conditions to 10 p.s.i.g., or 30 percent of the bursting pressure of the tank, whichever is greater. The total venting capacity shall be not less than that specified in WAC 296-24-33005 (2)(e)(iii) or (v). At least one pressure-actuated vent having a minimum capacity of 6,000 cubic feet of free air (14.7 p.s.i.a. and 60°F) shall be used. It shall be set to open at not less than 5 p.s.i.g. If fusible vents are used, they shall be actuated by elements that operate at a temperature not exceeding 300°F.

TABLE H-12
MAXIMUM ALLOWABLE SIZE OF
CONTAINERS AND PORTABLE TANKS

Container Type	Flammable liquids			Combustible Liquids	
	Class IA	Class IB	Class IC	Class II &	Class III
Glass or approved plastic _____	1 pt.	1 qu.	1 gal.	1 gal.	1 gal.
Metal (other than DOT drums) _____	1 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Safety cans _____	2 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Metal drums (DOT spec.) _____	60 gal.	60 gal.	60 gal.	60 gal.	60 gal.
Approved portable tanks _____	660 gal.	660 gal.	660 gal.	660 gal.	660 gal.

Container exemptions: (i) Medicines, beverages, foodstuffs, cosmetics and other common consumer items, when packaged according to commonly accepted practices, shall be exempt from the requirements of (4)(a) and (b) of this section.

(c) Size. Flammable and combustible liquid containers shall be in accordance with Table H-12, except that glass or plastic containers of no more than 1-gallon capacity may be used for a Class IA or IB flammable liquid if:

(i) Such liquid either would be rendered unfit for its intended use by contact with metal or would excessively corrode a metal container so as to create a leakage hazard; and

(ii) The user's process either would require more than 1 pint of Class IA liquid or more than 1 quart of a Class IB liquid of a single assay lot to be used at one time, or would require the maintenance of an analytical standard liquid of a quality which is not met by the specified standards of liquids available, and the quantity of the analytical standard liquid required to be used in any one control process exceeds one-sixteenth the capacity of the container allowed under Table H-12 for the class of liquid; or

(iii) The containers are intended for direct export outside the United States.

(3) Design, construction, and capacity of storage cabinets. (a) Maximum capacity. Not more than 60 gallons of Class I or Class II liquids, nor more than 120 gallons of Class III liquids may be stored in a storage cabinet.

(b) Fire resistance. Storage cabinets shall be designed and constructed to limit the internal temperature to not more than 325°F when subjected to a 10-minute fire test using the standard time-temperature curve as set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. All joints and seams shall remain tight and the door shall remain securely closed during the fire test. Cabinets shall be labeled "Flammable—Keep fire away," to meet specifications set forth in WAC 296-24-140.

(i) Metal cabinets constructed in the following manner shall be deemed to be in compliance. The bottom, top, door, and sides of cabinet shall be at least No. 18 gage sheet iron and double walled with 1 1/2-inch air space. Joints shall be riveted, welded or made tight by some equally effective means. The door shall be provided with a three-point lock, and the door sill shall be raised at least 2 inches above the bottom of the cabinet.

(ii) Wooden cabinets constructed in the following manner shall be deemed in compliance. The bottom, sides, and top shall be constructed of an approved grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under fire conditions. All joints shall be rabbeted and shall be fastened in two directions with flathead woodscrews. When more than one door is used, there shall be a rabbeted overlap of not less than 1 inch. Hinges shall be mounted in such a manner as not to lose their holding capacity due to loosening or burning out of the screws when subjected to the fire test.

(4) Design and construction of inside storage rooms. (a) Construction. Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. Where an automatic sprinkler system is provided, the system shall be designed and installed in an acceptable manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench inside of the room which drains to a safe location. Where other portions of the building or other properties are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1968, for Class E or F openings. Wood at least 1 inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

(b) Rating and capacity. Storage in inside storage rooms shall comply with Table H-13.

TABLE H-13
STORAGE IN INSIDE ROOMS

Fire protection* provided	Fire resistance	Maximum size	Total allowable quantities (gals./sq. ft./floor area)
Yes _____	2 hours _____	500 sq.ft. _____	10 _____
No _____	2 hours _____	500 sq.ft. _____	4 _____
Yes _____	1 hour _____	150 sq.ft. _____	5 _____
No _____	1 hour _____	150 sq.ft. _____	2 _____

*Fire protection system shall be sprinkler, water spray, carbon dioxide, or other system.

(c) Wiring. Electrical wiring and equipment located in inside storage rooms used for Class I liquids shall be approved under WAC ((296-24-950 and 296-24-955)) 296-24-956 for Class I, Division 2 hazardous locations; for Class II and Class III liquids, shall be approved for general use.

(d) Ventilation. Every inside storage room shall be provided with either a gravity or a mechanical exhaust ventilation system. Such system shall be designed to provide for a complete change of air within the

room at least six times per hour. If a mechanical exhaust system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. A pilot light shall be installed adjacent to the switch if Class I flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhaust outlet from the room, shall be on the exterior of the building in which the room is located.

(e) Storage in inside storage rooms. In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other. Dispensing shall be by approved pump or self-closing faucet only.

(5) Storage inside building. (a) Egress. Flammable or combustible liquids, including stock for sale, shall not be stored so as to limit use of exits, stairways, or areas normally used for the safe egress of people.

(b) Containers. The storage of flammable or combustible liquids in containers or portable tanks shall comply with (4)(c) through (e) of this section.

(c) Office occupancies. Storage shall be prohibited except that which is required for maintenance and operation of building and operation of equipment. Such storage shall be kept in closed metal containers stored in a storage cabinet or in safety cans or in an inside storage room not having a door that opens into that portion of the building used by the public.

(d) Mercantile occupancies and other retail stores. (i) In rooms or areas accessible to the public, storage shall be limited to quantities needed for display and normal merchandising purposes but shall not exceed 2 gallons per square foot of gross floor area. The gross floor area used for computing the maximum quantity permitted shall be considered as that portion of the store actually being used for merchandising flammable and combustible liquids.

(ii) Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, or 120 gallons of Class IB, or 180 gallons of Class IC, or 240 gallons of Class II, or 500 gallons of Class III liquids, or any combination of Class I and Class II liquids exceeding 240 gallons, it shall be stored in a room or portion of the building that complies with the construction provisions for an inside storage room as prescribed in (4) of this section. For water miscible liquids, these quantities may be doubled.

(iii) Containers in a display area shall not be stacked more than 3 feet or two containers high, whichever is the greater, unless the stacking is done on fixed shelving or is otherwise satisfactorily secured.

(iv) Shelving shall be of stable construction, of sufficient depth and arrangement such that containers displayed thereon shall not be easily displaced.

(v) Leaking containers shall be removed to a storage room or taken to a safe location outside the building and the contents transferred to an undamaged container.

(e) General purpose public warehouses. Storage shall be in accordance with Table H-14 or H-15 and in buildings or in portions of such buildings cut off by standard firewalls. Material creating no fire exposure hazard to the flammable or combustible liquids may be stored in the same area.

TABLE H-14
INDOOR CONTAINER STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gal.	Ht.	Gal.	Ht.
IA	Ground and upper floors	2,750 (50)	3 ft. (1)	660 (12)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	5,500 (100)	6 ft. (2)	1,375 (25)	3 ft. (1)
	Basement	Not permitted		Not permitted	

TABLE H-14

INDOOR CONTAINER STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gal.	Ht.	Gal.	Ht.
IC	Ground and upper floors	16,500 (300)	6 ft. (2)	4,125 (75)	3 ft. (1)
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	16,500 (300)	9 ft. (3)	4,125 (75)	9 ft. (3)
	Basement	5,500 (100)	9 ft. (3)	Not permitted	
III	Ground and upper floors	55,000 (1,000)	15 ft. (5)	13,750 (250)	12 ft. (4)
	Basement	8,250 (450)	9 ft. (3)	Not permitted	

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.

NOTE 2: Aisles shall be provided so that no container is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.

(Numbers in parentheses indicate corresponding number of 55-gal. drums.)

NOTE 3: Each pile shall be separated from each other by at least 4 ft.

TABLE H-15

INDOOR PORTABLE TANK STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gals.	Ht.	Gals.	Ht.
IA	Ground and upper floors	Not permitted		Not permitted	
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	20,000	7 ft.	2,000	7 ft.
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	20,000	7 ft.	Not permitted	
III	Ground and upper floors	60,000	14 ft.	22,000	7 ft.
	Basement	20,000	7 ft.	Not permitted	

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.

NOTE 2: Aisles shall be provided so that no portable tank is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.

NOTE 3: Each pile shall be separated from each other by at least 4 ft.

(f) Flammable and combustible liquid warehouses or storage buildings. (i) If the storage building is located 50 feet or less from a building or line of adjoining property that may be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of at least 2 hours.

(ii) The total quantity of liquids within a building shall not be restricted, but the arrangement of storage shall comply with Table H-14 or H-15.

(iii) Containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls.

(iv) Portable tanks stored over one tier high shall be designed to nest securely, without dunnage and adequate materials handling equipment shall be available to handle tanks safely at the upper tier level.

(v) No pile shall be closer than 3 feet to the nearest beam, chord, girder, or other obstruction, and shall be 3 feet below sprinkler deflectors or discharge orifices of water spray, or other overhead fire protection systems.

(vi) Aisles of at least 3 feet wide shall be provided where necessary for reasons of access to doors, windows or standpipe connections.

(6) Storage outside buildings. (a) General. Storage outside buildings shall be in accordance with Table H-16 or H-17, and (6)(b) and (d) of this section.

TABLE H-16
OUTDOOR CONTAINER STORAGE

1 Class	2 Maximum per pile (see note 1)	3 Distance between piles (see note 2)	4 Distance to property line that can be built upon (see notes 3 & 4)	5 Distance to street, alley, public way (see note 4)
	gal.	ft.	ft.	ft.
IA	1,100	5	20	10
IB	2,200	5	20	10
IC	4,400	5	20	10
II	8,800	5	10	5
III	22,000	5	10	5

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.

NOTE 2: Within 200 ft. of each container, there shall be 12-ft. wide access way to permit approach of fire control apparatus.

NOTE 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.

NOTE 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(b) Maximum storage. A maximum of 1,100 gallons of flammable or combustible liquids may be located adjacent to buildings located on the same premises and under the same management provided the provisions of (6)(b)(i) and (ii) are complied with.

(i) The building shall be a one-story building devoted principally to the handling and storing of flammable or combustible liquids or the building shall have 2 hour fire-resistant exterior walls having no opening within 10 feet of such storage.

(ii) Where quantity stored exceeds 1,100 gallons, or provisions of (6)(b)(i) cannot be met, a minimum distance of 10 feet between buildings and nearest container of flammable or combustible liquid shall be maintained.

TABLE H-17
OUTDOOR PORTABLE TANK STORAGE

1 Class	2 Maximum per pile	3 Distance between piles	4 Distance to property line that can be built upon	5 Distance to street, alley, public way
	gal.	ft.	ft.	ft.
IA	2,200	5	20	10
IB	4,400	5	20	10
IC	8,800	5	20	10
II	17,600	5	10	5
III	44,000	5	10	5

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.

NOTE 2: Within 200 ft. of each portable tank, there shall be a 12-ft. wide access way to permit approach of fire control apparatus.

NOTE 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.

NOTE 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(c) Spill containment. The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures or shall be surrounded by a curb at least 6 inches high. When curbs are used, provisions shall be made for draining of accumulations of ground or rain water or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(d) Security. The storage area shall be protected against tampering or trespassers where necessary and shall be kept free of weeds, debris and other combustible material not necessary to the storage.

(7) Fire control. (a) Extinguishers. Suitable fire control devices, such as small hose or portable fire extinguishers, shall be available at locations where flammable or combustible liquids are stored.

(i) At least one portable fire extinguisher having a rating of not less than 12-B units shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage.

(ii) At least one portable fire extinguisher having a rating of not less than 12-B units must be located not less than 10 feet, nor more than 25 feet, from any Class I or Class II liquid storage area located outside of a storage room but inside a building.

(b) Sprinklers. When sprinklers are provided, they shall be installed in accordance with WAC 296-24-605 through 296-24-60509.

(c) Open flames and smoking. Open flames and smoking shall not be permitted in flammable or combustible liquid storage areas.

(d) Water reactive materials. Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-33011 INDUSTRIAL PLANTS. (1) Scope. (a) Application. This paragraph shall apply to those industrial plants where:

(i) The use of flammable or combustible liquids is incidental to the principal business, or

(ii) Where flammable or combustible liquids are handled or used only in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical reaction. This section shall not apply to chemical plants, refineries or distilleries.

(b) Exceptions. Where portions of such plants involve chemical reactions such as oxidation, reduction, halogenation, hydrogenation, alkylation, polymerization, and other chemical processes, those portions of the plant shall be in accordance with WAC 296-24-33017.

(2) Incidental storage or use of flammable and combustible liquids.

(a) Application. This shall be applicable to those portions of an industrial plant where the use and handling of flammable or combustible liquids is only incidental to the principal business, such as automobile assembly, construction of electronic equipment, furniture manufacturing, or other similar activities.

(b) Containers. Flammable or combustible liquids shall be stored in tanks or closed containers.

(i) Except as provided in (2)(b)(ii) and (iii) of this section all storage shall comply with WAC 296-24-33009 (3) or (4).

(ii) The quantity of liquid that may be located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building shall not exceed:

- (A) 25 gallons of Class IA liquids in containers
- (B) 120 gallons of Class IB, IC, II, or III liquids in containers
- (C) 660 gallons of Class IB, IC, II, or III liquids in a single portable tank.

(iii) Where large quantities of flammable or combustible liquids are necessary, storage may be in tanks which shall comply with the applicable requirements of WAC 296-24-33005.

(c) Separation and protection. Areas in which flammable or combustible liquids are transferred from one tank or container to another container shall be separated from other operations in the building by adequate distance or by construction having adequate fire resistance.

Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided.

(d) Handling liquids at point of final use. (i) Flammable liquids shall be kept in covered containers when not actually in use.

(ii) Where flammable or combustible liquids are used or handled, except in closed containers, means shall be provided to dispose promptly and safely of leakage or spills.

(iii) Class I liquids may be used only where there are no open flames or other sources of ignition within the possible path of vapor travel.

(iv) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or portable tanks within a building only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container or portable tanks by gravity through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks shall be prohibited.

(3) Unit physical operations. (a) Application. This subdivision (3) shall be applicable in those portions of industrial plants where flammable or combustible liquids are handled or used in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical change. Examples are plants compounding cosmetics, pharmaceuticals, solvents, cleaning fluids, insecticides, and similar types of activities.

(b) Location. Industrial plants shall be located so that each building or unit of equipment is accessible from at least one side for firefighting and fire control purposes. Buildings shall be located with respect to lines of adjoining property which may be built upon as set forth in WAC 296-24-33017 (2)(a) and (b) except that the blank wall referred to in WAC 296-24-33017 (2)(b) shall have a fire resistance rating of at least 2 hours.

(c) Chemical processes. Areas where unstable liquids are handled or small scale unit chemical processes are carried on shall be separated from the remainder of the plant by a fire wall of 2-hour minimum fire resistance rating.

(d) Drainage. (i) Emergency drainage systems shall be provided to direct flammable or combustible liquid leakage and fire protection water to a safe location. This may require curbs, scuppers, or special drainage systems to control the spread of fire; see WAC 296-24-33005 (2)(g)(ii).

(ii) Emergency drainage systems, if connected to public sewers or discharged into public waterways, shall be equipped with traps or separators.

(iii) The industrial plant shall be designed and operated to prevent the normal discharge of flammable or combustible liquids into public waterways, public sewers, or adjoining property.

(e) Ventilation. (i) Areas as defined in (1)(a) of this section using Class I liquids shall be ventilated at a rate of not less than 1 cubic foot per minute per square foot of solid floor area. This shall be accomplished by natural or mechanical ventilation with discharge or exhaust to a safe location outside of the building. Provision shall be made for introduction of makeup air in such a manner as not to short circuit the ventilation. Ventilation shall be arranged to include all floor areas or pits where flammable vapors may collect.

(ii) Equipment used in a building and the ventilation of the building shall be designed so as to limit flammable vapor-air mixtures under normal operating conditions to the interior of equipment, and to not more than 5 feet from equipment which exposes Class I liquids to the air. Examples of such equipment are dispensing stations, open centrifuges, plate and frame filters, open vacuum filters, and surfaces of open equipment.

(f) Storage and handling. The storage, transfer, and handling of liquid shall comply with WAC 296-24-33017(4) of this section.

(4) Tank vehicle and tank car loading and unloading. (a) Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings or nearest line of adjoining property which may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill stem. Buildings for pumps or shelters for personnel may be a part of the facility. Operations of the facility shall comply with the appropriate portions of WAC 296-24-33013(3).

(5) Fire control. (a) Portable and special equipment. Portable fire extinguishment and control equipment shall be provided in such quantities and types as are needed for the special hazards of operation and storage.

(b) Water supply. Water shall be available in volume and at adequate pressure to supply water hose streams, foam-producing equipment, automatic sprinklers, or water spray systems as the need is indicated by the special hazards of operation, dispensing and storage.

(c) Special extinguishers. Special extinguishing equipment such as that utilizing foam, inert gas, or dry chemical shall be provided as the need is indicated by the special hazards of operation dispensing and storage.

(d) Special hazards. Where the need is indicated by special hazards of operation, flammable or combustible liquid processing equipment, major piping, and supporting steel shall be protected by approved water spray systems, deluge systems, approved fire-resistant coatings, insulation, or any combination of these.

(e) Maintenance. All plant fire protection facilities shall be adequately maintained and periodically inspected and tested to make sure they are always in satisfactory operating condition, and they will serve their purpose in time of emergency.

(6) Sources of ignition. (a) General. Adequate precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames; lightning; smoking; cutting and welding; hot surfaces; frictional heat; static, electrical and mechanical sparks; spontaneous ignition, including heat-producing chemical reactions; and radiant heat.

(b) Grounding. Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of these standards shall be deemed to have been complied with.

(7) Electrical. (a) Equipment. (i) All electrical wiring and equipment shall be installed according to the requirements of WAC ((~~296-24-950 and 296-24-955~~)) 296-24-956.

(ii) Locations where flammable vapor-air mixtures may exist under normal operations shall be classified Class I, Division 1 according to the requirements of WAC ((~~296-24-950 and 296-24-955~~)) 296-24-956. For those pieces of equipment installed in accordance with (3)(e)(ii), the Division 1 area shall extend 5 feet in all directions from all points of vapor liberation. All areas within pits shall be classified Division 1 if any part of the pit is within a Division 1 or 2 classified area, unless the pit is provided with mechanical ventilation.

(iii) Locations where flammable vapor-air mixtures may exist under abnormal conditions and for a distance beyond Division 1 locations shall be classified Division 2 according to the requirements of WAC ((~~296-24-950 and 296-24-955~~)) 296-24-956. These locations include an area within 20 feet horizontally, 3 feet vertically beyond a Division 1 area, and up to 3 feet above floor or grade level within 25 feet, if indoors, or 10 feet if outdoors, from any pump, bleeder, withdrawal fitting, meter, or similar device handling Class I liquids. Pits provided with adequate mechanical ventilation within a Division 1 or 2 area shall be classified Division 2. If Class II or Class III liquids only are handled, then ordinary electrical equipment is satisfactory though care shall be used in locating electrical apparatus to prevent hot metal from falling into open equipment.

(iv) Where the provisions of (i), (ii) and (iii) of this section require the installation of electrical equipment suitable for Class I, Division 1 or Division 2 locations, ordinary electrical equipment including switchgear may be used if installed in a room or enclosure which is maintained under positive pressure with respect to the hazardous area. Ventilation makeup air shall be uncontaminated by flammable vapors.

(8) Repairs to equipment. Hot work, such as welding or cutting operations, use of spark-producing power tools, and chipping operations shall be permitted only under supervision of an individual in responsible charge. The individual in responsible charge shall make an inspection of the area to be sure that it is safe for the work to be done and that safe procedures will be followed for the work specified.

(9) Housekeeping. (a) General. Maintenance and operating practices shall be in accordance with established procedures which will tend to control leakage and prevent the accidental escape of flammable or combustible liquids. Spills shall be cleaned up promptly.

(b) Access. Adequate aisles shall be maintained for unobstructed movement of personnel and so that fire protection equipment can be brought to bear on any part of flammable or combustible liquid storage, use, or any unit physical operation.

(c) Waste and residue. Combustible waste material and residues in a building or unit operating area shall be kept to a minimum, stored in covered metal receptacles and disposed of daily.

(d) Clear zone. Ground area around buildings and unit operating areas shall be kept free of weeds, trash, or other unnecessary combustible materials.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-33013 BULK PLANTS. (1) Storage. (a) Class I liquids. Class I liquids shall be stored in closed containers, or in storage tanks above ground outside of buildings, or underground in accordance with WAC 296-24-33005.

(b) Class II and III liquids. Class II and Class III liquids shall be stored in containers, or in tanks within buildings or above ground outside of buildings, or underground in accordance with WAC 296-24-33005.

(c) Piling containers. Containers of flammable or combustible liquids when piled one upon the other shall be separated by dunnage sufficient to provide stability and to prevent excessive stress on container walls. The height of the pile shall be consistent with the stability and strength of containers.

(2) Buildings. (a) Exits. Rooms in which flammable or combustible liquids are stored or handled by pumps shall have exit facilities arranged to prevent occupants from being trapped in the event of fire.

(b) Heating. Rooms in which Class I liquids are stored or handled shall be heated only by means not constituting a source of ignition, such as steam or hot water. Rooms containing heating appliances involving sources of ignition shall be located and arranged to prevent entry of flammable vapors.

(c) Ventilation. (i) Ventilation shall be provided for all rooms, buildings, or enclosures in which Class I liquids are pumped or dispensed. Design of ventilation systems shall take into account the relatively high specific gravity of the vapors. Ventilation may be provided by adequate openings in outside walls at floor level unobstructed except by louvers or course screens. Where natural ventilation is inadequate, mechanical ventilation shall be provided.

(ii) Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(iii) Containers of Class I liquids shall not be drawn from or filled within buildings unless provision is made to prevent the accumulation of flammable vapors in hazardous concentrations. Where mechanical ventilation is required, it shall be kept in operation while flammable liquids are being handled.

(3) Loading and unloading facilities. (a) Separation. Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings or nearest line of adjoining property that may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill spout. Buildings for pumps or shelters for personnel may be a part of the facility.

(b) Class restriction. Equipment such as piping, pumps, and meters used for the transfer of Class I liquids between storage tanks and the fill stem of the loading rack shall not be used for the transfer of Class II or Class III liquids.

(c) Valves. Valves used for the final control for filling tank vehicles shall be of the self-closing type and manually held open except where automatic means are provided for shutting off the flow when the vehicle is full or after filling of a preset amount.

(d) Static protection. (i) Bonding facilities for protection against static sparks during the loading of tank vehicles through open domes shall be provided:

(A) Where Class I liquids are loaded, or

(B) Where Class II or Class III liquids are loaded into vehicles which may contain vapors from previous cargoes of Class I liquids.

(ii) Protection as required in (3)(d)(i) of this section shall consist of a metallic bond wire permanently electrically connected to the fill stem or to some part of the rack structure in electrical contact with the fill stem. The free end of such wire shall be provided with a clamp or equivalent device for convenient attachment to some metallic part in electrical contact with the cargo tank of the tank vehicle.

(iii) Such bonding connection shall be made fast to the vehicle or tank before dome covers are raised and shall remain in place until filling is completed and all dome covers have been closed and secured.

(iv) Bonding as specified in (3)(d)(i), (ii) and (iii) of this section is not required:

(A) Where vehicles are loaded exclusively with products not having a static accumulating tendency, such as asphalt, most crude oils, residual oils, and water soluble liquids;

(B) Where no Class I liquids are handled at the loading facility and the tank vehicles loaded are used exclusively for Class II and Class III liquids; and

(C) Where vehicles are loaded or unloaded through closed bottom or top connections.

(v) Filling through open domes into the tanks of tank vehicles or tank cars, that contain vapor-air mixtures within the flammable range or where the liquid being filled can form such a mixture, shall be by means of a downspout which extends near the bottom of the tank. This precaution is not required when loading liquids which are nonaccumulators of static charges.

(e) Stray currents. Tank car loading facilities where Class I liquids are loaded through open domes shall be protected against stray currents by bonding the pipe to at least one rail and to the rack structure if of metal. Multiple lines entering the rack area shall be electrically bonded together. In addition, in areas where excessive stray currents are known to exist, all pipe entering the rack area shall be provided with insulating sections to electrically isolate the rack piping from the pipelines. No bonding between the tank car and the rack or piping is required during either loading or unloading of Class II or III liquids.

(f) Container filling facilities. Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of these standards shall be deemed to have been complied with.

(4) Wharves. (a) Definition, application. The term wharf shall mean any wharf, pier, bulkhead, or other structure over or contiguous to navigable water used in conjunction with a bulk plant, the primary function of which is the transfer of flammable or combustible liquid cargo in bulk between the bulk plant and any tank vessel, ship, barge, lighter boat, or other mobile floating craft; and this subparagraph shall apply to all such installations except marine service stations as covered in WAC 296-24-33015.

(b) Package cargo. Package cargo of flammable and combustible liquids, including full and empty drums, bulk fuel, and stores may be handled over a wharf and at such times and places as may be agreed upon by the wharf superintendent and the senior deck officer on duty.

(c) Location. Wharves at which flammable or combustible liquid cargoes are to be transferred in bulk quantities to or from tank vessels shall be at least 100 feet from any bridge over a navigable waterway, or from an entrance to or superstructure of any vehicular or railroad tunnel under a waterway. The termination of the wharf loading or unloading fixed piping shall be at least 200 feet from a bridge or from an entrance to or superstructure of a tunnel.

(d) Design and construction. Substructure and deck shall be substantially designed for the use intended. Deck may employ any material which will afford the desired combination of flexibility, resistance to shock, durability, strength, and fire resistance. Heavy timber construction is acceptable.

(e) Tanks. Tanks used exclusively for ballast water or Class II or Class III liquids may be installed on suitably designed wharves.

(f) Pumps. Loading pumps capable of building up pressures in excess of the safe working pressure of cargo hose or loading arms shall be provided with bypasses, relief valves, or other arrangement to protect the loading facilities against excessive pressure. Relief devices shall be tested at not more than yearly intervals to determine that they function satisfactorily at the pressure at which they are set.

(g) Hoses and couplings. All pressure hoses and couplings shall be inspected at intervals appropriate to the service. The hose and couplings shall be tested with the hose extended and using the "inservice maximum operating pressures." Any hose showing material deteriorations, signs of leakage, or weakness in its carcass or at the couplings shall be withdrawn from service and repaired or discarded.

(h) Piping and fittings. Piping, valves, and fittings shall be in accordance with WAC 296-24-33007 with the following exceptions and additions:

(i) Flexibility of piping shall be assured by appropriate layout and arrangement of piping supports so that motion of the wharf structure resulting from wave action, currents, tides, or the mooring of vessels will not subject the pipe to repeated strain beyond the elastic limit.

(ii) Pipe joints depending upon the friction characteristics of combustible materials or grooving of pipe ends for mechanical continuity of piping shall not be used.

(iii) Swivel joints may be used in piping to which hoses are connected, and for articulated swivel-joint transfer systems, provided that the

design is such that the mechanical strength of joint will not be impaired if the packing material should fail, as by exposure to fire.

(iv) Piping systems shall contain a sufficient number of valves to operate the system properly and to control the flow of liquid in normal operation and in the event of physical damage.

(v) In addition to the requirements of (4)(h)(iv), each line conveying flammable liquids leading to a wharf shall be provided with a readily accessible block valve located on shore near the approach to the wharf and outside of any diked area. Where more than one line is involved, the valves shall be grouped in one location.

(vi) Means of easy access shall be provided for cargo line valves located below the wharf deck.

(vii) Pipelines on flammable or combustible liquids wharves shall be adequately bonded and grounded. If excessive stray currents are encountered, insulating points shall be installed. Bonding and grounding connections on all pipelines shall be located on wharveside of hose-riser insulating flanges, if used, and shall be accessible for inspection.

(viii) Hose or articulated swivel-joint pipe connections used for cargo transfer shall be capable of accommodating the combined effects of change in draft and maximum tidal range, and mooring lines shall be kept adjusted to prevent the surge of the vessel from placing stress on the cargo transfer system.

(ix) Hose shall be supported so as to avoid kinking and damage from chafing.

(i) Fire protection. Suitable portable fire extinguishers with a rating of not less than 12-BC shall be located with 75 feet of those portions of the facility where fires are likely to occur, such as hose connections, pumps, and separator tanks.

(i) Where piped water is available, ready-connected fire hose in size appropriate for the water supply shall be provided so that manifolds where connections are made and broken can be reached by at least one hose stream.

(ii) Material shall not be placed on wharves in such a manner as to obstruct access to firefighting equipment, or important pipeline control valves.

(iii) Where the wharf is accessible to vehicle traffic, an unobstructed roadway to the shore end of the wharf shall be maintained for access of firefighting apparatus.

(j) Operations control. Loading or discharging shall not commence until the wharf superintendent and officer in charge of the tank vessel agree that the tank vessel is properly moored and all connections are properly made. Mechanical work shall not be performed on the wharf during cargo transfer, except under special authorization by a delegated person or his authorized representative based on a review of the area involved, methods to be employed, and precaution necessary.

(5) Electrical equipment. (a) Application. This subsection shall apply to areas where Class I liquids are stored or handled. For areas where Class II or Class III liquids only are stored or handled, the electrical equipment may be installed in accordance with the provisions of WAC ((296-24-950 and 296-24-955)) 296-24-956 for ordinary locations.

(b) Conformance. All electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with WAC ((296-24-950 and 296-24-955)) 296-24-956.

(c) Classification. So far as it applies Table H-18 shall be used to delineate and classify hazardous areas for the purpose of installation of electrical equipment under normal circumstances. In Table H-18 a classified area shall not extend beyond an unpierced wall, roof, or other solid partition. The area classifications listed shall be based on the premise that the installation meets the applicable requirements of this section in all respects.

TABLE H-18
ELECTRICAL EQUIPMENT HAZARDOUS
AREAS—BULK PLANTS

Location	NEC Class I Group D division	Extent of classified area
	2	Area between 3 feet and 5 feet from edge of dome, extending in all directions.
Loading through bottom connections with atmospheric venting	1	Within 3 feet of point of venting to atmosphere, extending in all directions.
	2	Area between 3 feet and 5 feet from point of venting to atmosphere, extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of loading connection.
Loading through closed dome with atmospheric venting	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 5 feet from open end of vent, extending in all directions. Also within 3 feet of edge of dome, extending in all directions.
Loading through closed dome with vapor recovery	2	Within 3 feet of point of connection of both fill and vapor lines, extending in all directions.
Bottom loading with vapor recovery or any bottom unloading	2	Within 3 feet of point of connections extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of connection.
Drum and container filling: Outdoors, or indoors with adequate ventilation	1	Within 3 feet of vent and fill opening, extending in all directions.
	2	Area between 3 feet and 5 feet from vent or fill opening, extending in all directions. Also up to 18 inches above floor or grade level within a horizontal radius of 10 feet from vent or fill opening.
Outdoors, or indoors with adequate ventilation	1	Within 3 feet of vent and fill opening, extending in all directions.
	2	Area between 3 feet and 5 feet from vent or fill opening, extending in all directions. Also up to 18 inches above floor or grade level within a horizontal radius of 10 feet from vent or fill opening.
Tank—Aboveground: Shell, ends, or roof and dike area	2	Within 10 feet from shell, ends, or roof of tank, area inside dikes to level of top of dike.
Vent	1	Within 5 feet of open end of vent, extending in all directions.
	2	Area between 5 feet and 10 feet from open end of vent, extending in all directions.
Floating roof	1	Area above the roof and within the shell.

TABLE H-18

ELECTRICAL EQUIPMENT HAZARDOUS
AREAS—BULK PLANTS

Location	NEC Class I Group D division	Extent of classified area
Tank vehicle and tank car: ¹ Loading through open dome	1	Within 3 feet of edge of dome, extending in all directions.

TABLE H-18
ELECTRICAL EQUIPMENT HAZARDOUS
AREAS—BULK PLANTS

Location	NEC Class I Group D division	Extent of classified area
Pits:		
Without mechanical ventilation _____	1	Entire area within pit if any part is within a Division 1 or 2 classified area.
With mechanical ventilation _____	2	Entire area within pit if any part is within a Division 1 or 2 classified area.
Containing valves, fittings or piping, and not within a Division 1 or 2 classified area _____	2	Entire pit.
Pumps, bleeders, withdrawal fittings, meters and similar devices:		
Indoors _____	2	Within 5 feet of any edge of such devices, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of such devices.
Outdoors _____	2	Within 3 feet of any edge of such devices, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of such devices.
Storage and repair garage for tank vehicles _____	1	All pits or spaces below floor level.
	2	Area up to 18 inches above floor or grade level for entire storage or repair garage.
Drainage ditches, separators, impounding basins _____	2	Area up to 18 inches above ditch, separator or basin. Also up to 18 inches above grade within 15 feet horizontally from any edge.
Garages for other than tank vehicles _____	Ordinary	If there is any opening to these rooms within the extent of an outdoor classified area, the entire room shall be classified the same as the area classification at the point of the opening.
Outdoor drum storage _____	Ordinary	
Indoor warehousing where there is no flammable liquid transfer _____	Ordinary	If there is any opening to these rooms within the extent of an indoor classified area, the room shall be classified the same as if the wall, curb or partition did not exist.
Office and rest rooms _____	Ordinary	

¹When classifying the extent of the area, consideration shall be given to the fact that tank cars or tank vehicles may be spotted at varying points. Therefore, the extremities of the loading or unloading positions shall be used.

(6) Sources of ignition. Class I liquids shall not be handled, drawn, or dispensed where flammable vapors may reach a source of ignition. Smoking shall be prohibited except in designated localities. "No smoking" signs shall be conspicuously posted where hazard from flammable liquid vapors is normally present.

(7) Drainage and waste disposal. Provision shall be made to prevent flammable or combustible liquids which may be spilled at loading or unloading points from entering public sewers and drainage systems, or natural waterways. Connection to such sewers, drains, or waterways by which flammable or combustible liquids might enter shall be provided

with separator boxes or other approved means whereby such entry is precluded. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers, but shall be stored in tanks or tight drums outside of any building until removed from the premises.

(8) Fire control. Suitable fire-control devices, such as small hose or portable fire extinguishers, shall be available to locations where fires are likely to occur. Additional fire-control equipment may be required where a tank of more than 50,000 gallons individual capacity contains Class I liquids and where an unusual exposure hazard exists from surrounding property. Such additional fire-control equipment shall be sufficient to extinguish a fire in the largest tank. The design and amount of such equipment shall be in accordance with approved engineering standards.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-24-33015 SERVICE STATIONS. (1) Storage and handling.

(a) General provisions.
(i) Liquids shall be stored in approved closed containers not exceeding 60 gallons capacity, in tanks located underground, in tanks in special enclosures as described in ((+)) (b) of this ((section)) subsection, or in aboveground tanks as provided for in ((+)) (3)(b)(i), (ii), (iii) and (iv) of this section.

(ii) Aboveground tanks, located in an adjoining bulk plant, may be connected by piping to service station underground tanks if, in addition to valves at aboveground tanks, a valve is also installed within control of service station personnel.

(iii) Apparatus dispensing Class I liquids into the fuel tanks of motor vehicles of the public shall not be located at a bulk plant unless separated by a fence or similar barrier from the area in which bulk operations are conducted.

(iv) The provisions of subsection (1) of this section shall not prohibit the dispensing of flammable liquids in the open from a tank vehicle to a motor vehicle. Such dispensing shall be permitted provided:

- (A) The tank vehicle complies with the requirements covered in the Standard on Tank Vehicles for Flammable Liquids, NFPA 385-1966.
- (B) The dispensing is done on premises not open to the public.
- (C) The dispensing hose does not exceed 50 feet in length.
- (D) The dispensing nozzle is a listed automatic-closing type without a latch-open device.

(vi) Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(vii) Accurate inventory records shall be maintained and reconciled on all Class I liquid storage tanks for possible indication of leakage from tanks or piping.

(b) Special enclosures.
(i) When installation of tanks in accordance with WAC 296-24-33005(3) is impractical because of property or building limitations, tanks for flammable or combustible liquids may be installed in buildings if properly enclosed.

(ii) The enclosure shall be substantially liquid and vaportight without backfill. Sides, top, and bottom of the enclosure shall be of reinforced concrete at least 6 inches thick, with openings for inspection through the top only. Tank connections shall be so piped or closed that neither vapors nor liquid can escape into the enclosed space. Means shall be provided whereby portable equipment may be employed to discharge to the outside any liquid or vapors which might accumulate should leakage occur.

(iii) At automotive service stations provided in connection with tenant or customer parking facilities at or below grade level in large buildings of commercial, mercantile, or residential occupancy, tanks containing Class I liquids, installed of necessity in accordance with subsection (1)(b)(ii) of this section, shall not exceed 6,000 gallons individual or 18,000 gallons aggregate capacity.

(c) Inside buildings.
(i) Except where stored in tanks as provided in subsection (1)(b) of this section, no Class I liquids shall be stored within any service station building except in closed containers of aggregate capacity not exceeding 60 gallons. One container not exceeding 60 gallons capacity equipped with an approved pump is permitted.

(ii) Class I liquids may be transferred from one container to another in lubrication or service rooms of a service station building provided the electrical installation complies with Table H-19 and provided that

any heating equipment complies with subsection ~~((f6))~~ (5) of this section.

(iii) Class II and Class III liquids may be stored and dispensed inside service station buildings from tanks of not more than 120 gallons capacity each.

(d) Labeling. No sale or purchase of any Class I, II, or III liquids shall be made in containers unless such containers are clearly marked with the name of the product contained therein.

(e) Dispensing into portable containers. No delivery of any Class I liquids shall be made into portable containers unless the container is constructed of metal, has a tight closure with screwed or spring cover, and is fitted with a spout or so designed that the contents can be poured without spilling.

(2) Dispensing systems.

(a) Location. Dispensing devices at automotive service stations shall be so located that all parts of the vehicle being served will be on the premises of the service station.

(b) Inside location. Approved dispensing units may be located inside of buildings. The dispensing area shall be separated from other areas in an approved manner. The dispensing unit and its piping shall be mounted either on a concrete island or protected against collision damage by suitable means and shall be located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control. The dispensing area shall be provided with an approved mechanical or gravity ventilation system. When dispensing units are located below grade, only approved mechanical ventilation shall be used and the entire dispensing area shall be protected by an approved automatic sprinkler system. Ventilating systems shall be electrically interlocked with gasoline dispensing units so that the dispensing units cannot be operated unless the ventilating fan motors are energized.

(c) Emergency power cutoff. A clearly identified and easily accessible switch(es) or a circuit breaker(s) shall be provided at a location remote from dispensing devices, including remote pumping systems, to shut off the power to all dispensing devices in the event of an emergency.

(d) Dispensing units.

(i) Class I liquids shall be transferred from tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge.

(ii) Only listed devices may be used for dispensing Class I liquids. No such device may be used if it shows evidence of having been dismantled.

(iii) Every dispensing device for Class I liquids installed after December 31, 1978, shall contain evidence of listing so placed that any attempt to dismantle the device will result in damage to such evidence, visible without disassembly or dismounting of the nozzle.

(iv) Class I liquids shall not be dispensed by pressure from drums, barrels, and similar containers. Approved pumps taking suction through the top of the container or approved self-closing faucets shall be used.

(v) The dispensing units, except those attached to containers, shall be mounted either on a concrete island or protected against collision damage by suitable means.

(e) Remote pumping systems.

(i) This subdivision shall apply to systems for dispensing Class I liquids where such liquids are transferred from storage to individual or multiple dispensing units by pumps located elsewhere than at the dispensing units.

(ii) Pumps shall be designed or equipped so that no part of the system will be subjected to pressures above its allowable working pressure. Pumps installed above grade, outside of buildings, shall be located not less than 10 feet from lines of adjoining property which is/ or may be built upon, and not less than 5 feet from any building opening. When an outside pump location is impractical, pumps may be installed inside of buildings, as provided for dispensers in ~~((subsection 3)-(2))~~ (b) of this ~~((section))~~ subsection, or in pits as provided in ~~((subsection 3)-(2))~~ (c)(iii) of this ~~((section))~~ subsection. Pumps shall be substantially anchored and protected against physical damage by vehicles.

(iii) Pits for subsurface pumps or piping manifolds of submersible pumps shall withstand the external forces to which they may be subjected without damage to the pump, tank, or piping. The pit shall be no larger than necessary for inspection and maintenance and shall be provided with a fitted cover.

(iv) A control shall be provided that will permit the pump to operate only when a dispensing nozzle is removed from its bracket on the dispensing unit and the switch on this dispensing unit is manually actuated. This control shall also stop the pump when all nozzles have been returned to their brackets.

(v) An approved impact valve, incorporating a fusible link, designed to close automatically in the event of severe impact or fire exposure shall be properly installed in the dispensing supply line at the base of each individual dispensing device.

(vi) Testing. After the completion of the installation, including any paving, that section of the pressure piping system between the pump discharge and the connection for the dispensing facility shall be tested for at least 30 minutes at the maximum operating pressure of the system. Such tests shall be repeated at 5-year intervals thereafter.

(f) Delivery nozzles.

(i) A listed manual or automatic-closing type hose nozzle valve shall be provided on dispensers used for the dispensing of Class I liquids.

(ii) Manual-closing type valves shall be held open manually during dispensing. Automatic-closing type valves may be used in conjunction with an approved latch-open device.

(g) Special type dispensers.

(i) Emergency controls shall be installed at an acceptable location, but controls shall not be more than 100 feet from dispensers.

(ii) Instructions for the operation of dispensers shall be conspicuously posted.

~~((f4))~~ (3) Marine service stations.

(a) Dispensing.

(i) The dispensing area shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Dispensing units shall in all cases be at least 20 feet from any activity involving fixed sources of ignition.

(ii) Dispensing shall be by approved dispensing units with or without integral pumps and may be located on open piers, wharves, or floating docks or on shore or on piers of the solid fill type.

(iii) Dispensing nozzles shall be automatic-closing without a hold-open latch.

(b) Tanks and pumps.

(i) Tanks, and pumps not integral with the dispensing unit, shall be on shore or on a pier of the solid fill type, except as provided in ~~((subsections 4))~~ (b)(ii) and (iii) of this ~~((section))~~ subsection.

(ii) Where shore location would require excessively long supply lines to dispensers, tanks may be installed on a pier provided that applicable portions of WAC 296-24-33005 relative to spacing, diking, and piping are complied with and the quantity so stored does not exceed 1,100 gallons aggregate capacity.

(iii) Shore tanks supplying marine service stations may be located above ground, where rock ledges or high water table make underground tanks impractical.

(iv) Where tanks are at an elevation which would produce gravity head on the dispensing unit, the tank outlet shall be equipped with a pressure control valve positioned adjacent to and outside the tank block valve specified in WAC 296-24-33005 (2)(h)(ii) ~~((of this section))~~, so adjusted that liquid cannot flow by gravity from the tank in case of piping or hose failure.

(c) Piping.

(i) Piping between shore tanks and dispensing units shall be as described in WAC 296-24-33007, except that, where dispensing is from a floating structure, suitable lengths of oil-resistant flexible hose may be employed between the shore piping and the piping on the floating structure as made necessary by change in water level or shoreline.

(ii) A readily accessible valve to shut off the supply from shore shall be provided in each pipeline at or near the approach to the pier and at the shore end of each pipeline adjacent to the point where flexible hose is attached.

(iii) Piping shall be located so as to be protected from physical damage.

(iv) Piping handling Class I liquids shall be grounded to control stray currents.

~~((f5))~~ (4) Electrical equipment.

(a) Application. This subsection shall apply to areas where Class I liquids are stored or handled. For areas where Class II or Class III liquids are stored or handled the electrical equipment may be installed in accordance with the provisions of WAC ~~((296-24-950 and 296-24-955))~~ 296-24-956 for ordinary locations.

(b) All electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with WAC ~~((296-24-950 and 296-24-955))~~ 296-24-956.

(c) So far as it applies, Table H-19 shall be used to delineate and classify hazardous areas for the purpose of installation of electrical equipment under normal circumstances. A classified area shall not extend beyond an unpierced wall, roof, or other solid partition.

(d) The area classifications listed shall be based on the assumption that the installation meets the applicable requirements of this section in all respects.

TABLE H-19
ELECTRICAL EQUIPMENT HAZARDOUS
AREAS—SERVICE STATIONS

Location	NEC Class I, Group D division	Extent of classified area
Underground tank: Fill opening	1	Any pit, box or space below grade level, any part of which is within the Division 1 or 2 classified area.
	2	Up to 18 inches above grade level within a horizontal radius of 10 feet from a loose fill connection and within a horizontal radius of 5 feet from a tight fill connection.
Vent—Discharging up-ward	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 5 feet of open end of vent, extending in all directions.
Dispenser: Pits	1	Any pit, box or space below grade level, any part of which is within the Division 1 or 2 classified area.
Dispenser enclosure	1	The area 4 feet vertically above base within the enclosure and 18 inches horizontally in all directions.
Outdoor	2	Up to 18 inches above grade level within 20 feet horizontally of any edge of enclosure.
Indoor: With mechanical ventilation	2	Up to 18 inches above grade or floor level within 20 feet horizontally of any edge of enclosure.
With gravity ventilation	2	Up to 18 inches above grade or floor level within 25 feet horizontally of any edge of enclosure.
Remote pump—Outdoor	1	Any pit, box or space below grade level if any part is within a horizontal distance of 10 feet from any edge of pump.
	2	Within 3 feet of any edge of pump, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of pump.
Remote pump—Indoor	1	Entire area within any pit.
	2	Within 5 feet of any edge of pump, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of pump.
Lubrication or service room	1	Entire area within any pit.
	2	Area up to 18 inches above floor or grade level within entire lubrication room.
Dispenser for Class I liquids	2	Within 3 feet of any fill or dispensing point, extending in all directions.

TABLE H-19
ELECTRICAL EQUIPMENT HAZARDOUS
AREAS—SERVICE STATIONS

Location	NEC Class I, Group D division	Extent of classified area
Special enclosure inside building per WAC 296-24-33013 (1)(b)	1	Entire enclosure.
Sales, storage and rest rooms	Ordinary	If there is any opening to these rooms within the extent of a Division 1 area, the entire room shall be classified as Division 1.

~~((6))~~ (5) Heating equipment.

(a) Conformance. Heating equipment shall be installed as provided in ~~((subsections (6))~~(b) through (e) of this ~~((section))~~ subsection.

(b) Application. Heating equipment may be installed in the conventional manner in an area except as provided in ~~((subsection (6))~~(c), (d) or (e) of this ~~((section))~~ subsection.

(c) Special room. Heating equipment may be installed in a special room separated from an area classified by Table H-19 by walls having a fire resistance rating of at least 1 hour and without any openings in the walls within 8 feet of the floor into an area classified in Table H-19. This room shall not be used for combustible storage and all air for combustion purposes shall come from outside the building.

(d) Work areas. Heating equipment using gas or oil fuel may be installed in the lubrication, sales, or service room where there is no dispensing or transferring of Class I liquids provided the bottom of the combustion chamber is at least 18 inches above the floor and the heating equipment is protected from physical damage by vehicles. Heating equipment using gas or oil fuel listed for use in garages may be installed in the lubrication or service room where Class I liquids are dispensed provided the equipment is installed at least 8 feet above the floor.

(e) Electric heat. Electrical heating equipment shall conform to ~~((5))~~ subsection (4) of this section.

~~((7))~~ (6) Drainage and waste disposal. Provision shall be made in the area where Class I liquids are dispensed to prevent spilled liquids from flowing into the interior of service station buildings. Such provision may be by grading driveways, raising door sills, or other equally effective means. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers but shall be stored in tanks or drums outside of any building until removed from the premises.

~~((8))~~ (7) Sources of ignition. In addition to the previous restrictions of this section, the following shall apply: There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids. Conspicuous and legible signs prohibiting smoking shall be posted within sight of the customer being served. The motors of all equipment being fueled shall be shut off during the fueling operation.

~~((9))~~ (8) Fire control. Each service station shall be provided with at least one fire extinguisher having a minimum approved classification of 6 B, C located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service room.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-33017 PROCESSING PLANTS. (1) Scope. This section shall apply to those plants or buildings which contain chemical operations such as oxidation, reduction, halogenation, hydrogenation, alkylation, polymerization, and other chemical processes but shall not apply to chemical plants, refineries or distilleries.

(2) Location. (a) Classification. The location of each processing vessel shall be based upon its flammable or combustible liquid capacity. Processing vessels shall be located, with respect to distances to lines of adjoining property which may be built upon, in accordance with Table H-20, except when the processing plant is designed in accordance with (2)(b) of this section.

TABLE H-20

Processing vessels with emergency relief venting to permit pressure	Stable liquids	Unstable liquids
Not in excess of 2.5 p.s.i.g.	Table H-9	2 1/2 times Table H-9.
Over 2.5 p.s.i.g.	1 1/2 times Table H-9.	4 times Table H-9.

(b) Exception. The distances required in (2)(a) of this section may be waived when the vessels are housed within a building and the exterior wall facing the line of adjoining property which may be built upon is a blank wall having a fire-resistance rating of not less than 4 hours. When Class IA or unstable liquids are handled, the blank wall shall have explosion resistance in accordance with good engineering practice, see (3)(d) of this section.

(3) Processing building. (a) Construction. (i) Processing buildings shall be of fire-resistance or noncombustible construction, except heavy timber construction with load-bearing walls may be permitted for plants utilizing only stable Class II or Class III liquids. Except as provided in (2)(b) of this section or in the case of explosion resistant walls used in conjunction with explosion relieving facilities, see (3)(d) of this section, loadbearing walls are prohibited. Buildings shall be without basements or covered pits.

(ii) Areas shall have adequate exit facilities arranged to prevent occupants from being trapped in the event of fire. Exits shall not be exposed by the drainage facilities described in (3)(b) of this section.

(b) Drainage. (i) Emergency drainage systems shall be provided to direct flammable or combustible liquid leakage and fire protection water to a safe location. This may require curbs, scuppers, or special drainage systems to control the spread of fire, see WAC 296-24-33005 (2)(g)(ii).

(ii) Emergency drainage systems, if connected to public sewers or discharged into public waterways, shall be equipped with traps or separators.

(iii) The processing plant shall be designed and operated to prevent the normal discharge of flammable or combustible liquids to public waterways, public sewers, or adjoining property.

(c) Ventilation. (i) Enclosed processing buildings shall be ventilated at a rate of not less than 1 cubic foot per minute per square foot of solid floor area. This shall be accomplished by natural or mechanical ventilation with discharge or exhaust to a safe location outside of the building. Provision shall be made for introduction of makeup air in such a manner as not to short circuit the ventilation. Ventilation shall be arranged to include all floor areas or pits where flammable vapors may collect.

(ii) Equipment used in a building and the ventilation of the building shall be designed so as to limit flammable vapor-air mixtures under normal operating conditions to the interior of equipment, and to not more than 5 feet from equipment which exposes Class I liquids to the air. Examples of such equipment are dispensing stations, open centrifuges, plate and frame filters, open vacuum filters, and surfaces of open equipment.

(d) Explosion relief. Areas where Class IA or unstable liquids are processed shall have explosion venting through one or more of the following methods:

- (i) Open air construction.
- (ii) Lightweight walls and roof.
- (iii) Lightweight wall panels and roof hatches.
- (iv) Windows of explosion venting type.

(4) Liquid handling. (a) Storage. (i) The storage of flammable or combustible liquids in tanks shall be in accordance with the applicable provisions of WAC 296-24-33005.

(ii) If the storage of flammable or combustible liquids in outside aboveground or underground tanks is not practical because of temperature or production considerations, tanks may be permitted inside of buildings or structures in accordance with the applicable provisions of WAC 296-24-33005.

(iii) Storage tanks inside of buildings shall be permitted only in areas at or above grade which have adequate drainage and are separated

from the processing area by construction having a fire resistance rating of at least 2 hours.

(iv) The storage of flammable or combustible liquids in containers shall be in accordance with the applicable provisions of WAC 296-24-33009.

(b) Piping, valves, and fittings. (i) Piping, valves, and fittings shall be in accordance with WAC 296-24-33007.

(ii) Approved flexible connectors may be used where vibration exists or where frequent movement is necessary. Approved hose may be used at transfer stations.

(iii) Piping containing flammable or combustible liquids shall be identified.

(c) Transfer. (i) The transfer of large quantities of flammable or combustible liquids shall be through piping by means of pumps or water displacement. Except as required in process equipment, gravity flow shall not be used. The use of compressed air as a transferring medium is prohibited.

(ii) Positive displacement pumps shall be provided with pressure relief discharging back to the tank or to pump suction.

(d) Equipment. (i) Equipment shall be designed and arranged to prevent the unintentional escape of liquids and vapors and to minimize the quantity escaping in the event of accidental release.

(ii) Where the vapor space of equipment is usually within the flammable range, the probability of explosion damage to the equipment can be limited by inerting, by providing an explosion suppression system, or by designing the equipment to contain the peak explosion pressure which may be modified by explosion relief. Where the special hazards of operation, sources of ignition, or exposures indicate a need, consideration shall be given to providing protection by one or more of the above means.

(5) Tank vehicle and tank car loading and unloading. Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings, or nearest line of adjoining property which may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill stem. Buildings for pumps or shelters for personnel may be a part of the facility. Operations of the facility shall comply with the appropriate portions of WAC 296-24-33013(3).

(6) Fire control. (a) Portable extinguishers. Approved portable fire extinguishers of appropriate size, type and number shall be provided.

(b) Other controls. Where the special hazards of operation or exposure indicate a need, the following fire control provision shall be provided.

(i) A reliable water supply shall be available in pressure and quantity adequate to meet the probable fire demands.

(ii) Hydrants shall be provided in accordance with accepted good practice.

(iii) Hose connected to a source of water shall be installed so that all vessels, pumps, and other equipment containing flammable or combustible liquids can be reached with at least one hose stream. Nozzles that are capable of discharging a water spray shall be provided.

(iv) Processing plants shall be protected by an approved automatic sprinkler system or equivalent extinguishing system. If special extinguishing systems including but not limited to those employing foam, carbon dioxide, or dry chemical are provided, approved equipment shall be used and installed in an approved manner.

(c) Alarm systems. An approved means for prompt notification of fire to those within the plant and any public fire department available shall be provided. It may be advisable to connect the plant system with the public system where public fire alarm system is available.

(d) Maintenance. All plant fire protection facilities shall be adequately maintained and periodically inspected and tested to make sure they are always in satisfactory operating condition and that they will serve their purpose in time of emergency.

(7) Sources of ignition. (a) General. (i) Precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames; lightning; smoking; cutting and welding; hot surfaces; frictional heat; static, electrical, any mechanical sparks; spontaneous ignition, including heat-producing chemical reactions; and radiant heat.

(ii) Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of this section shall be deemed to have been complied with.

(b) Maintenance and repair. (i) When necessary to do maintenance work in a flammable or combustible liquid processing area, the work shall be authorized by a responsible representative of the employer.

(ii) Hot work such as welding or cutting operations, use of spark-producing power tools, and chipping operations shall be permitted only under supervision of an individual in responsible charge who shall make an inspection of the area to be sure that it is safe for the work to be done and that safe procedures will be followed for the work specified.

(c) Electrical. (i) All electrical wiring and equipment within storage or processing areas shall be installed in accordance with nationally recognized good practice.

(ii) Locations where flammable vapor-air mixtures may exist under normal operations shall be classified Class I, Division 1 according to the requirements of WAC ((~~296-24-950 and 296-24-955~~) 296-24-956). For those pieces of equipment installed in accordance with (3)(c)(ii) of this section, the Division 1 area shall extend 5 feet in all directions from all points of vapor liberation. All areas within pits shall be classified Division 1 if any part of the pit is within a Division 1 or 2 classified area, unless the pit is provided with mechanical ventilation.

(iii) Locations where flammable vapor-air mixtures may exist under abnormal conditions and for a distance beyond Division 1 locations shall be classified Division 2 according to the requirements of WAC ((~~296-24-950 and 296-24-955~~) 296-24-956). These locations include an area within 20 feet horizontally, 3 feet vertically beyond a Division 1 area, and up to 3 feet above floor or grade level within 25 feet, if indoors, or 10 feet if outdoors, from any pump, bleeder, withdrawal fittings, meter, or similar device handling Class I liquids. Pits provided with adequate mechanical ventilation within a Division 1 or 2 area shall be classified Division 2. If Class II or Class III liquids only are handled, then ordinary electrical equipment is satisfactory though care shall be used in locating electrical apparatus to prevent hot metal from falling into open equipment.

(iv) Where the provisions of (7)(c)(i), (ii), and (iii) of this section require the installation of explosion-proof equipment, ordinary electrical equipment including switchgear may be used if installed in a room or enclosure which is maintained under positive pressure with respect to the hazardous area. Ventilation makeup air shall be uncontaminated by flammable vapors.

(8) Housekeeping. (a) General. Maintenance and operating practices shall be in accordance with established procedures which will tend to control leakage and prevent the accidental escape of flammable or combustible liquids. Spills shall be cleaned up promptly.

(b) Access. Adequate aisles shall be maintained for unobstructed movement of personnel and so that fire protection equipment can be brought to bear on any part of the processing equipment.

(c) Waste and residues. Combustible waste material and residues in a building or operating area shall be kept to a minimum, stored in closed metal waste cans, and disposed of daily.

(d) Clear zone. Ground area around buildings and operating areas shall be kept free of tall grass, weeds, trash, or other combustible materials.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-37005 ELECTRICAL AND OTHER SOURCES OF IGNITION. (1) Conformance. All electrical equipment, open flames and other sources of ignition shall conform to the requirements of this section, except as follows:

(a) Electrostatic apparatus shall conform to the requirements of WAC 296-24-37015 and 296-24-37017.

(b) Drying, curing, and fusion apparatus shall conform to the requirements of WAC 296-24-37019.

(c) Automobile undercoating spray operations in garages shall conform to the requirements of WAC 296-24-37021.

(d) Powder coating equipment shall conform to the requirements of WAC 296-24-37023.

(2) Minimum separation. There shall be no open flame or spark producing equipment in any spraying area nor within 20 feet thereof, unless separated by a partition.

(3) Hot surfaces. Space-heating appliances, steampipes, or hot surfaces shall not be located in a spraying area where deposits of combustible residues may readily accumulate.

(4) Wiring conformance. Electrical wiring and equipment shall conform to the provisions of this section and shall otherwise be in accordance with WAC ((~~296-24-950 and 296-24-955~~) 296-24-956).

(5) Combustible residues, areas. Unless specifically approved for locations containing both deposits of readily ignitable residue and explosive vapors, there shall be no electrical equipment in any spraying area, whereon deposits of combustible residues may readily accumulate, except wiring in rigid conduit or in boxes or fittings containing no taps, splices, or terminal connections.

(6) Wiring type approved. Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area as herein defined shall be of explosion-proof type approved for Class I, Group D locations and shall otherwise conform to the provisions of WAC ((~~296-24-950 and 296-24-955~~) 296-24-956), for Class I, Division 1, hazardous locations. Electrical wiring, motors, and other equipment outside of but within twenty feet of any spraying area, and not separated therefrom by partitions, shall not produce sparks under normal operating conditions and shall otherwise conform to the provisions of WAC ((~~296-24-950 and 296-24-955~~) 296-24-956) for Class I, Division 2, hazardous locations.

(7) Lamps. Electric lamps outside of, but within twenty feet of any spraying area, and not separated therefrom by a partition, shall be totally enclosed to prevent the falling of hot particles and shall be protected from mechanical injury by suitable guards or by location.

(8) Portable lamps. Portable electric lamps shall not be used in any spraying area during spraying operations. Portable electric lamps, if used during cleaning or repairing operations, shall be of the type approved for hazardous Class I locations.

(9) Grounding. (a) All metal parts of spray booths, exhaust ducts, and piping systems conveying flammable or combustible liquids or aerated solids shall be properly electrically grounded in an effective and permanent manner.

(b) "Airless" high-fluid pressure spray guns and any conductive object being sprayed should be properly electrically grounded.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-37019 DRYING, CURING, OR FUSION APPARATUS. (1) Conformance. Drying, curing, or fusion apparatus in connection with spray application of flammable and combustible finishes shall conform to the Standard for Ovens and Furnaces, NFPA 86A-1969, where applicable and shall also conform with the following requirements of this section.

(2) Alternate use prohibited. Spray booths, rooms, or other enclosures used for spraying operations shall not alternately be used for the purpose of drying by any arrangement which will cause a material increase in the surface temperature of the spray booth, room, or enclosure.

(3) Adjacent system interlocked. Except as specifically provided in (4) of this section, drying, curing, or fusion units utilizing a heating system having open flames or which may produce sparks shall not be installed in a spraying area, but may be installed adjacent thereto when equipped with an interlocked ventilating system arranged to:

(a) Thoroughly ventilate the drying space before the heating system can be started;

(b) Maintain a safe atmosphere at any source of ignition;

(c) Automatically shut down the heating system in the event of failure of the ventilating system.

(4) Alternate use permitted. Automobile refinishing spray booths or enclosures, otherwise installed and maintained in full conformity with this section, may alternately be used for drying with portable electrical infrared drying apparatus when conforming with the following:

(a) Interior (especially floors) of spray enclosures shall be kept free of overspray deposits.

(b) During spray operations, the drying apparatus and electrical connections and wiring thereto shall not be located within spray enclosure nor in any other location where spray residues may be deposited thereon.

(c) The spraying apparatus, the drying apparatus, and the ventilating system of the spray enclosure shall be equipped with suitable interlocks so arranged that:

(i) The spraying apparatus cannot be operated while the drying apparatus is inside the spray enclosure.

(ii) The spray enclosure will be purged of spray vapors for a period of not less than 3 minutes before the drying apparatus can be energized.

(iii) The ventilating system will maintain a safe atmosphere within the enclosure during the drying process and the drying process apparatus will automatically shut off in the event of failure of the ventilating system.

(d) All electrical wiring and equipment of the drying apparatus shall conform with the applicable sections of WAC ((~~296-24-950 and 296-24-955~~) 296-24-956. Only equipment of a type approved for Class I, Division 2 hazardous locations shall be located within 18 inches of floor level. All metallic parts of the drying apparatus shall be properly electrically bonded and grounded.

(e) The drying apparatus shall contain a prominently located, permanently attached warning sign indicating that ventilation should be maintained during the drying period and that spraying should not be conducted in the vicinity that spray will deposit on apparatus.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-37023 POWDER COATING. (1) Electrical and other sources of ignition. Electrical equipment and other sources of ignition shall conform to the requirements of WAC 296-24-37005 (1)(a) through (d), (8) and (9)(a) and ((~~296-24-950 and 296-24-955~~) 296-24-956.

(2) Ventilation. (a) In addition to the provisions of WAC 296-24-37007, where applicable, exhaust ventilation shall be sufficient to maintain the atmosphere below the lowest explosive limits for the materials being applied. All nondeposited air-suspended powders shall be safely removed via exhaust ducts to the powder recovery cyclone or receptacle. Each installation shall be designed and operated to meet the foregoing performance specification.

(b) Powders shall not be released to the outside atmosphere.

(3) Drying, curing, or fusion equipment. The provisions of the Standard for Ovens and Furnaces, NFPA No. 86A-1969 shall apply where applicable.

(4) Operation and maintenance. (a) All areas shall be kept free of the accumulation of powder coating dusts, particularly such horizontal surfaces as ledges, beams, pipes, hoods, booths, and floors.

(b) Surfaces shall be cleaned in such manner as to avoid scattering dust to other places or creating dust clouds.

(c) "No smoking" signs in large letters on contrasting color background shall be conspicuously posted at all powder coating areas and powder storage rooms.

(5) Fixed electrostatic spraying equipment. The provisions of WAC 296-24-37015 and other subsections of this section shall apply to fixed electrostatic equipment, except that electrical equipment not covered therein shall conform to (1) of this section.

(6) Electrostatic hand spraying equipment. The provisions of WAC 296-24-37017 and other subsections of this section, shall apply to electrostatic handguns when used in powder coating, except that electrical equipment not covered therein shall conform to (1) of this section.

(7) Electrostatic fluidized beds. (a) Electrostatic fluidized beds and associated equipment shall be of approved types. The maximum surface temperature of this equipment in the coating area shall not exceed 150°F. The high voltage circuits shall be so designed as to not produce a spark of sufficient intensity to ignite any powder-air mixtures nor result in appreciable shock hazard upon coming in contact with a grounded object under normal operating conditions.

(b) Transformers, powerpacks, control apparatus, and all other electrical portions of the equipment, with the exception of the charging electrodes and their connections to the power supply shall be located outside of the powder coating area or shall otherwise conform to the requirements of (1) of this section.

(c) All electrically conductive objects within the charging influence of the electrodes shall be adequately grounded. The powder coating equipment shall carry a prominent, permanently installed warning regarding the necessity for grounding these objects.

(d) Objects being coated shall be maintained in contact with the conveyor or other support in order to insure proper grounding. Hangers shall be regularly cleaned to insure effective contact and areas of contact shall be sharp points or knife edges where possible.

(e) The electrical equipment shall be so interlocked with the ventilation system that the equipment cannot be operated unless the ventilation fans are in operation.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-40509 ELECTRICAL AND OTHER SOURCES OF IGNITION. (1) Vapor areas. (a) There shall be no open flames, spark producing devices, or heated surfaces having a temperature sufficient to ignite vapors in any vapor area. Except as specifically permitted in WAC 296-24-40515(3), relating to electrostatic apparatus, electrical wiring and equipment in any vapor area (as defined in WAC

296-24-40501(2)) shall be explosion proof type according to the requirements of WAC ((~~296-24-950 and 296-24-955~~) 296-24-956 for Class I, Group D locations and shall otherwise conform to WAC ((~~296-24-950 and 296-24-955~~) 296-24-956.

(b) Unless specifically approved for locations containing both deposits of readily ignitable residues and explosive vapors, there shall be no electrical equipment in the vicinity of dip tanks or associated drainboards or drying operations which are subject to splashing or dripping of dip tank liquids, except wiring in rigid conduit or in threaded boxes or fittings containing no taps, splices, or terminal connections, and except as specifically permitted in WAC 296-24-40515(3).

(2) Adjacent areas. In any floorspace outside a vapor area but within 20 feet therefrom, and not separated by tight partitions, there shall be no open flames or spark producing devices except as specifically permitted in NFPA Standard No. 86A-1969, Ovens and Furnaces, paragraph 200-7, and electrical wiring and equipment shall conform to the provisions of WAC ((~~296-24-950 and 296-24-955~~) 296-24-956.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-47505 BASIC RULES. (1) Odorizing gases. (a) All liquefied petroleum gases shall be effectively odorized by an approved agent of such character as to indicate positively, by distinct odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of flammability. Odorization, however, is not required if harmful in the use of further processing of the liquefied petroleum gas, or if odorization will serve no useful purpose as a warning agent in such use or further processing.

(b) The odorization requirement of (1)(a) of this section shall be considered to be met by the use of 1.0 pounds of ethyl mercaptan, 1.0 pounds of thiophane or 1.4 pounds of amyl mercaptan per 10,000 gallons of LP-gas. However, this listing of odorants and quantities shall not exclude the use of other odorants that meet the odorization requirements of (1)(a) of this section.

(2) Approval of equipment and systems. (a) Each system utilizing DOT containers in accordance with 49 CFR Part 178 shall have its container valves, connectors, manifold valve assemblies, and regulators approved.

(b) Each system for domestic or commercial use utilizing containers of 2,000 gallons or less water capacity, other than those constructed in accordance with 49 CFR Part 178, shall consist of a container assembly and one or more regulators, and may include other parts. The system as a unit or the container assembly as a unit, and the regulator or regulators, shall be individually listed.

(c) In systems utilizing containers of over 2,000 gallons water capacity, each regulator, container, valve, excess flow valve, gaging device, and relief valve installed on or at the container, shall have its correctness as to design, construction, and performance determined by listing by Underwriters Laboratories, Inc., or Factory Mutual Engineering Corp.

(d) The provisions of (3)(a) of this section shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the standard for the Storage and Handling of Liquefied Petroleum Gases NFPA No. 58 in effect at the time of fabrication.

(e) Containers used with systems embodied in WAC 296-24-47505, 296-24-47509 (3)(c) and 296-24-47513, shall be constructed, tested, and stamped in accordance with DOT specifications effective at the date of their manufacture.

(3) Requirements for construction and original test of containers. (a) Containers used with systems embodied in WAC 296-24-47509, 296-24-47513 through 296-24-47517, except as provided in WAC 296-24-47511 (3)(c) and 296-24-47515 (2)(a), shall be designed, constructed, and tested in accordance with 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.

(b) Containers constructed according to the 1949 and earlier editions of the ASME Code do not have to comply with U-2 through U-10 and U-19 thereof. Containers constructed according to U-70 in the 1949 and earlier editions do not meet the requirements of this section.

(c) 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 conformance. Containers constructed according to API-ASME Code do not have to comply with section I or

with appendix to section I. W-601 to W-606 inclusive in the 1943 and earlier editions do not apply.

(4) Welding of containers. (a) Welding to the shell, head, or any other part of the container subject to internal pressure, shall be done in compliance with the code under which the tank was fabricated. Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the tank manufacturer.

(b) Where repair or modification involving welding of DOT containers is required, the container shall be returned to a qualified manufacturer making containers of the same type, and the repair or modification made in compliance with DOT regulations.

(5) Markings on container. (a) Each container covered in (3)(a) of this section except as provided in (2)(d) of this section shall be marked as specified in the following:

(i) With a marking identifying compliance with, and other markings required by, the rules of the reference under which the container is constructed; or with the stamp and other markings required by the laws, rules or regulations as administered by the state of Washington, department of labor and industries pertaining to such containers.

(ii) With notation as to 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.

(iii) With the name and address of the supplier of the container, or with the trade name of the container.

(iv) With the water capacity of the container in pounds or gallons, U.S. standard.

(v) With the pressure in p.s.i.g., for which the container is designed.

(vi) With the wording "This container shall not contain a product having a vapor pressure in excess of—p.s.i.g. at 100°F," see WAC 296-24-47509, Table H-31.

(vii) With the tare weight in pounds or other identified unit of weight for containers with a water capacity of 300 pounds or less.

(viii) With marking indicating the maximum level to which the container may be filled with liquid at temperatures between 20°F and 130°F, except on containers provided with fixed maximum level indicators or which are filled by weighing. Markings shall be increments of not more than 20°F. This marking may be located on the liquid level gaging device.

(ix) With the outside surface area in square feet.

(b) Markings specified shall be on a metal nameplate attached to the container and located in such a manner as to remain visible after the container is installed.

(c) 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 in compliance with American National Standard Z48.1-1954, "Method of Marking Portable Compressed Gas Containers to Identify the Material Contained."

(6) Location of containers and regulating equipment. (a) Containers, and first stage regulating equipment if used, shall be located outside of buildings, except under one or more of the following:

(i) In buildings used exclusively for container charging, vaporization pressure reduction, gas mixing, gas manufacturing, or distribution.

(ii) When portable use is necessary and in accordance with WAC 296-24-47507(5).

(iii) LP-gas fueled stationary or portable engines in accordance with WAC 296-24-47511 (11) or (12).

(iv) LP-gas fueled industrial trucks used in accordance with WAC 296-24-47511(13).

(v) LP-gas fueled vehicles garaged in accordance with WAC 296-24-47511(14).

(vi) Containers awaiting use or resale when stored in accordance with WAC 296-24-47513.

(b) Each individual container shall be located with respect to the nearest important building or group of buildings or line of adjoining property which may be built on in accordance with Table H-23.

TABLE H-23

Water capacity per container	Minimum distances		
	Containers		Between above-ground containers
	Under-ground	Above-ground	
125 to 250 gallons	10 feet	10 feet	None.
251 to 500 gallons	10 feet	10 feet	3 feet.
501 to 2,000 gallons	25 feet ²	25 feet ²	3 feet.
2,001 to 30,000 gallons	50 feet	50 feet	5 feet.
30,001 to 70,000 gallons	50 feet	75 feet	1/4 of sum of diameters of adjacent containers.
70,001 to 90,000 gallons	50 feet	100 feet	

¹If the aggregate water capacity of a multi-container installation at a consumer site is 501 gallons or greater, the minimum distance shall comply with the appropriate portion of this table, applying the aggregate capacity rather than the capacity per container. If more than one installation is made, each installation shall be separated from another installation by at least 25 feet. Do not apply the MINIMUM DISTANCES BETWEEN ABOVE-GROUND CONTAINERS to such installations.

²NOTE: The above distance requirements may be reduced to not less than 10 feet for a single container of 1,200 gallons water capacity or less, providing such a container is at least 25 feet from any other LP-gas container of more than 125 gallons water capacity.

(c) Containers installed for use shall not be stacked one above the other.

(d) In industrial installations involving containers of 180,000 gallons aggregate water capacity or more, where serious mutual exposures between the container and adjacent properties prevail, firewalls or other means of special protection designed and constructed in accordance with good engineering practices are required.

(e) In the case of buildings devoted exclusively to gas manufacturing and distributing operations, the distances required by Table H-23 may be reduced provided that in no case shall containers of water capacity exceeding 500 gallons be located closer than 10 feet to such gas manufacturing and distributing buildings.

(f) Readily ignitable material such as weeds and long dry grass shall be removed within 10 feet of any container.

(g) The minimum separation between liquefied petroleum 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. The foregoing provision shall 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.

(h) Suitable means shall be taken to prevent the accumulation of flammable liquids under adjacent liquefied petroleum gas containers, such as by diking, diversion curbs, or grading.

(i) When dikes are used with flammable liquid tanks, no liquefied petroleum gas containers shall be located within the diked area.

(7) Container valves and container accessories. (a) Valves, fittings, and accessories connected directly to the container including primary shutoff valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-gas service. Cast iron shall not be used for container valves, fittings, and accessories. This does not prohibit the use of container valves made of malleable or nodular iron.

(b) Connections to containers, except safety relief connections, liquid level gaging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(c) Excess flow valves, where required shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections or line including valves, fittings, etc., being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve.

(d) Liquid level gaging devices which are so constructed that outward flow of container contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

TABLE H-23

Water capacity per container	Minimum distances		
	Containers		Between above-ground containers
	Under-ground	Above-ground	
Less than 125 gals ¹	10 feet	None	None.

Less than 125 gals¹ — 10 feet — None — None.

(e) Openings from container or through fittings attached directly on container to which pressure gage connection is made, need not be equipped with shutoff or excess flow valves if such openings are restricted to not larger than No. 54 drill size opening.

(f) Except as provided in WAC 296-24-47507 (5)(a)(ii), excess flow and back pressure check valves where required by this section shall be located inside of the container or at a point outside where the line enters the container; in the latter case, installation shall be made in such manner that any undue strain beyond the excess flow or back pressure check valve will not cause breakage between the container and such valve.

(g) Excess flow valves shall be designed with a bypass, not to exceed a No. 60 drill size opening to allow equalization of pressures.

(h) 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.

(8) Piping—Including pipe, tubing, and fittings. (a) Pipe, except as provided in WAC 296-24-47511 (6)(a) and 296-24-47515 (10)(c) shall be wrought iron or steel (black or galvanized), brass, copper, or aluminum alloy. Aluminum alloy pipe shall be at least Schedule 40 in accordance with the specifications for Aluminum Alloy Pipe, American National Standards Institute (AMSI) H38.7-1969 (ASTM, B241-1969), except that the use of alloy 5456 is prohibited and shall be suitably marked at each end of each length indicating compliance with American National Standard Institute Specifications. Aluminum alloy pipe shall be protected against external corrosion when it is in contact with dissimilar metals other than galvanized steel, or its location is subject to repeated wetting by such liquids as water (except rain water), detergents, sewage, or leaking from other piping, or it passes through flooring, plaster, masonry, or insulation. Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection. The maximum nominal pipe size for aluminum pipe shall be three-fourths inch and shall not be used for pressures exceeding 20 p.s.i.g. Aluminum alloy pipe shall not be installed within 6 inches of the ground.

(i) Vapor piping with operating pressures not exceeding 125 p.s.i.g. shall be suitable for a working pressure of at least 125 p.s.i.g. Pipe shall be at least Schedule 40 ASTM A-53-69, Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal.

(ii) Vapor piping with operating pressures over 125 p.s.i.g. and all liquid piping shall be suitable for a working pressure of at least 250 p.s.i.g. 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.

(b) Tubing shall be seamless and of 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 H-24 and Table H-25.

TABLE H-24

WALL THICKNESS OF COPPER TUBING¹

NOTE: The standard size by which tube is designated is 1/8-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

TABLE H-24—cont.

Standard size (inches)	Nominal O.D. (inches)	Nominal wall thickness (inches)	
		Type K	Type L
1 1/2	1.625	0.072	0.060
2	2.125	0.083	0.070

¹Based on data in Specification for Seamless Copper Water Tubing, ANSI H23.1-1970 (ASTM B-88-69).

TABLE H-25

WALL THICKNESS OF ALUMINUM ALLOY TUBING¹

Outside diameter (inches)	Nominal wall thickness (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

¹Based on data in Standard Specification for Aluminum-Alloy Drawn Seamless Coiled Tubes for Special Purpose Applications, ASTM B210-68.

Aluminum alloy tubing shall be protected against external corrosion when it is in contact with dissimilar metals other than galvanized steel, or its location is subject to repeated wetting by liquids such as water (except rainwater), detergents, sewage, or leakage from other piping, or it passes through flooring, plaster, masonry, or insulation. Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection. The maximum outside diameter for aluminum alloy tubing shall be three-fourths inch and shall not be used for pressures exceeding 20 p.s.i.g. Aluminum alloy tubing shall not be installed within 6 inches of the ground.

(c) In systems where the gas in liquid form without pressure reduction enters the building, only heavy walled seamless brass or copper tubing with an internal diameter not greater than three thirty-seconds inch, and a wall thickness of not less than three sixty-fourths inch shall be used. 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.

(d) Pipe joints may be screwed, flanged, welded, soldered, or brazed with a material having a melting point exceeding 1,000°F. Joints on seamless copper, brass, steel, or aluminum alloy gas tubing shall be made by means of approved gas tubing fittings, or soldered or brazed with a material having a melting point exceeding 1,000°F.

(e) For operating pressures of 125 p.s.i.g. or less, fittings shall be designed for a pressure of at least 125 p.s.i.g. For operating pressures above 125 p.s.i.g., fittings shall be designed for a minimum of 250 p.s.i.g.

(f) The use of threaded cast iron pipe fittings such as ells, tees, crosses, couplings, and unions is 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.

(g) Strainers, regulators, meters, compressors, pumps, etc., are not to be considered as pipe fittings. This does not prohibit the use of malleable, nodular, or higher strength gray iron for such equipment.

(h) All materials such as valve seats, packing, gaskets, diaphragms, etc., shall be of such quality as to be resistant to the action of liquefied petroleum gas under the service conditions to which they are subjected.

(i) All piping, tubing, or hose shall be tested after assembly and proved free from leaks at not less than 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 shall not be made with a flame.

(j) Provision shall be made to compensate for expansion, contraction, jarring, and vibration, and for settling. This may be accomplished by flexible connections.

(k) 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 suitable means shall be provided for reevaporation of the condensate.

(9) Hose specifications. (a) 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.

(b) Hose subject to container pressure shall be marked "LP-gas" or "LPG" at not greater than 10-foot intervals.

(c) Hose subject to container pressure shall be designed for a bursting pressure of not less than 1,250 p.s.i.g.

(d) Hose subject to container pressure shall have its correctness as to design construction and performance determined by being listed (see WAC 296-24-47501(15)).

(e) Hose connections subject to container pressure shall be capable of withstanding, without leakage, a test pressure of not less than 500 p.s.i.g.

(f) 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 p.s.i.g. or five times the set pressure of the relief devices protecting that portion of the system, whichever is higher.

(g) 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:

(i) The appliances connected with hose shall be portable and need a flexible connection.

(ii) For use inside buildings the hose shall be of minimum practical length, but shall not exceed 6 feet except as provided in WAC 296-24-47507 (5)(a)(vii) and 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. For use outside of buildings, the hose may exceed this length but shall be kept as short as practical.

(iii) The hose shall be approved and shall not be used where it is likely to be subjected to temperatures above 125°F. The hose shall be securely connected to the appliance and the use of rubber slip ends shall not be permitted.

(iv) The shutoff 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 shutoff valves are installed close to each other, precautions shall be taken to prevent operation of the wrong valve.

(v) Hose used for connecting to wall outlets shall be protected from physical damage.

(10) Safety devices. (a) Every container except those constructed in accordance with DOT specifications and every vaporizer (except motor fuel vaporizers and except vaporizers described in (11)(b)(iii) of this section and WAC 296-24-47509 (4)(e)(i)) 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 5 feet horizontally away from any opening into the building which is below such discharge. The rate of discharge shall be in accordance with the requirements of (10)(b) of this section or (10)(c) of this section in the case of vaporizers.

(b) Minimum required rate of discharge in cubic feet per minute of air at 120 percent of the maximum permitted start to discharge pressure for safety relief valves to be used on containers other than those constructed in accordance with DOT specification shall be as follows:

Surface area (sq. ft.)	Flow rate CFM air
20 or less	626
25	751
30	872
35	990
40	1,100
45	1,220
50	1,330
55	1,430
60	1,540

Surface area (sq. ft.)	Flow rate CFM air
65	1,640
70	1,750
75	1,850
80	1,950
85	2,050
90	2,150
95	2,240
100	2,340
105	2,440
110	2,530
115	2,630
120	2,720
125	2,810
130	2,900
135	2,990
140	3,080
145	3,170
150	3,260
155	3,350
160	3,440
165	3,530
170	3,620
175	3,700
180	3,790
185	3,880
190	3,960
195	4,050
200	4,130
210	4,300
220	4,470
230	4,630
240	4,800
250	4,960
260	5,130
270	5,290
280	5,450
290	5,610
300	5,760
310	5,920
320	6,080
330	6,230
340	6,390
350	6,540
360	6,690
370	6,840
380	7,000
390	7,150
400	7,300
450	8,040
500	8,760
550	9,470
600	10,170
650	10,860
700	11,550
750	12,220
800	12,880
850	13,540
900	14,190
950	14,830
1,000	15,470
1,050	16,100
1,100	16,720
1,150	17,350
1,200	17,960
1,250	18,570
1,300	19,180
1,350	19,780
1,400	20,380
1,450	20,980
1,500	21,570
1,550	22,160
1,600	22,740
1,650	23,320

Surface area (sq. ft.)	Flow rate CFM air
1,700	23,900
1,750	24,470
1,800	25,050
1,850	25,620
1,900	26,180
1,950	26,750
2,000	27,310

Surface area = total outside surface area of container in square feet.

When the surface area is not stamped on the nameplate or when the marking is not legible, the area can be calculated by using one of the following formulas:

(1) Cylindrical container with hemispherical heads:

$$\text{Area} = \text{Overall length} \times \text{outside diameter} \times 3.1416.$$

(2) Cylindrical container with other than hemispherical heads:

$$\text{Area} = (\text{Overall length} + 0.3 \text{ outside diameter}) \times \text{outside diameter} \times 3.1416.$$

NOTE: This formula is not exact, but will give results within the limits of practical accuracy for the sole purpose of sizing relief valves.

(3) Spherical container:

$$\text{Area} = \text{Outside diameter squared} \times 3.1416.$$

Flow rate-CFM air = Required flow capacity in cubic feet per minute of air at standard conditions, 60°F and atmospheric pressure (14.7 p.s.i.a.).

The rate of discharge may be interpolated for intermediate values of surface area. For containers with total outside surface area greater than 2,000 square feet, the required flow rate can be calculate [calculated] using the formula, flow rate-CFM air = 53.632 A^{0.82}.

$$A = \text{Total outside surface area of the container in square feet.}$$

Valves not marked "air" have flow rate marking in cubic feet per minute of liquefied petroleum gas. These can be converted to ratings in cubic feet per minute of air by multiplying the liquefied petroleum gas ratings by factors listed below. Air flow ratings can be converted to ratings in cubic feet per minute of liquefied petroleum 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

(c) Minimum required rate of discharge for safety relief valves for liquefied petroleum gas vaporizers (steam heated, water heated, and direct fired).

The minimum required rate of discharge for safety relief valves shall be determined as follows:

(i) 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.

(ii) Obtain the minimum required rate of discharge in cubic feet of air per minute, at 60°F and 14.7 p.s.i.a. from (10)(b) of this section, for this total surface area.

(d) Container and vaporizer safety relief valves shall be set to start-to-discharge, with relation to the design pressure of the container, in accordance with Table H-26.

TABLE H-26

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		

¹Manufacturers of safety relief valves are allowed a plus tolerance not exceeding 10 percent of the set pressure marked on the valve.

(e) Safety relief devices used with systems employing containers other than those constructed according to DOT specifications shall be so constructed as to discharge at not less than the rates shown in (10)(b) of this section, before the pressure is in excess of 120 percent of the maximum (not including the 10 percent referred to in (10)(d) of this section) permitted start to discharge pressure setting of the device.

(f) In certain locations sufficiently sustained high temperatures prevail which require the use of a lower vapor pressure product to be stored or the use of a higher designed pressure vessel in order to prevent the safety valves opening as the result of these temperatures. As an alternative the tanks may be protected by cooling devices such as by spraying, by shading, or other effective means.

(g) Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If pressure setting or adjustment is external, the relief valves shall be provided with approved means for sealing adjustment.

(h) Shutoff valves shall not be installed between the safety relief devices and the container, or the equipment or piping to which the safety relief device is connected except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(i) Safety relief valves shall have direct communication with the vapor space of the container at all times.

(j) Each container safety relief valve used with systems covered by WAC 296-24-47509, 296-24-47511, 296-24-47515 and 296-24-47517, except as provided in WAC 296-24-47511 (3)(c) shall be plainly and permanently marked with the following: "Container type" of the pressure vessel on which the valve is designed to be installed; the pressure in p.s.i.g. at which the valve is set to discharge; the actual rate of discharge of the valve in cubic feet per minute of air at 60°F and 14.7 p.s.i.a.; and the manufacturer's name and catalog number, for example: T200-250-4050 AIR—indicating that the valve is suitable for use on a Type 200 container, that it is set to start to discharge at 250 p.s.i.g.; and that its rate of discharge is 4,050 cubic feet per minute of air as determined in (10)(b) of this section.

(k) Safety relief valve assemblies, including their connections, shall be of sufficient size so as to provide the rate of flow required for the container on which they are installed.

(l) A hydrostatic relief valve shall be installed between each pair of shutoff valves on liquefied petroleum gas liquid piping so as to relieve into a safe atmosphere. The start-to-discharge pressure setting of such relief valves shall not be in excess of 500 p.s.i.g. The minimum setting on relief valves installed in piping connected to other than DOT containers shall not be lower than 140 percent of the container relief valve setting and in piping connected to DOT containers not lower than 400 p.s.i.g. Such a 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 be greater than the maximum pressure permitted by the recirculation device in the system.

(m) The discharge from any safety relief device shall not terminate in or beneath any building, except relief devices covered by (6)(a)(i) to (vi) of this section, or WAC 296-24-47507 (4)(a) or (5).

(n) Container safety relief devices and regulator relief vents shall be located not less than five feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(11) Vaporizer and housing. (a) Indirect fired vaporizers utilizing steam, water, or other heating medium shall be constructed and installed as follows:

(i) Vaporizers shall be constructed in accordance with the requirements of (3)(a) to (c) of this section 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.

(D) With the name or symbol of the manufacturer.

(ii) Vaporizers having an inside diameter of 6 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 not less than 250 p.s.i.g. and need not be permanently marked.

(iii) Heating or cooling coils shall not be installed inside a storage container.

(iv) Vaporizers may be installed in buildings, rooms, sheds, or lean-tos used exclusively for gas manufacturing or distribution, or in other structures of light, noncombustible construction or equivalent, well ventilated near the floor line and roof.

When vaporizing and/or mixing equipment is located in a structure or building not used exclusively for gas manufacturing or distribution, either attached to or within such 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 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 light-weight construction.

(v) Vaporizers shall have, at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with (10)(c) of this section, except as provided in WAC 296-24-47509 (4)(c)(i).

(vi) The heating medium lines into and leaving the vaporizer shall be provided with suitable means for preventing the flow of gas into the heat systems in the event of tube rupture in the vaporizer. Vaporizers shall be provided with suitable automatic means to prevent liquid passing through the vaporizers to the gas discharge piping.

(vii) The device that supplies the necessary heat for producing steam, hot water, or other heating medium may be installed in a building, compartment, room, or lean-to which shall be ventilated near the floorline and roof to the outside. The device location shall be separated from all compartments or rooms containing liquefied petroleum 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. This requirement does not apply to the domestic water heaters which may supply heat for a vaporizer in a domestic system.

(viii) Gas-fired heating systems supplying heat exclusively for vaporization purposes shall be equipped with automatic safety devices to shut off the flow of gas to main burners, if the pilot light should fail.

(ix) Vaporizers may be an integral part of a fuel storage container directly connected to the liquid section or gas section or both.

(x) Vaporizers shall not be equipped with fusible plugs.

(xi) Vaporizer houses shall not have unprotected drains to sewers or sump pits.

(b) Atmospheric vaporizers employing heat from the ground or surrounding air shall be installed as follows:

(i) Buried underground, or

(ii) Located inside the building close to a point at which pipe enters the building provided the capacity of the unit does not exceed 1 quart.

(iii) Vaporizers of less than 1 quart capacity heated by the ground or surrounding air, need not be equipped with safety relief valves provided that adequate tests demonstrate that the assembly is safe without safety relief valves.

(c) Direct gas-fired vaporizers shall be constructed, marked, and installed as follows:

(i) In accordance with the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code—1968 that are

applicable to the maximum working conditions for which the vaporizer is designed.

(ii) 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.

(iii) Vaporizers may be connected to the liquid section or the gas section of the storage container, or both; but in any case there shall be at the container a manually operated valve in each connection to permit completely shutting off when desired, of all flow of gas or liquid from container to vaporizer.

(iv) Vaporizers with capacity not exceeding 35 gallons per hour shall be located at least 5 feet from container shutoff valves. Vaporizers having capacity of more than 35 gallons but not exceeding 100 gallons per hour shall be located at least 10 feet from the container shutoff valves. Vaporizers having a capacity greater than 100 gallons per hour shall be located at least 15 feet from container shutoff valves.

(v) Vaporizers may be installed in buildings, rooms, housings, sheds, or lean-tos used exclusively for vaporizing or mixing of liquefied petroleum gas. Vaporizing housing structures shall be of noncombustible construction, 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 light-weight construction.

(vi) Vaporizers shall have at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with (10)(c) of this section. The relief valve shall be so located as not to be subjected to temperatures in excess of 140°F.

(vii) Vaporizers shall be provided with suitable automatic means to prevent liquid passing from the vaporizer to the gas discharge piping of the vaporizer.

(viii) Vaporizers shall be provided with means for manually turning off the gas to the main burner and pilot.

(ix) 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 B.T.U. 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.

(x) Pressure regulating and pressure reducing equipment if located within 10 feet of a direct fired vaporizer shall be separated from the open flame by a substantially airtight noncombustible partition or partitions.

(xi) Except as provided in (11)(c)(v), of this section, the following minimum distances shall be maintained between direct fired vaporizers and the nearest important building or group of buildings or line of adjoining property which may be built upon:

Ten feet for vaporizers having a capacity of 15 gallons per hour or less vaporizing capacity.

Twenty-five feet for vaporizers having a vaporizing capacity of 16 to 100 gallons per hour.

Fifty feet for vaporizers having a vaporizing capacity exceeding 100 gallons per hour.

(xii) 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 H-31. (See WAC 296-24-47509.)

(xiii) Vaporizers shall not be provided with fusible plugs.

(xiv) Vaporizers shall not have unprotected drains to sewers or sump pits.

(d) Direct gas-fired tank heaters, shall be constructed and installed as follows:

(i) Direct gas-fired tank heaters, and tanks to which they are applied, shall only be installed above ground.

(ii) Tank heaters shall be permanently marked with the name of the manufacturer, the rated B.T.U. 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.

(iii) Tank heaters shall be provided with a means for manually turning off the gas to the main burner and pilot.

(iv) 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 B.T.U. 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.

(v) Pressure regulating and pressure reducing equipment if located within 10 feet of a direct fired tank heater shall be separated from the open flame by a substantially airtight noncombustible partition.

(vi) The following minimum distances shall be maintained between a storage tank heated by a direct fired tank heater and the nearest important building or group of buildings or line of adjoining property which may be built upon:

Ten feet for storage containers of less than 500 gallons water capacity.

Twenty-five feet for storage containers of 500 to 1,200 gallons water capacity.

Fifty feet for storage containers of over 1,200 gallons water capacity.

(vii) No direct fired tank heater shall raise the product pressure within the storage container over 75 percent of the pressure set out in the second column of Table H-31. (See WAC 296-24-47509.)

(e) The vaporizer section of vaporizer-burners used for dehydrators or dryers shall be located outside of buildings; they shall be constructed and installed as follows:

(i) Vaporizer-burners shall have a minimum design pressure of 250 p.s.i.g. with a factor of safety of five.

(ii) Manually operated positive shutoff valves shall be located at the containers to shut off all flow to the vaporizer-burners.

(iii) 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

(iv) The vaporizer section of vaporizer-burners shall be protected by a hydrostatic relief valve. The relief valve shall be located so as not to be subjected to temperatures in excess of 140°F. The start-to-discharge pressure setting shall be such as to protect the components involved, but not less than 250 p.s.i.g. The discharge shall be directed upward and away from component parts of the equipment and away from operating personnel.

(v) Vaporizer-burners shall be provided with means for manually turning off the gas to the main burner and pilot.

(vi) 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.

(vii) Pressure regulating and control equipment shall be located or protected so that the temperatures surrounding this equipment shall not exceed 140°F except that equipment components may be used at higher temperatures if designed to withstand such temperatures.

(viii) Pressure regulating and control equipment when located downstream of the vaporizer shall be designed to withstand the maximum discharge temperature of the vapor.

(ix) The vaporizer section of vaporizer-burners shall not be provided with fusible plugs.

(x) Vaporizer coils or jackets shall be made of ferrous metal or high temperature alloys.

(xi) Equipment utilizing vaporizer-burners shall be equipped with automatic shutoff 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.

(12) Filling densities. (a) The "filling density" is defined as 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 H-27.

TABLE H-27
MAXIMUM PERMITTED FILLING DENSITY

Specific gravity at 60°F (15.6°C)	Above ground containers		Under-ground containers, all capacities
	0 to 1,200 U.S. gals. (1,000 imp. gals. liters) total water cap.	Over 1,200 U.S. gals. (1,000 imp. gals. liters) total water cap.	
0.496-0.503	Percent 41	Percent 44	Percent 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

(b) Except as provided in (12)(c) of this section, any container including mobile cargo tanks and portable tank containers regardless of size or construction, shipped under DOT jurisdiction or constructed in accordance with 49 CFR Chapter I Specifications shall be charged according to 49 CFR Chapter I requirements.

(c) Portable containers not subject to DOT jurisdiction (such as, but not limited to, motor fuel containers on industrial and lift trucks, and farm tractors covered in (5) of this section, or containers recharged at the installation) may be filled either by weight, or by volume using a fixed length dip tube gaging device.

(13) LP-gas in buildings. (a) Vapor shall be piped into buildings at pressures in excess of 20 p.s.i.g. only if the buildings or separate areas thereof, (i) are constructed in accordance with this section; (ii) 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; (iii) buildings, structures, or equipment under construction or undergoing major renovation.

(b) Liquid may be permitted in buildings as follows:

(i) 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 processes using such gas and having similar hazard; and when such buildings, or separate areas thereof are constructed in accordance with this section.

(ii) Buildings, structures, or equipment under construction or undergoing major renovation provided the temporary piping meets the following conditions:

(A) Liquid piping inside the building shall conform to the requirements of (8) of this section, and shall not exceed three-fourths iron pipe size. Copper tubing with an outside diameter of three-fourths inch or less may be used provided it conforms to Type K of Specifications for Seamless Water Tube, ANSI H23.1-1970 (ASTM B88-1969) (see WAC 296-24-47505 Table H-24). 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 so as to provide adequate protection from breakage and so located as to subject the liquid line to lowest ambient temperatures.

(B) A shutoff valve shall be installed in each intermediate branch line where it takes off the main line and shall be readily accessible. A shutoff valve shall also be placed at the appliance end of the intermediate branch line. Such shutoff valve shall be upstream of any flexible connector used with the appliance.

(C) 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 shutoff valve. Suitable excess flow valves shall be installed where piping size is reduced and shall be sized for the reduced size piping.

(D) Hydrostatic relief valves shall be installed in accordance with (10)(1) of this section.

(E) The use of hose to carry liquid between the container and the building or at any point in the liquid line, except at the appliance connector, shall be prohibited.

(F) Where flexible connectors are necessary for appliance installation, such connectors shall be as short as practicable and shall comply with (8)(b) or (9) of this section.

(G) Release of fuel when any section of piping or appliances is disconnected shall be minimized by either of the following methods:

(aa) Using an approved automatic quick-closing coupling (a type closing in both directions when coupled in the fuel line), or

(bb) Closing the valve nearest to the appliance and allowing the appliance to operate until the fuel in the line is consumed.

(cc) Portable containers shall not be taken into buildings except as provided in (6)(a) of this section.

(14) Transfer of Liquids. The employer shall assure that (a) at least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of the product.

(b) Containers shall be filled or used only upon authorization of the owner.

(c) Containers manufactured in accordance with specifications of 49 CFR Part 178 and authorized by 49 CFR Chapter 1 as a "single trip" or "nonrefillable container" shall not be refilled or reused in LP-gas service.

(d) 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 296-24-47511 (5)(d) and except that this shall not preclude the use of listed pump utilizing LP-gas in the vapor phase as a source of energy and venting such gas to the atmosphere at a rate not to exceed that from a No. 31 drill size opening and provided that such venting and liquid transfer shall be located not less than 50 feet from the nearest important building.

(e) Filling of fuel containers for industrial trucks or motor vehicles from industrial bulk storage containers shall be performed not less than 10 feet from the nearest important masonry-walled building or not less than 25 feet from the nearest important building or other construction and, in any event, not less than 25 feet from any building opening.

(f) Filling of 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 not less than 50 feet from the nearest important building.

(g) The filling connection and the vent from the liquid level gages in containers, filled at point of installation, shall not be less than 10 feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(h) Fuel supply containers shall be gaged and charged only in the open air or in buildings especially provided for that purpose.

(i) The maximum vapor pressure of the product at 100°F which may be transferred into a container shall be in accordance with WAC 296-24-47509(2) and 296-24-47511(3). (For DOT containers use DOT requirements.)

(j) Marketers and users shall exercise precaution to assure that only those gases for which the system is designed, examined, and listed, are employed in its operation, particularly with regard to pressures.

(k) 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.

(l) Pumping systems, when equipped with a positive displacement pump, shall include a recirculating device which shall limit 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 does not exceed 350 p.s.i.g. If a recirculation system discharges into the supply tank and contains a manual shutoff valve, an adequate secondary safety recirculation system shall be incorporated which shall have no means of rendering it inoperative. Manual shutoff valves in recirculation systems shall be kept open except during an emergency or when repairs are being made to the system.

(m) When necessary, unloading piping or hoses shall be provided with suitable bleeder valves for relieving pressure before disconnection.

(n) Agricultural air moving equipment, including crop dryers, shall be shut down when supply containers are being filled unless the air intakes and sources of ignition on the equipment are located 50 feet or more from the container.

(o) Agricultural equipment employing open flames or equipment with integral containers, such as flame cultivators, weed burners, and, in addition, tractors, shall be shut down during refueling.

(15) Tank car or transport truck loading or unloading points and operations. (a) The track of tank car siding shall be relatively level.

(b) A "tank car connected" sign, as covered by DOT rules, shall be installed at the active end or ends of the siding while the tank car is connected.

(c) While cars are on side track for loading or unloading, the wheels at both ends shall be blocked on the rails.

(d) The employer shall insure that an employee is in attendance at all times while the tank car, cars, or trucks are being loaded or unloaded.

(e) A backflow check valve, excess-flow valve, or a shutoff valve with means of remote closing, to protect against uncontrolled discharge of LP-gas from storage tank piping shall be installed close to the point where the liquid piping and hose or swing joint pipe is connected.

(f) Except as provided in (15)(g) of this section, when the size (diameter) of the loading or unloading hoses and/or piping is reduced below the size of the tank car or transport truck loading or unloading connections, the adaptors to which lines are attached shall be equipped with either a backflow check valve, a properly sized excess flow valve, or shutoff valve with means of remote closing, to protect against uncontrolled discharge from the tank car or transport truck.

(g) The requirement of (15)(f) of this section shall not apply if the tank car or transport is equipped with a quick-closing internal valve that can be remotely closed.

(h) The tank car or transport truck loading or unloading point shall be located with due consideration to the following:

(i) Proximity to railroads and highway traffic.

(ii) The distance of such unloading or loading point from adjacent property.

(iii) With respect to buildings on installer's property.

(iv) Nature of occupancy.

(v) Topography.

(vi) Type of construction of buildings.

(vii) Number of tank cars or transport trucks that may be safely loaded or unloaded at one time.

(viii) Frequency of loading or unloading.

(i) Where practical, the distance of the unloading or loading point shall conform to the distances in (6)(b) of this section.

(16) Instructions. Personnel performing installation, removal, operation, and maintenance work shall be properly trained in such function.

(17) Electrical equipment and other sources of ignition. (a) Electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with WAC ((296-24-950 and 296-24-955)) 296-24-956, for ordinary locations except that fixed electrical equipment in classified areas shall comply with (18) of this section.

(b) 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: Liquefied petroleum gas storage containers do not require lightning protection. Since liquefied petroleum 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).

(c) Open flames (except as provided for in (17)(b) 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 H-28 (see WAC 296-24-47505) unless the LP-gas facilities have been freed of all liquid and vapor, or special precautions observed under carefully controlled conditions.

(18) Fixed electrical equipment in classified areas. Fixed electrical equipment and wiring installed within classified areas shall comply with Table H-28 (see WAC 296-24-47505) and shall be installed in accordance with WAC ((296-24-950 and 296-24-955)) 296-24-956.

This provision does not apply to fixed electrical equipment at residential or commercial installations of LP-gas systems or to systems covered by WAC 296-24-47511 or 296-24-47515.

(19) Liquid-level gaging device. (a) Each container manufactured after December 31, 1965, and filled on a volumetric basis shall be equipped with a fixed liquid-level gage to indicate the maximum permitted filling level as provided in (19)(e) of this section. Each container manufactured after December 31, 1969, shall have permanently attached to the container adjacent to the fixed level gage a marking showing the percentage full that will be shown by that gage. When a variable liquid-level gage is also provided, the fixed liquid-level gage will also serve as a means for checking the variable gage. These gages shall be used in charging containers as required in (12) of this section.

(b) All variable gaging 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 readily determinable. The markings indicating the various liquid levels from empty to full shall be on the system nameplate or gaging device or part may be on the system nameplate and part on the gaging device. Dials of magnetic or rotary gages shall show whether they are for cylindrical or spherical containers and whether for aboveground or underground service. The dials of gages intended for use only on aboveground containers of over 1,200 gallons water capacity shall be so marked.

(c) Gaging 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.

(d) Gaging devices shall have a design working pressure of at least 250 p.s.i.g.

(e) Length of tube or position of fixed liquid-level gage 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 aboveground containers and at 50°F for underground containers. The employer shall calculate the filling point for which the fixed liquid level gage shall be designed according to the method in this subsection.

TABLE H-28

Part	Location	Extent of classified area ¹	Equipment shall be suitable for National Electrical Code, Class 1, Group D ²
A	Storage containers other than DOT cylinders.	Within 15 feet in all directions from connections, except connections otherwise covered in Table H-28.	Division 2.
B	Tank vehicle and tank car loading and unloading.	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 Figure H-1.)	Division 2.
C	Gage 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.

TABLE H-28

Part	Location	Extent of classified area ¹	Equipment shall be suitable for National Electrical Code, Class 1, Group D ²
D	Relief valve discharge other than those on DOT cylinders.	Within direct path of discharge.	Division 1. NOTE—Fixed electrical equipment should preferably not be installed.
		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	Division 1.
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.
		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. ⁴	Division 2.
F	Service station dispensing units.	Outdoors in open air at or abovegrade.	Division 2.
		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 abovegrade within 20 ft. horizontally from any edge of enclosure.	Division 2.

NOTE: For pits within this area, see Part F of this table.

TABLE H-28

Part	Location	Extent of classified area ¹	Equipment shall be suitable for National Electrical Code, Class 1, Group D ²
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. ⁴	Within 5 feet in all directions from connections regularly made or disconnected for product transfer. Division 1.
	Outdoors in open air	Beyond 5 feet and entire room — Division 2.	
		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.	

¹The classified area shall not extend beyond an unpierced wall, roof, or solid vaportight partition.
²See chapter 296-46 WAC, and WAC ((296-24-950 and 296-24-955)) 296-24-956.
³When 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.
⁴Ventilation, either natural or mechanical, is considered adequate when the concentration of the gas in a gas-air mixture does not exceed 25 percent of the lower flammable limit under normal operating conditions.

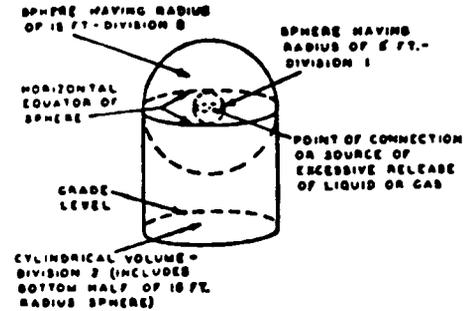


Figure H-1

NOTE: It is impossible to set out in a table the length of a fixed dip tube for various capacity tanks because of the varying tank diameters and lengths and because the tank may be installed either in a vertical or horizontal position. Knowing the maximum permitted filling volume in gallons, however, the length of the fixed tube can be determined by the use of a strapping table obtained from the container manufacturer. The length of the fixed tube should be such 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:

$$\frac{\text{Water capacity (gals.) of container}^* \times \text{filling density}^{**}}{\text{Specific gravity of LP-gas}^* \times \text{volume correction factor}^{***} \times 100} = \text{Maximum volume of LP-gas}$$

*Measure at 60°F.

**From (12(a)) of this section "filling densities."

***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, the following factors shall be used.

(i) Formula for determining maximum volume of liquefied petroleum gas for which a fixed length of dip tube shall be set:

TABLE H-29
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

(ii) The maximum volume of LP-gas which 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 is calculated by the following formula.

(iii) The maximum weight of LP-gas which may be placed in a container for determining the length of a fixed dip tube is determined by multiplying the maximum volume of liquefied petroleum gas obtained by the formula in (19)(e)(i) of this section by the pounds of liquefied petroleum gas in a gallon at 40°F for aboveground and at 50°F for underground containers. For example, typical pounds per gallon are specified below:

Example: Assume a 100-gallon total water capacity tank for above-ground storage of propane having a specific gravity of 0.510 of 60°F.

$$\frac{100 \text{ (gals.)} \times 42 \text{ (filling density from (12)(a) of this section)}}{0.510 \times 1.031 \text{ (correction factor from Table H-29)} \times 100} = \frac{4200}{52.6}$$

79.8 gallons propane, the maximum amount permitted to be placed in a 100-gallon total water capacity aboveground container equipped with a fixed dip tube.

$$\frac{\text{Maximum volume of LP-gas (from formula in (19)(e)(i) of this section)} \times 100}{\text{Total water content of container in gallons}} = \text{Maximum percent of LP-gas}$$

	Aboveground, pounds per gallon	Underground, pounds per gallon
Propane	4.37	4.31
N Butane	4.97	4.92

(f) Fixed liquid-level gages used on containers other than DOT containers shall be stamped on the exterior of the gage 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 gage when it is 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 gage and on the container. On aboveground or cargo containers where the gages 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.

(g) Gage glasses of the columnar type shall be restricted to charging plants where the fuel is withdrawn in the liquid phase only. They shall be equipped with valves having metallic handwheels, with excess flow valves, and with extra-heavy glass adequately protected with a metal housing applied by the gage manufacturer. They shall be shielded against the direct rays of the sun. Gage glasses of the columnar type are prohibited on tank trucks, and on motor fuel tanks, and on containers used in domestic, commercial, and industrial installations.

(h) Gaging devices of the float, or equivalent type which do not require flow for their operation and having connections extending to a point outside the container do not have to be equipped with excess flow valves provided the piping and fittings are adequately designed to withstand the container pressure and are properly protected against physical damage and breakage.

(20) Requirements for appliances. (a) Except as provided in (20)(b) of this section, new commercial and industrial gas consuming appliances shall be approved.

(b) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-gas and is in good condition may be used with LP-gas only after it is properly converted, adapted, and tested for performance with LP-gas before the appliance is placed in use.

(c) 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 the event of flame extinguishment.

(d) All commercial, industrial, and agricultural appliances or equipment shall be installed in accordance with the requirements of these standards and in accordance with the following:

(i) Domestic and commercial appliances—NFPA 54-1969, Standard for the Installation of Gas Appliances and Gas Piping.

(ii) Industrial appliances—NFPA 54A-1969, Standard for the Installation of Gas Piping and Gas Equipment on Industrial Premises and Certain Other Premises.

(iii) Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines—NFPA 37-1970.

(iv) Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment, NFPA 96-1970.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60001 SCOPE AND APPLICABILITY. (1) The rules included in this chapter apply throughout the state of Washington, to any and all waterfront operations under the jurisdiction of the department of labor and industries, division of industrial safety and health.

(2) These minimum requirements are promulgated to augment the general safety and health standards, and any other safety and health standards promulgated by the department of labor and industries which are applicable to all places of employment under the jurisdiction of the department of labor and industries. The rules of this chapter, and the rules of chapters 296-24 and 296-62 WAC are applicable to all longshore, stevedore and related waterfront operations: PROVIDED, That such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24 and 296-62 WAC.

(a) Electrical—WAC 296-24-956.

(b) Toxic and hazardous substances. Chapter 296-62 WAC applies where specifically referenced in this standard, except that the requirements of chapter 296-62 WAC do not apply when a substance or cargo is contained within a sealed, intact means of packaging or containment complying with department of transportation or International Maritime Organization requirements.

(c) Noise—WAC 296-62-09015.

(d) Commercial diving operations—Chapter 296-37 WAC.

(e) Safety requirements for scaffolding—WAC 296-24-825.

(f) Abrasive blasting—WAC 296-24-675.

(g) Access to employee exposure and medical records—WAC 296-62-052.

(h) Respiratory protection—WAC 296-62-071.

(i) Grain elevators—Chapter 296-88 WAC.

(4) ~~(These standards are consolidated with the intent that they will meet or exceed all mandatory requirements included in 29 CFR Part 1917.~~

(5) The provisions of WAC 296-56-600 through 296-56-60255 do not apply to the following:

(a) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.

(b) Facilities subject to the regulations of the office of pipeline safety regulation of the materials transportation bureau, department of transportation, to the extent such regulations apply.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60019 STANDARD GAUGE RAILROAD OPERATIONS. All sections of this chapter which include WAC 296-56-60019 through 296-56-60041 apply to standard gauge railroad operations.

(1) Work shall be performed in railcars only if floors of the railcars are in visibly safe condition for the work activity being conducted and equipment being used.

(2) A route shall be established to allow employees to pass to and from places of employment without passing under, over or through railcars, or between cars less than ten feet (3 m) apart on the same track.

(3) The employer shall direct that no employees remain in railcars after work is concluded.

(4) Railcars shall be chocked or otherwise prevented from moving:

(a) While dockboards or carplates are in position; or

(b) While employees are working within, on or under the railcars or near the tracks at the ends of the cars.

(5) When employees are working in, on, or under a railcar, positive means shall be taken to protect them from exposure to impact from moving railcars.

(6) Work being carried on, in, or under cars which subjects employees to the hazard of moving railroad equipment shall be protected by flags and derails set a minimum of fifty feet from one or both ends of the worksite. Where the spur track switch is less than fifty feet from the work location, the switch padlocked in the open position will take the place of the derail and the blue flag shall be placed at that point.

(7) Before cars are moved, unsecured and over-hanging stakes, wire straps, banding, and similar objects shall be removed or placed so as not to create hazards.

(8) The employer shall institute all necessary controls during railcar movement to safeguard personnel. If winches or capstans are employed for movement, employees shall stand clear of the hauling rope and shall not stand between the rope and the cars.

(9) Before being opened fully, doors shall be opened slightly to ensure that the load has not shifted during transit. Special precautions shall be taken if the doors being opened are visibly damaged.

(10) If power industrial trucks are used to open freight car doors, the trucks or the railcar doors shall be equipped with door opening attachments. Employees shall stand clear of the railcar doors while they are being opened and closed.

(11) Only railcar door openers or power trucks equipped with door opening attachments shall be used to open jammed doors.

(12) Employees shall not remain in or on gondolas or flat cars when drafts that create overhead, caught-in, caught-between or (~~struck-by~~) ~~struck-by~~ hazards are being landed in or on the railcar; end gates, if raised, shall be secured.

(13) Operators of railcar dumps shall have an unrestricted view of dumping operations and shall have emergency means of stopping movement.

(14) Recessed railroad switches shall be enclosed to provide a level surface.

(15) Warning signs shall be posted where doorways open onto tracks, at blind corners and at similar places where vision may be restricted.

(16) Warning signs shall be posted if insufficient clearance for personnel exists between railcars and structures.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60045 COMMUNICATION. (1) Radio. When practical and safe, crane operators shall be provided with a radio or telephone to be in contact with the signalman or crane chaser in those cases where a signalman or crane chaser is required.

(2) Interference. Cargo handling operations shall not be carried on when noise-producing maintenance, construction or repair(s) work interferes with communication of warnings or instructions.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60069 PERSONNEL. (1) Qualifications of machinery operators.

(a) Only those employees determined by the employer to be competent by reason of training or experience, and who understand the signs, notices and operating instructions and are familiar with the signal code in use shall be permitted to operate a crane, winch or other power-operated cargo handling apparatus, or any power-operated vehicle, or give signals to the operator of any hoisting apparatus. Exception: Employees being trained and supervised by a designated person may operate such machinery and give signals to operators during training.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him shall be permitted to operate a crane, winch or other power-operated cargo handling apparatus or a power-operated vehicle.

(2) Supervisory accident prevention proficiency.

(a) After October 3, 1985, immediate supervisors of cargo-handling operations of more than five persons shall satisfactorily complete a

course in accident prevention. Employees newly assigned to supervisory duties after that date shall be required to meet the provisions of this paragraph within ninety days of such assignment.

(b) The course shall consist of instruction suited to the particular operations involved.

(c) No minor under eighteen years of age shall be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such operations by performing work such as hooking on or landing drafts, rigging gear, etc.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60073 MISCELLANEOUS AUXILIARY GEAR. (1) Routine inspection.

(a) At the completion of each use, loose gear such as slings, chains, bridles, blocks, and hooks shall be so placed as to avoid damage to the gear. Loose gear shall be inspected and any defects corrected before reuse.

(b) All loose gear shall be inspected by the employer or his authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon such inspection to be visibly unsafe shall not be used until it is made safe.

(c) Defective gear shall not be used. Distorted hooks, shackles, or similar gear shall be discarded.

(d) Chains or other gear which have been lengthened, altered, or repaired by welding shall be properly heat treated where necessary, and, before again being put into use, shall be tested and reexamined in the manner set forth in WAC 296-56-60097 and 296-56-60098.

(2) The employer shall maintain a record of the dates and results of the tests with each unit of gear concerned clearly identifiable. The records shall be available for examination by representatives of the division of industrial safety and health personnel and the employee safety committee.

(3) Wire rope and wire rope slings.

(a) The employer shall ascertain and adhere to the manufacturer's recommended ratings for wire rope and wire rope slings and shall have such ratings available for inspection. When the manufacturer is unable to supply such ratings, the employer shall use the tables for wire rope and wire rope slings found in American National Safety Standard for Slings, current ANSI B30.9. A design safety factor of at least five shall be maintained for the common sizes of running wire used as falls, in purchases or in such uses as light load slings. Wire rope with a safety factor of less than five may be used only:

(i) In specialized equipment, such as but not limited to cranes, designed to be used with lesser wire rope safety factors;

(ii) In accordance with design factors in standing rigging applications; or

(iii) For heavy lifts or other purposes for which a safety factor of five is impracticable and for which the employer can demonstrate that equivalent safety is ensured.

(b) Wire rope or wire rope slings having any of the following conditions shall not be used:

(i) Ten randomly distributed broken wires in one rope lay or three or more broken wires in one strand in one rope lay;

(ii) Kinking, crushing, bird caging, or other damage resulting in distortion of the wire rope structure;

(iii) Evidence of heat damage;

(iv) Excessive wear or corrosion, deformation or other defect in the wire or attachments, including cracks in attachments;

(v) Any indication of strand or wire slippage in end attachments; or

(vi) More than one broken wire in the close vicinity of a socket or swaged fitting.

(c) Protruding ends of strands in splices on slings and bridles shall be covered or blunted. Coverings shall be removable so that splices can be examined. Means used to cover or blunt ends shall not damage the wire.

(d) Where wire rope clips are used to form eyes, the employer shall adhere to the manufacturer's recommendations, which shall be available at the terminal. If "U" bolt clips are used and the manufacturer's recommendations are not available, Table C-1 shall be used to determine the number and spacing of clips. "U" bolts shall be applied with the "U" section in contact with the dead end of the rope.

TABLE C-1—NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel rope diameter inches/(cm)	Minimum number of clips		Minimum spacing inches/(cm)
	Drop forged	Other material	
¼ or less(1.3)	3	4	3(7.6)
½(1.6)	3	4	3¾(9.5)
¾(1.9)	4	5	4½(11.4)
1(2.2)	4	5	5¼(13.3)
1½(2.5)	5	7	6(15.2)
1¾(2.7)	6	7	6¾(17.1)
2(3.2)	6	8	7¼(18.1)
2½(3.5)	7	8	8¼(21.0)
3(3.8)	7	9	9(22.9)

(e) Wire rope shall not be secured by knots.

(f) Eyes in wire rope bridles, slings, bull wires, or in single parts used for hoisting shall not be formed by wire rope clips or knots.

(g) Eye splices in wire ropes shall have at least three tucks with a whole strand of the rope and two tucks with one-half of the wire cut from each strand. Other forms of splices or connections which are shown to be equivalently safe may be used.

(h) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in pulling cargo, shall consist of one continuous piece without knot or splice.

(4) Natural fiber rope.

(a) The employer shall ascertain the manufacturer's ratings for the specific natural fiber rope used and have such ratings available at the terminal. The manufacturer's ratings shall be adhered to and a minimum design safety factor of five maintained.

(b) Eye splices shall consist of at least three full tucks. Short splices shall consist of at least six full tucks, three on each side of the center line.

(5) Synthetic rope.

(a) The employer shall adhere to the manufacturer's ratings and use recommendations for the specific synthetic fiber rope used and shall have such ratings available at the terminal.

(b) Unless otherwise recommended by the manufacturer, when synthetic fiber ropes are substituted for manila ropes of less than three inches (7.62 cm) in circumference, the substitute shall be of equal size. Where substituted for manila rope of three inches or more in circumference, the size of the synthetic rope shall be determined from the formula:

$$C = \sqrt{0.6C_s^2 + 0.4C_m^2}$$

Where C = the required circumference of the synthetic rope in inches, C_s = the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than that of the size manila rope that would be required by subsection (4) of this section, and C_m = the circumference of manila rope in inches which would be required by subsection (4) of this section. In making such substitution, it shall be ascertained that the inherent characteristics of the synthetic fiber are suitable for hoisting.

(6) Removal of natural and synthetic rope from service. Natural and synthetic rope having any of the following defects shall be removed from service:

- (a) Abnormal wear;
- (b) Powdered fiber between strands;
- (c) Sufficient cut or broken fibers to affect the capability of the rope;
- (d) Variations in the size or roundness of strands;
- (e) Discolorations other than stains not associated with rope damage;
- (f) Rotting; or
- (g) Distortion or other damage to attached hardware.
- (7) Thimbles. Properly fitting thimbles shall be used where any rope is secured permanently to a ring, shackle or attachment, where practicable.
- (8) Synthetic web slings.
 - (a) Slings and nets or other combinations of more than one piece of synthetic webbing assembled and used as a single unit (synthetic web slings) shall not be used to hoist loads in excess of the sling's rated capacity.
 - (b) Synthetic web slings shall be removed from service if they exhibit any of the following defects:
 - (i) Acid or caustic burns;
 - (ii) Melting or charring of any part of the sling surface;

- (iii) Snags, punctures, tears or cuts;
- (iv) Broken or worn stitches; or
- (v) Distortion or damage to fittings.

(c) Defective synthetic web slings removed from service shall not be returned to service unless repaired by a sling manufacturer or similar entity. Each repaired sling shall be proof tested by the repairer to twice the slings' rated capacity prior to its return to service. The employer shall retain a certificate of the proof test and make it available for examination.

(d) Synthetic web slings provided by the employer shall only be used in accordance with the manufacturer's use recommendations, which shall be available.

(e) Fittings shall have a breaking strength at least equal to that of the sling to which they are attached and shall be free of sharp edges.

(9) Chains and chain slings used for hoisting.

(a) The employer shall adhere to the manufacturer's recommended ratings for safe working loads for the sizes of alloy steel chains and chain slings used and shall have such ratings available. When the manufacturer is unable to provide such ratings, the employer shall use the tables for chains and chain slings found in American National Safety Standard for Slings, ANSI B30.9—current revision.

(b) Proof coil steel chain, also known as common or hardware chain, and other chain not recommended by the manufacturer for slinging or hoisting shall not be used for slinging or hoisting.

(c)(i) Sling chains, including end fastenings, shall be inspected for visible defects before each day's use and as often as necessary during use to ensure integrity of the sling.

(ii) Thorough inspections of chains in use shall be made quarterly to detect wear, defective welds, deformation or increase in length or stretch. The month of inspection shall be indicated on each chain by color of paint on a link or by other equally effective means.

(iii) Chains shall be removed from service when maximum allowable wear, as indicated in Table C-2, is reached at any point of link.

(iv) Chain slings shall be removed from service when stretch has increased the length of a measured section by more than five percent; when a link is bent, twisted or otherwise damaged; or when a link has a raised scarf or defective weld.

(v) Only designated persons shall inspect chains used for slinging and hoisting.

TABLE C-2.—MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size		Maximum allowable wear	
Inches	(cm)	Inches	(cm)
¼(½)	(0.6)	¼	(0.1)
½	(1.0)	½	(0.2)
¾	(1.3)	¾	(0.3)
1	(1.6)	1	(0.4)
1¼	(1.9)	1¼	(0.4)
1½	(2.2)	1½	(0.4)
2	(2.5)	2	(0.5)
2½	(2.9)	2½	(0.6)
3	(3.2)	3	(0.6)
3½	(3.5)	3½	(0.7)
4	(3.8)	4	(0.8)
4½	(4.4)	4½	(0.9)

(d) Chains shall only be repaired under qualified supervision. Links or portions of chain defective under any of the criteria of WAC 296-56-60073 (9)(c)(v) shall be replaced with properly dimensioned links or connections of material similar to that of the original chain. Before repaired chains are returned to service, they shall be tested to the proof test load recommended by the manufacturer for the original chain. Tests shall be performed by the manufacturer or shall be certified by an agency accredited for the purpose under WAC 296-56-60093. Test certificates shall be available at the terminal.

(e) (~~Wrought iron chains in constant use shall be annealed or normalized at intervals not exceeding six months. Heat treatment certificates shall be available at the terminal.~~) Alloy chains shall not be annealed.

(f) Kinked or knotted chains shall not be used for lifting. Chains shall not be shortened by bolting, wiring or knotting. Makeshift links or fasteners such as wire, bolts or rods shall not be used.

(g) Hooks, rings, links and attachments affixed to sling chains shall have rated capacities at least equal to that of the chains to which they are attached.

(h) Chain slings shall bear identification of size, grade and rated capacity.

(10) Shackles.

(a) If available, the manufacturer's recommended safe working loads for shackles shall not be exceeded. In the absence of manufacturer's recommendations, Table C-3 shall apply.

(b) Screw pin shackles used aloft in house fall or other gear, except in cargo hook assemblies, shall have their pins moused or otherwise effectively secured.

TABLE C-3.—SAFE WORKING LOADS FOR SHACKLES

Material size		Pin diameter		Safe working load in 2,000 lb tons
Inches	(cm)	Inches	(cm)	
3/4	(1.9)	3/4	(1.9)	1.4
1	(2.5)	1	(2.5)	2.2
1-1/8	(3.2)	1-1/8	(3.2)	3.2
1-1/4	(3.5)	1-1/4	(3.5)	4.3
1-1/2	(3.8)	1-1/2	(3.8)	5.6
1-3/4	(4.4)	1-3/4	(4.4)	6.7
2	(5.0)	2	(5.0)	8.2
2-1/4	(6.1)	2-1/4	(6.1)	11.9
2-1/2	(6.4)	2-1/2	(6.4)	16.2
3	(7.6)	3	(7.6)	21.2

(c) Tables G-2 through G-5 shall be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables the safe working load recommended by the manufacturer for specific, identifiable products shall be followed: PROVIDED, That a safety factor of not less than five is maintained.

**TABLE G-1
MANILA ROPE
(In pounds or tons of 2000 pounds)**

Circumference	Diameter in inches	SAFE WORKING LOADS			
		Single Leg	60°	45°	30°
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	738	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 Tons	1.7 Tons	1.4 Tons	1.0 Tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

In making such a substitution it should be ascertained that the inherent characteristics of the synthetic fiber are suitable for the intended service of the rope.

**TABLE G-2
RATED CAPACITIES FOR IMPROVED PLOW STEEL,
INDEPENDENT WIRE ROPE CORE,
WIRE ROPE AND WIRE ROPE SLINGS
(In tons of 2000 pounds)**

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.	10.	9.0	8.5	7.8	6.8
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-1/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

**TABLE G-3
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT
WIRE ROPE CORE, WIRE ROPE SLINGS
(In tons of 2000 pounds)**

Rope Dia. Inches	TWO - LEG BRIDLE OR HAPPEE RITCH											
	Vertical	60°			45°			30°				
		A	B	C	A	B	C	A	B	C		
6x19 CLASSIFICATION												
1/4"	1.3	1.1	1.0	1.0	.97	.94	.83	.79	.75	.71	.64	
3/8"	2.8	2.5	2.3	2.3	2.1	2.0	1.8	1.6	1.5	1.2	1.1	
1/2"	4.0	4.0	3.8	4.0	3.8	3.6	3.2	3.1	2.8	2.3	2.0	
5/8"	7.0	6.8	6.0	6.2	5.9	5.1	4.1	4.0	4.2	3.6	3.0	
3/4"	10.	9.7	8.8	9.0	8.4	7.3	5.2	5.0	5.0	4.4	4.0	
7/8"	14.	13.	12.	12.	11.	9.6	6.8	6.7	7.0	6.0	5.0	
1"	18.	17.	16.	16.	15.	13.	10.	10.	10.	9.0	8.0	
1-1/8"	23.	22.	20.	20.	19.	16.	12.	12.	11.	10.	9.0	
6x37 CLASSIFICATION												
1-1/4"	28.	26.	24.	24.	22.	20.	17.	16.	15.	13.	12.	
1-1/8"	32.	30.	28.	28.	25.	22.	20.	18.	16.	14.	13.	
1-1/2"	38.	35.	32.	32.	29.	26.	22.	21.	19.	17.	15.	
1-3/4"	51.	48.	44.	44.	40.	37.	32.	31.	28.	24.	20.	
2"	66.	62.	57.	57.	52.	47.	40.	39.	37.	32.	26.	
2-1/4"	83.	78.	72.	72.	66.	57.	50.	48.	47.	41.	34.	

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

**TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL,
FIBER CORE, WIRE ROPE AND
WIRE ROPE SLINGS
(In tons of 2000 pounds)**

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6x19 CLASSIFICATION						
1/4"	.59	.56	.53	.41	.38	.37
3/8"	1.3	1.2	1.1	1.0	.95	.90
1/2"	2.1	2.0	1.8	1.6	1.5	1.4
5/8"	3.0	2.9	2.6	2.3	2.2	2.1
3/4"	4.0	4.0	3.6	3.2	3.1	2.9
7/8"	5.4	5.0	4.4	4.0	3.9	3.6
1"	7.0	6.6	5.7	5.2	5.0	4.6
1-1/8"	9.0	8.4	7.2	6.7	6.4	5.4
6x37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.2	8.3	7.4
1-1/8"	16.	15.	13.	11.	10.	8.9
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.

(A) - Socket or Swaged Terminal attachment.
(B) - Mechanical Sleeve attachment.
(C) - Hand Tucked Splice attachment.

TABLE C-3
RATED CAPACITIES FOR POWERED PALLET
TRUCKS - WIRE MESH SLINGS
(In tons of 2000 pounds)

Rope Dia. Inches	TWO - LEG BRIDLE OR BARLEY HITCH			
	Vertical	60°	45°	30°
1/4	1.1	1.4	1.9	2.6
3/8	3.4	4.4	5.9	8.0
1/2	6.8	9.0	11.8	16.0
5/8	10.2	13.4	17.7	24.0
3/4	13.6	18.0	23.8	32.0
7/8	17.0	22.4	29.6	40.0
1	20.4	27.2	35.8	48.0
1-1/8	23.8	31.2	40.8	56.0

Rope Dia. Inches	SINGLE LEG			
	Vertical	60°	45°	30°
1/4	0.55	0.70	0.95	1.30
3/8	1.70	2.20	2.95	4.00
1/2	3.40	4.40	5.90	8.00
5/8	5.10	6.70	9.00	12.00
3/4	6.80	9.00	11.80	16.00
7/8	8.50	11.20	14.70	20.00
1	10.20	13.40	17.70	24.00
1-1/8	11.90	15.60	20.60	28.00

(A) - Socket or Saddle Terminal attachment.
(B) - Mechanical Slings attachment.
(C) - Hand Tucked Slings attachment.

TABLE C-4
ALLOY STEEL PLATE
(In tons of 2000 pounds)

Vertical Chain Slings	ANGLE			
	Single Leg	60°	45°	30°
1/4	1.43	1.82	2.39	3.22
3/8	4.29	5.47	7.18	9.66
1/2	8.58	10.94	14.36	19.32
5/8	12.87	16.41	21.54	28.98
3/4	17.16	21.88	28.72	38.64
7/8	21.45	27.35	35.90	48.30
1	25.74	32.82	43.08	57.96
1-1/8	30.03	38.29	50.26	67.62
1-1/4	34.32	43.76	57.44	77.28
1-3/4	42.90	54.15	70.86	94.14
2	51.48	64.54	84.28	111.00

(11) Hooks other than hand hooks.

(a) The manufacturer's recommendations shall be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommendations are available shall be tested to twice the intended safe working load before they are initially put into use. The employers shall maintain a record of the dates and results of such tests.

(b) Loads shall be applied to the throat of the hook since loading the point overstresses and bends or springs the hook.

(c) Hooks shall be inspected once a month to see that they have not been bent by overloading. Bent or sprung hooks shall not be used.

(d) Crane hooks. Magnetic particle or other suitable crack detecting inspection shall be performed at least once each year. When testing by x-ray, the pertinent provisions of the Nuclear Regulatory Commission's standards for protection against radiation, relating to protection against occupational radiation exposure, shall apply.

(e) Any activity which involves the use of radioactive materials or x-rays, whether or not under license from the Nuclear Regulatory Commission, shall be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, shall perform such work.

(f) Teeth of case hooks shall not be split, cracked, or deformed.

(g) Jaws of patent clamp type plate hooks shall be kept in safe condition so that they will grip plates securely.

(12) Pallets.

(a) Pallets shall be made and maintained to safely support and carry loads being handled. Fastenings of reusable pallets used for hoisting shall be bolts and nuts, drive screws (helically threaded nails), annular threaded nails ((or)) or fastenings, or equivalent holding strength.

(b) Damaged pallets shall be stored in designated areas and identified.

(c) Reusable wing or lip-type pallets shall be hoisted by bar bridles or other suitable gear and shall have an overhanging wing or lip of at least three inches (76.2 mm). They shall not be hoisted by wire slings alone.

(d) Loaded pallets that do not meet the requirements of this paragraph shall be hoisted only after being placed on pallets meeting such

requirements or shall be handled by other means providing equivalent safety.

(e) Bridles for handling flush end or box-type pallets shall be designed to prevent disengagement from the pallet under load.

(f) Pallets shall be stacked or placed to prevent falling, collapsing or otherwise causing a hazard under standard operating conditions.

(g) Disposable pallets intended only for one use shall not be reused for hoisting.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60077 POWERED INDUSTRIAL TRUCKS. (1) Applicability. This section applies to every type of powered industrial truck used for material or equipment handling within a marine terminal. It does not apply to over-the-road vehicles.

(2) General.

(a) After October 3, 1983, modifications, such as adding counterweights, that might affect the vehicle's capacity or safety shall not be performed without either the manufacturer's prior written approval or the written approval of a professional engineer experienced with the equipment who has consulted with the manufacturer, if available. Capacity, operation and maintenance instruction plates, tags or decals shall be changed to conform to the equipment as modified.

(b) Unauthorized personnel shall not ride on powered industrial trucks. A safe place to ride shall be provided when riding is authorized.

(c) When a powered industrial truck is left unattended, load-engaging means shall be fully lowered, controls neutralized and brakes set. Unless the truck is in view and within twenty-five feet (7.6 m) of the operator, power shall be shut off. Wheels shall be blocked or curbed if the truck is on an incline.

(d) Powered industrial trucks shall not be operated inside highway vehicles or railcars having damage which could affect operational safety.

(e) Powered industrial trucks shall be marked with their rated capacities, which shall be visible to the operator.

(f) Only stable and safety arranged loads within the rated capacity of the truck shall be handled.

(g) The employer shall direct drivers to ascend and descend grades slowly.

(h) The employer shall direct drivers to slow down and sound the horn at crossaisles and other locations where visibility is obstructed.

(i) If the load obstructs the forward view, the employer shall direct drivers to travel with the load trailing.

(j) Steering knobs shall not be used unless the truck is equipped with power steering.

(k) When powered industrial trucks use cargo lifting devices that have a means of engagement hidden from the operator, a means shall be provided to enable the operator to determine that the cargo has been engaged.

(l) When cargo is being towed on pipe trucks or similar equipment, a safe means shall be provided to protect the driver from sliding loads.

(3) Maintenance.

(a) Only designated persons shall perform maintenance and repair.

(b) Batteries on all powered trucks shall be disconnected during repairs to the primary electrical system unless power is necessary for testing and repair. On trucks equipped with systems capable of storing residual energy, that energy shall be safely discharged before work on the primary electrical system begins.

(c) Replacement parts whose function might affect operational safety shall be equivalent in strength and performance capability to the original parts which they replace.

(d) Braking systems or other mechanisms used for braking shall be operable and in safe condition.

(e) Powered industrial trucks shall be maintained in safe working order. Safety devices shall not be removed or made inoperative except as otherwise provided in this section. Trucks with a fuel system leak or any other safety defect shall not be operated.

(f) Those repairs to the fuel and ignition systems of industrial trucks which involve fire hazards shall be conducted only in locations designated as safe for such repairs.

(4) Approved trucks.

(a) "Approved power-operated industrial truck" means one listed or approved for the intended use by a nationally recognized testing laboratory.

(b) Approved trucks acquired and used after February 15, 1972, shall bear a label or other identification indicating testing laboratory approval.

(c) When the atmosphere in an area is hazardous and the provisions of United States Coast Guard regulations at 33 CFR 126.15(e) do not apply, only power-operated industrial trucks approved for such locations shall be used.

(5) Duties of operator.

(a) A power-driven vehicle operator's special duties are:

(i) To operate the vehicle in a safe manner.

(ii) To test brakes, steering gear, lights, horns, or other warning devices, clutches, etc., before starting work.

(iii) To have the vehicle at all times under control so that it can be brought to an emergency stop in the clear space in front of the vehicle.

(iv) To back down any incline of two percent or more when traveling with a load on the fork lift jitney.

(b) Unobstructed view. When traveling, power-propelled vehicles shall at all times be operated in a manner giving the operator a reasonably unobstructed view in the direction of travel, or where this is impractical, the operator shall be directed in travel, by a person designated to do so.

(c) Employee riding safety. Operators and authorized passengers shall not be permitted to ride with legs or arms extending outside any vehicle nor shall they be permitted to ride while standing unless the vehicle is designed to be operated from a standing position.

(d) Moving vehicles. Vehicles shall be controlled manually while being pushed or towed except when a tow bar is used. Special precautions shall be taken when pushing vehicles where view is obstructed. Vehicles shall not be pushed with blades of a forklift.

(e) Moving highway trailers. In all cargo operations involving the use of highway trailers, such trailers shall be moved in such a manner that at all times the moving trailer is completely under control. Special caution shall be exercised when such trailers are moving on inclines. Trailers shall be loaded in a manner which will prevent the cargo from shifting, and the load in the trailer shall be evenly distributed so as not to cause the trailer to tip to one side.

(f) Prohibited forms of riding. Riding on tongue or handles of trailers or forks of power-propelled vehicles is prohibited.

(g) Regular seats for riders. No one except the operator shall ride on power-driven vehicles unless regular seats are provided to accommodate passengers.

(h) Jumping on or off moving vehicles. Employees shall not jump on or off moving vehicles.

(i) Reporting defects. If power-driven vehicle is at any time found to be in any way unsafe, the operator shall report same immediately to the person in charge and such vehicle shall not be used for production work until it has been made safe.

(6) Vehicle equipment and maintenance.

(a) Horns and lights. All power-propelled vehicles shall be provided with horns or other warning devices.

(b) Power-propelled vehicles used for night work, when required to travel away from an illuminated work area shall be equipped with a light or lights directed in the direction of travel as required to safely travel about the area.

(c) Guards on operator's platform. Every power truck operated from an end platform or standing position shall be equipped with a substantial guard securely attached to the platform or frame of the vehicle in such a manner as to protect the operator from falling objects and so designed that the operator can easily mount or dismount from the operating station.

(d) Seat cushions. All vehicles having a driver's seat shall be provided with resilient seat cushions fixed in place.

(e) Securing of counterbalances. Counterbalances of all power-driven vehicles shall be positively secured to prevent accidentally dislodging, but may be a removable type which may be removed, if desired, prior to hoisting.

(f) Exhaust pipes and mufflers. Exhaust pipes and mufflers of internal combustion engines, where workers are exposed to contact shall be isolated or insulated. Exhaust pipes shall be constructed to discharge not less than seventy-two inches above the floor on jitneys and eighty-four inches on forklifts or less than twenty inches from the floor.

(g) Ventilation where internal combustion-type vehicles are used. Internal combustion-type engines may be used only in areas where adequate ventilation is provided.

(h) Concentration levels of carbon monoxide gas created by powered industrial truck operations shall not exceed the levels specified in WAC 296-62-075 (General occupational health standards).

(i) When disputes arise concerning degree of concentration, methods of sampling to ascertain the conditions should be referred to a qualified industrial hygienist.

(j) Cargo truck couplings. Couplings installed on cargo trucks (four-wheelers) shall be of a type which will prevent accidental disengaging.

(k) Operating levers. Operating levers on power-driven vehicles shall be so placed as not to project toward the operator's body.

(l) Front axle assembly secure. The front axle assembly on all trailers shall be securely fastened to the truck bed.

(m) Air line hook-up. Tractors hauling heavy duty highway trailers shall have an air line brake hook-up.

(n) Floor mats. On power-driven vehicles where the operator stands on a platform, resilient foot mats shall be securely attached.

(o) Cleaning vehicles. All power-propelled vehicles shall be cleaned at frequent intervals to remove any accumulation of dust and grease that may present a hazard.

(7) Forklift trucks.

(a) Overhead guards.

(i) When operators are exposed to overhead falling hazards, the employer shall ensure that forklift trucks are equipped with securely attached overhead guards. Guards shall be constructed to protect the operator from falling boxes, cartons, packages, or similar objects.

(ii) Overhead guards shall not obstruct the operator's view, and openings in the top of the guard shall not exceed six inches (15.2 cm) in one of the two directions, width or length. Larger openings are permitted if no opening allows the smallest unit of cargo being handled to fall through the guard.

(iii) Overhead guards shall be built so that failure of the vehicle's mast tilting mechanism will not displace the guard.

(iv) An overhead guard, otherwise required by this paragraph, may be removed only when it would prevent a truck from entering a work space and if the operator is not exposed to low overhead obstructions in the work space.

(v) Overhead guards shall be large enough to extend over the operator during all truck operations, including forward tilt.

~~((vii))~~ (b) Supplies to ship's rail. Cargo or supplies shall not be hoisted to or from ship's rail with a forklift. This does not apply to ramp or side port loading.

~~((viii))~~ (c) Position of forks. When standing, lift forklift forks shall be lowered to floor. When moving, lift forklift forks shall be kept as low as possible.

~~((viii))~~ (d) Forklift use in gangplank moving. Not less than two forklifts shall be used to place or remove gangplanks unless fork width prevents tipping and manufacturer's rated lifting capacity of the forklift is not exceeded.

~~((ix))~~ (e) Forklift seat covers. Seats on forklifts shall be provided with a removable waterproof cover when they are exposed to the weather.

~~((ix))~~ (f) Raised equipment to be blocked. Workers shall not work below the raised bed of a dump truck, raised buckets of front end loaders, raised blades of tractors or in similar positions without blocking the equipment in a manner that will prevent it from falling. When working under equipment suspended by use of jacks, safety stands or blocking shall also be used in conjunction with the jack.

~~((x))~~ (g) Maximum speed. The maximum speed for forklifts on all docks shall not exceed eight miles per hour. This speed limit shall be prominently posted on such docks.

~~((x))~~ (h) Load backrest extensions. Where necessary to protect the operator, forklift trucks shall be fitted with a vertical load backrest extension to prevent the load from hitting the mast when the mast is positioned at maximum backward tilt. For this purpose, a "load backrest extension" means a device extending vertically from the fork carriage frame to prevent raised loads from falling backward.

~~((xi))~~ (i) Forks. Forks, fork extensions and other attachments shall be secured so that they cannot be accidentally dislodged, and shall be used only in accordance with the manufacturer's recommendations.

~~((xi))~~ (j) Counterweights. Counterweights shall be so affixed that they cannot be accidentally dislodged.

~~((xi))~~ (k) Capacities and weights.

(i) Forklift truck rated capacities, with and without removable counterweights, shall not be exceeded. Rated capacities shall be marked on the vehicle and shall be visible to the operator. The vehicle weight, with and without counterweight, shall be similarly marked.

(ii) If loads are lifted by two or more trucks working in unison, the total weight of the load shall not exceed the combined rated lifting capacity of all trucks involved.

~~((xii))~~ (l) Lifting of employees. Employees may be elevated by forklift trucks only when a platform is secured to the lifting carriage or forks. The platform shall meet the following requirements:

(i) The platform shall have a railing complying with WAC 296-56-60123(3).

(ii) The platform shall have toeboards complying with WAC 296-56-60123(4), if tools or other objects could fall on employees below.

(iii) When the truck has controls which are elevated with the lifting carriage, means shall be provided for employees on the platform to shut off power to the vehicle.

(iv) Employees on the platform shall be protected from exposure to moving truck parts.

(v) The platform floor shall be skid resistant.

(vi) A truck operator shall be at the truck's controls when employees are elevated unless the truck's controls are elevated with the lifting carriage.

(vii) While employees are elevated, the truck may be moved only to make minor placement adjustments.

(8) Bulk cargo-moving vehicles.

(a) Where a seated operator may come into contact with projecting overheads, crawler-type bulk-cargo-moving vehicles that are rider operated shall be equipped with operator's guards.

(b) Guards and their attachment points shall be so designed as to be able to withstand, without excessive deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(9) Straddle trucks.

(a) Accessibility. Straddle trucks shall have a permanent means of access to the operator's station, including any handholds necessary for safe ascent and descent.

(b) Guarding.

(i) Main sprockets and chains to the wheels shall be guarded as follows:

(A) The upper sprocket shall be enclosed;

(B) The upper half of the lower sprocket shall be enclosed; and

(C) The drive chain shall be enclosed to a height of eight feet (2.6 m) except for that portion at the lower half of the lower sprocket.

(ii) Gears shall be enclosed and revolving parts which may be contacted by the operator shall be guarded.

(iii) When straddle trucks are used in the vicinity of employees, personnel-deflecting guards shall be provided around leading edges of front and rear wheels.

(c) Visibility. Operator visibility shall be provided in all directions of movement.

(10) Trailer-spotting tractors.

(a) Trailer-spotting tractors (fifth wheels) shall be fitted with any hand grabs and footing necessary for safe access to the fifth wheel.

(b) Rear cab windows shall be of safety glass or of equivalent material.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60081 **MULTIPIECE RIM WHEELS.** (1) Scope. This section applies to the servicing of vehicle wheels containing tube-type tires mounted on multipiece rims.

(2) Definition. "Multipiece rim" means a vehicle wheel rim consisting of two or more parts, one of which is a (side) locking ring designed to hold the tire on the rim by tension on interlocking components when the tire is inflated, regardless of the relative sizes of the component parts.

(3) Employee training.

(a) The ((employee)) employer shall ensure that only employees trained in the procedures required in subsection ... of this section and who have demonstrated their ability to service multipiece rim wheels shall be assigned such duties.

(b) The employer shall ensure that each employee demonstrates his ability to service multipiece rim wheels, including performance of the following tasks:

(i) Tire demounting (including deflation);

(ii) Inspection of wheel components;

(iii) Mounting of tires;

(iv) Inflation of tires, including use of a restraining device;

(v) Handling of wheels;

(vi) Inflation of tires when a wheel is mounted on the vehicle; and

(vii) Installation and removal of wheels.

(4) Servicing procedures. The employer shall ensure that the following procedures are followed:

(a) Tires shall be completely deflated before demounting by removal of the valve core;

(b) The valve core shall be removed before the wheel is removed from the axle when:

(i) The tire has been operated underinflated at eighty percent or less of its recommended pressure; or

(ii) There is discernible or suspected damage to the tire or wheel components;

(c) Mating surfaces shall be free of dirt, surface rust, scale and rubber build up before mounting;

(d) Rubber lubricant shall be applied to bead and rim mating surfaces upon wheel assembly and inflation of the tire;

(e) Air pressure shall not exceed 3 psig (0.21 kg/cm²) when seating the locking ring or rounding out the tube when a tire is being partially inflated without a restraining device;

(f) While the tire is pressurized, components shall not be struck or forced to correct the seating of side or lock rings;

(g) There shall not be any contact between an employee or unit of equipment and a restraining device during tire inflation;

(h) After inflation, tires, rims, and rings shall be inspected while within the restraining device to ensure seating and locking. If adjustment is necessary the tire shall first be deflated by valve core removal; and

(i) Before assembly, wheel components shall be inspected, and damaged rim components shall not be reused.

(5) Charts and manuals.

(a) The employer shall provide a chart containing as a minimum the instructions and information provided in the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publication "Safety Precautions for Mounting and Demounting Tube-Type Truck/Bus Tires" and "Multipiece Rim Wheel Matching Chart," and pertinent to the type(s) of multipiece rim wheels being serviced. The chart shall be available in the terminal's service area.

(b) A current rim manual containing the manufacturer's instructions for mounting, demounting, maintenance and safety precautions relating to the multipiece rim wheels being serviced shall be available in the terminal's service area.

(6) Restraining devices.

(a) Except as otherwise noted, inflation shall be done within a restraining device such as a cage, rack or other device capable of withstanding the maximum force that would be transferred to it during an explosive wheel separation occurring at one hundred fifty percent of maximum tire specification pressure for the wheels being serviced. The restraining device shall be capable of preventing rim components from being thrown outside the frame of the device for any wheel position within the device. When the wheel assembly is mounted on a vehicle, tires may be inflated without a restraining device only if they have more than eighty percent of the recommended pressure and if remote control inflation equipment is used and employees are clear of the danger area.

(b) Restraining devices shall be kept in good repair and be capable of preventing rim components from being thrown outside the device.

(7) Inflation hoses. Inflation hoses shall have a manual clip-on chuck with sufficient hose to permit an employee to be clear of the danger zone. An in-line, manually operated valve with gauge or a preset pressure regulator shall be used to inflate tires.

(8) Other equipment.

(a) Only tools recommended in the rim manual for the type of wheel being serviced shall be used to service multipiece rim wheels.

(b) Wheel components shall not be interchanged except as provided in the applicable chart or manual.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60083 **CRANES AND DERRICKS.** (1) Coverage.

(a) This section applies to every kind of crane and derrick and to any other type of equipment performing the functions of a crane or derrick except as noted in (b) of this subsection.

(b) This section does not apply to small industrial truck-type cranes, container handling toploaders and sideloaders, chain hoists, and mobile straddle-type cranes incapable of straddling two or more intermodal containers (sixteen feet (4.88 m) in width).

(2) Ratings.

(a) Except for bridge cranes covered by subsection (7) of this section, cranes and derricks having ratings that vary with boom length, radius (outreach) or other variables shall have a durable rating chart

visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings. The rating chart shall include all operating radii (outreach) for all permissible boom lengths and jib lengths as applicable, with and without outriggers, and alternate ratings for optional equipment affecting such ratings. Precautions or warnings specified by the owner or manufacturer shall be included along with the chart.

(b) The manufacturer's (or design) rated loads for the conditions of use shall not be exceeded.

(c) Designated working loads shall not be increased beyond the manufacturer's ratings or ((~~regional~~) original) design limitations unless such increase receives the manufacturer's approval. When the manufacturer's services are not available or where the equipment is of foreign manufacture, engineering design analysis shall be performed or approved by a person accredited for certifying the equipment under WAC 296-56-60093. Cranes shall conform with the manufacturer's specifications and/or any current ANSI standards that apply. Engineering design analysis shall be performed by a registered professional engineer competent in the field of cranes and derricks. Any structural changes necessitated by the change in rating shall be carried out.

(3) Radius indicator. When the rated load varies with the boom radius, the crane or derrick shall be fitted with a boom angle or radius indicator visible to the operator.

(4) Prohibited usage.

(a) Equipment shall not be used in a manner that exerts sideloading stresses upon the crane or derrick boom.

(b) No crane or derrick having a visible or known defect that affects safe operation shall be used.

(5) Protective devices.

(a) When exposed moving parts such as gears, chains and chain sprockets present a hazard to employees during crane and derrick operations, those parts shall be securely guarded.

(b) Crane hooks shall be latched or otherwise secured to prevent accidental load disengagement.

(c) When hoisting personnel in an approved man basket, the hook shall have a positive safety latch to prevent rollouts.

(6) General.

(a) Operating controls.

(i) Crane and derrick operating controls shall be clearly marked, or a chart indicating their function shall be posted at the operator's position.

(ii) All crane controls shall operate in a uniform manner within a given port.

(iii) After October 3, 1984, overhead bridge and container gantry crane operating control levers shall be self-centering so that they will automatically move to the "off" position when the operator releases the control.

(b) Booms. Cranes with elevatable booms and without operable automatic limiting devices shall be provided with boom stops if boom elevation can exceed maximum design angles from the horizontal.

(c) Foot pedals. Foot pedals shall have a nonskid surface.

(d) Access. Ladders, stairways, stanchions, grab irons, foot steps or equivalent means shall be provided as necessary to ensure safe access to footwalks, cab platforms, the cab and any portion of the superstructure which employees must reach.

(i) Footwalks shall be of rigid construction, and shall be capable of supporting a load of one hundred pounds (4.79 kPa) per square foot.

(ii) If more than twenty feet (6.1 m) in height, vertical ladders shall comply with WAC 296-56-60209(4), (5)(a), (5)(b)(iii) and (5)(b)(iv).

(iii) Stairways on cranes shall be equipped with rigid handrails meeting the requirements of WAC 296-56-60123(5)(a).

(iv) If the top of a ladder or stairway or any position thereof is located where a moving part of a crane, such as a revolving house, could strike an employee ascending or descending the ladder or stairway, a prominent warning sign shall be posted at the foot of the ladder or stairway. A system of communication (such as a buzzer or bell) shall be established and maintained between the foot of the ladder or stairway and the operator's cab.

(e) Operator's station. The cab, controls, and mechanism of the equipment shall be so arranged that the operator has a clear view of the load or signalman, when one is used. Cab glass, when used, shall be safety plate glass or equivalent and good visibility shall be maintained through the glass. Clothing, tools and equipment shall be stored so as not to interfere with access, operation, and the operator's view.

(f) Counterweights or ballast. Cranes shall be operated only with the specified type and amount of ballast or counterweights. Ballast or

counterweight shall be located and secured only as provided in the manufacturer's or design specifications, which shall be available.

(g) Outriggers. Outriggers shall be used according to the manufacturer's specifications or design data, which shall be available. Floats, when used, shall be securely attached to the outriggers. Wood blocks or other support shall be of sufficient size to support the outrigger, free of defects that may affect safety and of sufficient width and length to prevent the crane from shifting or toppling under load.

(h) Exhaust gases. Engine exhaust gases shall be discharged away from the normal position of crane operating personnel.

(i) Electrical equipment shall be so located or enclosed that live parts will not be exposed to accidental contact. Designated persons may work on energized equipment only if necessary during inspection, maintenance, or repair.

(j) Fire extinguisher.

(i) At least one portable fire extinguisher of at least 5-BC rating or equivalent shall be accessible in the cab of the crane or derrick.

(ii) No portable fire extinguisher using carbon tetrachloride or chlorobromomethane extinguishing agents shall be used.

(k) Rope on drums. At least three full turns of rope shall remain on ungrooved drums, and two turns on grooved drums, under all operating conditions. Wire rope shall be secured to drums by clamps(⋈), U-bolts, shackles or equivalent means. Fiber rope fastenings are prohibited.

(l) Assembly or disassembly of boom sections. Mobile crane booms being assembled or disassembled on the ground with or without the support of the boom harness shall be blocked to prevent dropping of the boom or boom sections.

(m) Brakes.

(i) Each independent hoisting unit of a crane shall be equipped with at least one holding brake, applied directly to the motor shaft or gear train.

(ii) Each independent hoisting unit of a crane, except worm geared hoists, the angle of whose worm is such as to prevent the load from accelerating in the lowering direction, shall, in addition to a holding brake, be equipped with a controlled braking means to control lowering speeds.

(iii) Holding brakes for hoist units shall have not less than the following percentage of the rated load hoisting torque at the point where the brake is applied:

(A) One hundred twenty-five percent when used with a controlled braking means.

(B) One hundred percent when used with a mechanically-controlled braking means.

(C) One hundred percent when two holding brakes are provided.

(iv) All power control braking means shall be capable of maintaining safe lowering speeds of rated loads.

(n) Each crane or derrick shall be equipped with sufficient lights to maintain five foot candles in the working area around the load hook. All crane ladders and machinery houses shall be illuminated at a minimum of two candle power.

(o) Light fixtures connected to the boom, gantry legs, or machinery house shall be provided with safety devices which will prevent the light fixture from falling in case of bracket failure.

(p) Electronic devices may be installed to prevent collision subject to approval of the accredited certification agency.

(q) On all rail gantry cranes, truck guards shall extend on the ends of the trucks, close to the top of the rail to prevent worker's feet from being caught between the rail and wheel. This subsection would not apply if rail sweeps are present.

(r) All hydraulic cylinders used to control crane booms or to provide crane stability (outriggers) shall be equipped with a pilot operated check valve or a device which will prevent the boom or outrigger from retracting in case of failure of a component of the hydraulic system.

(s) Gantry cranes shall be provided with automatic rail clamps or other devices to prevent the crane from moving when not being used or when power is off.

(7) Rail-mounted cranes (excluding locomotive types).

(a) For the purposes of this section, rail-mounted cranes include bridge cranes and portal cranes.

(b) Rated load marking. The rated loads of bridge cranes shall be plainly marked on each side of the crane and in the cab. If there is more than one hoisting unit, each hoist shall have its rated load marked on it or on its load block. Marking shall be legible from the ground level.

(c) Wind-indicating devices.

(i) After October 3, 1983, each rail-mounted bridge and portal crane located outside of an enclosed structure shall be fitted with an operable wind-indicating device.

(ii) The wind indicating device shall provide a visible or audible warning to alert the operator of high wind conditions. That warning shall be transmitted whenever the following circumstances are present:

(A) When wind velocity reaches the warning speed, not exceeding the crane manufacturer's recommendations; and

(B) When wind velocity reaches the shutdown speed, not exceeding the crane manufacturer's recommendations, at which work is to be stopped and the crane secured.

(iii) Instructions. The employer shall post operating instructions for high wind conditions in the operator's cab of each crane. Operators shall be directed to comply with these instructions. The instructions shall include procedures for responding to high wind alerts and for any coordination necessary with other cranes.

(d) Securing of cranes in high winds.

(i) When the wind reaches the crane's warning speed:

(A) Gantry travel shall be stopped; and

(B) The crane shall be readied for shutdown.

(ii) When the wind reaches the crane's shutdown speed:

(A) Any portion of the crane spanning or partially spanning a vessel shall be moved clear of the vessel if safe to do so; and

(B) The crane shall be secured against travel, using all available means of securing.

(e) The employer shall monitor local weather conditions by subscribing to a weather service or using equally effective means.

(f) Stops and bumpers.

(i) The ends of all tracks shall be equipped with stops or bumpers. If a stop engages the tread of the wheel, it shall be of a height not less than the radius of the wheel.

(ii) When more than one crane operates on the same runway or more than one trolley on the same bridge, each crane or trolley shall be equipped with bumpers or equivalent devices at adjacent ends subject to impact.

(g) Employee exposure to crane movement. When employees may be in the vicinity of the tracks, crane trucks shall be equipped with personnel-deflecting guards.

(h) Pedestrian clearance. If the track area is used for employee passage or for work, a minimum clearance of three feet (0.9 m) shall be provided between trucks or the structures of rail-mounted cranes and any other structure or obstruction. When the required clearance is not available on at least one side of the crane's trucks, the area shall not be used and shall be marked and identified.

(i) Warning devices. Rail-mounted cranes shall be equipped with an effective travel, audible and (~~visual~~) visible, warning device which shall be used to warn employees who may be in the path of the moving crane.

(j)(i) Communications. Means of communication shall be provided between the operator's cab and the base of the gantry of all rail-mounted cranes. This requirement may be met by telephone, radio, sound-signaling system or other effective methods, but not solely by hand-signaling.

(ii) All rail-mounted cranes thirty ton and above capacity will be equipped with a voice hailing device (PA systems) from the operator to the ground, audible within one hundred feet.

(k) Cranes and crane operations—Scope and application. The sections of this chapter, WAC 296-56-60083 through 296-56-60099, apply to cranes and crane operations.

(l) Signalmen. A signalman shall be required when a crane operator's visibility is obstructed. When a signalman is required to transmit hand signals, he shall be in such a position that the operator can plainly see the signals.

(m) Signals. All operators and signalmen shall use standard signals as illustrated for longshore crane operations. (See Appendix C and D, at the end of this chapter.)

(n) Signalman for power units. Where power units, such as cranes and winches are utilized and signaling is required, the operator shall have definite instructions as to who is authorized to give signals. The operator shall take signals only from such authorized person. In case of emergency, any worker shall be authorized to give a stop signal.

(i) No draft shall be hoisted unless the winch or crane operator(s) can clearly see the draft itself or see the signals of any signalman associated with the operation.

(ii) Loads requiring continuous manual guidance while in motion shall be provided with tag lines.

(o) Landing loads. Persons assisting in landing a load shall face the load and use caution to prevent themselves from getting in a position where they may be caught between the load and a fixed object.

(8) Stabilizing of locomotive cranes. Loads may be hoisted by locomotive cranes only if outriggers are in place, unless means are taken to prevent the load being carried by the truck springs of the crane.

(9) Operations.

(a) Use of cranes together. When two or more cranes hoist a load in unison, a designated person shall direct the operation and instruct personnel in positioning, rigging of the load and movements to be made.

(b) Guarding of swing radius. Accessible areas within the swing radius of the body of a revolving crane shall be physically guarded during operations to prevent an employee from being caught between the body of the crane and any fixed structure or between parts of the crane.

(c) Securing mobile crane components in transit. The crane's superstructure and boom shall be secured against rotation and carried in line with the direction of travel except when negotiating turns with an operator in the cab or when the boom is supported on a dolly. The empty hook or other attachment shall be secured.

(d) Unattended cranes. The following steps shall be taken before leaving a crane unattended between work periods:

(i) Suspended loads, such as those hoisted by lifting magnets or clamshell buckets, shall be landed unless the storage position or maximum hoisting of the suspended device will provide equivalent safety;

(ii) Clutches shall be disengaged;

(iii) The power supply shall be shut off;

(iv) The crane shall be secured against accidental travel; and

(v) The boom shall be lowered or secured against movement.

(e) Operating near electric power lines.

(i) Clearance. Unless electrical distribution and transmitting lines are deenergized and visibly grounded at point of work, or unless insulating barriers not a part of or an attachment to the crane have been erected to prevent physical contact with lines, cranes may be operated near power lines only in accordance with following:

(A) For lines rated 50 kV or below, minimum clearance between the lines and any part of the crane or load shall be ten feet (3 m)(-);

(B) For lines rated over 50 kV, minimum clearance between the lines and any part of the crane or load shall be either 10 feet (3 m) plus 0.4 inch (10 mm) for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet; and

(C) In transit with no load and boom lowered, the clearance shall be a minimum of four feet (1.2 m).

(ii) Boom guards. Cage-type boom guards, insulating links or proximity warning devices may be used on cranes, but they shall not be used in place of the clearances required by subsection (9)(e)(i) of this section.

(iii) Determination of energized lines. Any overhead line shall be presumed to be energized until the owner of the line indicates that it is not energized.

(10) Protection for employees being hoisted.

(a) No employee shall be hoisted by the load hoisting apparatus of a crane or derrick except:

(i) On intermodal container spreaders, equipped in accordance with subsection (10) of this section; or

(ii) In a boatswain's chair or other device rigged to prevent it from accidental disengagement from the hook or supporting member; or

(iii) On a platform meeting the following requirements:

(A) Enclosed by a railing or other means providing protection equivalent to that described in WAC 296-56-60123(3). If equipped with open railings, the platform shall be fitted with toe boards;

(B) Having a safety factor of four based on ultimate strength;

(C) Bearing a plate or permanent marking indicating maximum load rating, which shall not be exceeded, and the weight of the platform itself;

(D) Equipment with a device to prevent access doors, when used, from opening accidentally;

(E) Equipped with overhead protection for employees on the platform if they are exposed to falling objects or overhead hazards;

(F) Secured to the load line by means other than wedge and socket attachments, unless the free (bitter) end of the line is secured back to itself by a clamp placed as close above the wedge as possible.

(b) Except in an emergency, the hoisting mechanism of all overhead and container gantry cranes used to hoist personnel shall operate in power up and power down, with automatic brake application when not hoisting or lowering.

(c) Variable radius booms of a crane or derrick used to hoist personnel shall be so constructed or secured as to prevent accidental boom movement.

(d) Platforms or devices used to hoist employees shall be inspected for defects before each day's use and shall be removed from service if defective.

(e) Employees being hoisted shall remain in continuous sight of and communication with the operator or signalman.

(f) Operators shall remain at the controls when employees are hoisted.

(g) Cranes shall not travel while employees are hoisted, except in emergency or in normal tier to tier transfer of employees during container operations.

(h) When intermodal container spreaders are used to transfer employees to or from the tops of containers, the spreaders shall be equipped with a personnel platform equipped with fixed railings, provided that the railings have one or more openings for access. The openings shall be fitted with a means of closure, such as chains with hooks. Existing railings shall be at least thirty-six inches (0.91 m) in height. New railings installed after October 3, 1983 shall be forty-two inches (1.07 m), plus or minus three inches (7.6 cm), in height. The provisions of (a)(iii)(C), (D), and (F) of this subsection also apply to personnel platforms when such container spreaders are used.

(i) Positive safety latch-type hooks or moused hooks shall be used.

(11) Routine inspection.

(a) Designated persons shall visually inspect each crane and derrick on each day of use for defects in functional operating components and shall report any defect found to the employer. The employer shall inform the operator of the findings.

(b) A designated person shall thoroughly inspect all functional components and accessible structural features of each crane or device at monthly intervals.

(c) Any defects found during such inspections which may create a safety hazard shall be corrected before further equipment use. Repairs shall be performed only by designated persons.

(d) A record of monthly inspections shall be maintained for six months in or on the crane or derrick or at the terminal.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60085 CRANE LOAD AND LIMIT DEVICES.

(1)(a) Except as provided in (a)(viii) of this subsection, every crane after October 3, 1984 shall be fitted with a load indicating device or alternative device in proper working condition which shall meet the following criteria:

(i) The type or model or any load indicating or alternate device which is used shall provide:

(A) A direct indication in the cab of actual weight hoisted or a means of determining this by referencing a weight indication to crane ratings posted and visible to the operator, except that the use of a dynamometer or simple scale alone will not meet this requirement; or

(B) Indications in the cab according to the radius and load at the moment; or

(C) A direct means to prevent an overload from occurring.

(ii) Accuracy of the devices required by this section shall be such that any indicated load (or limit), including the sum of actual weight hoisted and additional equipment or "add ons" such as slings, sensors, blocks, etc., is within the range from no less than ninety-five percent of the actual true total load (five percent overload) to one hundred ten percent of the actual true total load (ten percent underload). Such accuracy shall be required over the range of the daily operating variables to be expected under the conditions of use.

(iii) The device shall permit the operator to determine, before making any lift, that the indicating or substitute system is operative. In the alternative, if a device is so mounted or attached to preclude such a determination, it may not be used unless it has been certified by the manufacturer to remain operable within the limits stated in (a)(ii) of this subsection for a specific period of use. Checks for accuracy, using known values of load, shall be performed at the time of every certification survey (see WAC 296-56-60093) and at such additional times as may be recommended by the manufacturer.

(iv) When a load indicating device or alternative system is so arranged in the supporting system (crane structure) that its failure could cause the load to be dropped, its strength shall not be the limiting factor of the supporting system (crane structure).

(v) Marking shall be conspicuously placed giving: Units of measure in pounds or both pounds and kilograms, capacity of the indicating

system, accuracy of the indicating system, and operating instructions and precautions. In the case of systems utilizing indications other than actual weights, the ((marketing)) marking shall include data on: The means of measurement, capacity of the system, accuracy of the system, and operating instructions and precautions. If the system used provides no readout, but it is such as to automatically cease crane operation when the rated load limit under any specific condition of use is reached, marking shall be provided giving the make and model of the device installed, a description of what it does, how it is operated, and any necessary precautions regarding the system. All weight indications, other types of loading indications, and other data required shall be readily visible to the operator.

(vi) All load indicating devices shall be operative over the full operating radius. Overall accuracy shall be based on actual applied load and not on full scale (full capacity) load.

Explanatory note. For example, if accuracy of the load indicating device is based on full scale load and the device is arbitrarily set at plus/minus ten percent, it would accept a reading between ninety thousand and one hundred ten thousand pounds, at full capacity of a machine with one hundred thousand pounds, maximum rating, but would also allow a reading between zero and twenty thousand pounds, at that outreach (radius) at which the rating would be ten thousand pounds, capacity—an unacceptable figure. If, however, accuracy is based on actual applied load under the same conditions, the acceptable range would remain the same with the one hundred thousand pound load but becomes a figure between nine thousand and eleven thousand pounds, a much different and acceptable condition, at the ten thousand pound load.

(vii) When the device uses the radius as a factor in its use or in its operating indications, the indicated radius (which may be in feet and/or meters, or degrees of boom angle, depending on the system used) shall be a figure which is within the range of a figure no greater than one hundred ten percent of the actual radius to a figure which is no less than ninety-seven percent of the actual (true) radius. A conversion chart shall be provided whenever it is necessary to convert between degrees of radius and feet or meters.

(viii) The load indicating device requirements of this item do not apply to a crane:

(A) Of trolley equipped bridge type while handling container known to be and identified as empty, or loaded, and in either case in compliance with the provisions of WAC 296-56-60103, or while hoisting other lifts by means of a lifting beam supplied by the crane manufacturer for the purpose, and in all cases within the crane rating;

(B) While handling bulk commodities or cargoes by means of clam-shell bucket or magnet;

(C) While used to handle or hold hoses in connection with transfer of bulk liquids or other hose handled products; or

(D) While the crane is used exclusively to handle cargo or equipment the total actual gross weight of which is known by means of marking of the unit or units hoisted, when such total actual gross weight never exceeds eleven thousand two hundred pounds, and when eleven thousand two hundred pounds, is less than the rated capacity of the crane at the maximum outreach that is possible under the conditions of use at the time.

(ix) Limit switches shall be installed on the main line and whip line assemblies which will deactivate the hoisting power when a load reaches the upper limits of travel and at such other places as required by this chapter. Line limit switches shall be tested prior to or at the beginning of each shift to determine if they are functioning properly. Any malfunction shall be reported to the person in charge immediately and shall be repaired at the first reasonable opportunity.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60089 CONVEYORS. (1) Guards.

(a) Danger zones at or adjacent to conveyors shall be guarded to protect employees.

(b) An elevated walkway with guardrail or equivalent means of protection shall be provided where employees cross over moving conveyors, and suitable guarding shall be provided when employees pass under moving conveyors.

(2) Moving parts. Conveyor rollers and wheels shall be secured in position.

(3) Positioning. Gravity conveyor sections shall be firmly placed and secured to prevent them from falling.

(4) Braking.

(a) When necessary for safe operation, provisions shall be made for braking objects at the delivery end of the conveyor.

(b) Conveyor using electrically released brakes shall be constructed so that the brakes cannot be released until power is applied, and that the brakes are automatically engaged if the power fails or the operating control is returned to the "stop" position.

(5) Stability. Portable conveyors shall be stable within their operating ranges. When used at variable fixed levels, the unit shall be secured at the operating level.

(6) Emergency stop devices. Readily accessible stop controls shall be provided for use in an emergency(;) whenever employees are required to walk or work in the vicinity of the conveyor. The emergency stop (~~must be accessible throughout the full length of~~) device shall be available within easy reach from any position on or adjacent to the conveyor(s).

(7) Starting powered conveyors. Powered conveyors shall not be started until all employees are clear of the conveyor or have been warned that the conveyor is about to start.

(8) Loading and unloading. The area around conveyor loading and unloading points shall be kept clear of obstructions during conveyor operations.

(9) Lockout/tagout.

(a) Conveyors shall be stopped and their power sources locked out and tagged out during maintenance, repair, and servicing, unless power is necessary for testing.

(b) The starting device shall be locked out and tagged out in the stop position before an attempt is made to remove the cause of a jam or overload of the conveying medium, unless it is necessary to have the power on to remove the jam.

(10) Chutes, gravity conveyors and rollers.

(a) Chutes used in the manual handling of cargo shall be adequate for the use to which they are put and shall be kept free of splinters and sharp edges.

(b) Chutes shall be equipped with sideboards of sufficient height to prevent cargo from falling off.

(c) Chutes and gravity roller sections shall be firmly placed or secured to prevent displacement.

(d) Gravity rollers shall be of sufficient strength for the weight of material which is placed upon them. Rollers shall be locked in position to prevent them from falling or jumping out of the frame.

(e) Frames shall be kept free of burrs and sharp edges.

(f) When necessary, provision shall be made for braking objects at the delivery end of the roller or chute.

(11) Safe practices.

(a) Only designated persons shall operate, repair or service powered conveyors.

(b) The employer shall direct employees to stay off operating conveyors.

(c) Conveyors shall be operated only with all overload devices, guards and safety devices in place and operable.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60093 CERTIFICATION OF MARINE TERMINAL MATERIAL HANDLING DEVICES. (1) The employer shall not use any material handling device listed in (~~subsection (3) of this section~~) WAC 296-56-60098(22) until he has ascertained that the device has been certificated, as evidenced by current and valid documents attesting to compliance with the requirements of WAC 296-56-60098(21).

(2) Certification surveys are to be completed for the conditions of use found at the time such surveys are completed, with the understanding that equipment owners/users can change the configurations of the equipment according to the manufacturer's specifications without affecting the established certification status for the equipment.

(3) These rules apply to employment within a marine terminal including the loading, unloading, movement, or other handling of cargo, ship's stores, or gear within the terminal or into or out of any land carrier, holding or consolidation area, or any other activity within and associated with the overall operation and functions of the terminal, such as the use and routine maintenance of facilities and equipment.

(4) Inspection and test certificates shall be issued only for that equipment which meets or exceeds the requirements as specified in these rules. All inspection and test certificates shall be issued through the office of the assistant director of the division of industrial safety

and health, department of labor and industries, and shall be valid for a period not to exceed one year from the date of issuance.

(5) Equipment requiring certification shall be inspected by representatives of the division of industrial safety and health; or individuals who have received a "certificate of competency" from the supervisor of industrial safety and health indicating that they are qualified and capable of performing such work.

(6) When deficiencies are found they shall be noted on forms provided for such purpose by the division of industrial safety and health. Copies shall be delivered to the owner of the equipment and the division of industrial safety and health at the Olympia office by the person conducting such tests and/or inspections.

(7) A certificate of unit test and/or examination of equipment shall not be issued for any equipment found not to be in compliance with the provisions of this chapter.

(8) Persons desiring a "certificate of competency" shall demonstrate and document their capabilities and qualifications to the assistant director of the division of industrial safety and health, who will issue such certificates to those persons whom he considers qualified. The assistant director reserves the right to revoke such certificates at any time for cause. A "certificate of competency" shall be issued for a period of not more than three years. Applications for renewal may be made not more than sixty days prior to the expiration date shown on the certificate.

(9) The assistant director of industrial safety and health or his representative, reserves the right to inspect such equipment or to witness or attend any test or inspection in order to ascertain the adequacy of any certification activity performed.

(10) Unless otherwise exempted, all cranes or derricks required to be certificated by these regulations shall have a current test certificate posted in the operator's cab or station. No person shall be required to operate such crane or derrick unless a current valid certificate is posted.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60098 EXAMINATION AND INSPECTION OF CRANES AND DERRICKS. An examination shall be carried out in conjunction with each annual unit proof load test. The accredited person, or his authorized representative, shall make a determination as to correction of deficiencies found. The examination shall cover the following points as applicable: (Refer to WAC 296-56-60093 for definition of accredited person.)

(1) All functional operating mechanisms shall be examined for improper function, maladjustment, and excessive component wear, with particular attention to sheaves, pins, and drums. The examinations shall include operation with partial load, in which all functions and movements, including, where applicable, maximum possible rotation in both directions, are performed.

(2) All safety devices shall be examined for malfunction.

(3) Lines, tanks, valves, drains, pumps, and other parts of air or hydraulic systems shall be examined for deterioration or leakage.

(4) Rope reeving shall comply with the manufacturer's recommendations.

(5) Deformed, cracked, or excessively corroded members in crane structure and boom shall be repaired or replaced as necessary.

(6) Loose bolts, rivets, or other connections shall be corrected.

(7) Worn, cracked, or distorted parts affecting safe operation shall be corrected.

(8) All brakes, used to control the load, boom or travel of the crane, shall be tested. Air, hydraulic, or electrically operated brakes shall be of such design as to set and stop the load if the source of power fails.

(9) Brake and clutch system parts, linings, pawls, and ratchets shall be examined for excessive wear and free operation.

(10) Load, boom angle, or other indicators shall be checked over their full range. Defects in such indicators shall be immediately corrected.

(11) Where used, clamshell buckets or other similar equipment, such as magnets, etc., shall be carefully examined in all respects, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests as may be appropriate.

(12) Careful examination of the junction areas of removable boom sections, particularly for proper seating, cracks, deformities, or other defects in securing bolts and in the vicinity of such bolts, shall be made.

(13) All platforms, steps and footwalks located on cranes where workers are exposed to the hazard of slipping shall be of a nonslip material. Wire rope used for railings on cranes shall be kept taut at all times.

NOTE: In critical areas such as footwalks along booms, a grating material should be used.

(14) It shall be ascertained that no counterweights in excess weight of the manufacturer's specifications shall be fitted or used.

(15) Such other examination or supplemental functional tests shall be made as may be deemed necessary by the accredited person under the circumstances.

(16) Wire rope.

(a) All wire rope shall be inspected once a month, dependent upon conditions to which the wire ropes are subjected, and at intervals not exceeding a twelve-month period. Records of inspection of wire rope shall be kept and shall be available to the department of labor and industries representative. Records shall be kept for one year. Refer to the general safety and health standards, WAC 296-24-240.

(b) Wire rope shall not be used if in any length of eight diameters, the total number of visible broken wires exceeds ten percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect. Particular attention shall be given to the condition of those sections of wire rope adjacent to any terminal connections, those sections exposed to abnormal wear, and those sections not normally exposed for examination.

(c) Documentation, available for inspection, shall include wire rope test certificates relating to any replacements made since the last unit test or annual examination as required.

(d) Wire rope and replacement wire rope shall be of the same size, same or better grade, and same construction as originally furnished by the equipment manufacturer or contemplated in the design, unless otherwise recommended by the equipment or wire rope manufacturer due to actual working condition requirements. In the absence of specific requirements as noted, wire rope shall be of a size and construction suitable for the purpose, and shall have the capacity to handle four times the heaviest expected load and verified by wire rope test certificate.

(e) Wire rope in use on equipment previously constructed and prior to initial certification of said equipment shall not be required to be tested but shall be subject to thorough examination at the time of initial certification of the equipment.

(17)(a) Accessory components, such as hooks. Container spreader bar twist locks shall be carefully examined periodically and at the time of annual examination and inspection. Cracked or deformed hooks shall be discarded immediately and not reused on any equipment subject to the provisions of this chapter.

(b) Crane hooks and container spreader bar twist lock. Magnetic particle or other suitable crack detecting inspection shall be performed at least once each year. When testing by x-ray, the pertinent provisions of the Nuclear Regulatory Commission's standards for protection against radiation, relating to protection against occupational radiation exposure, shall apply.

(18) In the event that heat treatment of any loose gear is recommended by the manufacturer, the latest heat treatment certificate, attesting to compliance with the manufacturer's specifications shall be part of the available documentation. Heat treatment shall be carried out in accordance with the specifications of the manufacturer by persons competent to perform such work.

(19) Replacement parts shall be of equal or better quality than the original equipment and suitable for the purpose. Repairs or modifications shall be such as to render the equipment equal to or better than the original construction or design.

(20) In cases of foreign manufactured cranes, there shall be an owner's warranty that the design is adequate for the intended use. The warranty shall be based on a thorough examination of the design specifications by a registered professional engineer familiar with the equipment.

(21) The certifications required by this section shall be performed((; (a)) in accordance with WAC 296-56-60093 by persons ((then currently)) accredited by the ((occupational safety and health administration as provided in that section; or

~~(b) In accordance with standards established and enforced by the state in which the device is located or by a political subdivision thereof, which have been found by the secretary to be compatible with WAC 296-56-60093 by persons designated as competent to perform such certification by competent state authority and recognized as such by the secretary))~~ assistant director of industrial safety and health.

(22) The marine terminal material handling devices listed below shall be certificated in the following manner:

(a) Each crane and derrick shall be tested and examined as a unit annually. A copy of the certificate of tests and examinations shall be posted in the crane operators cab.

(b) Bulk cargo spouts and suckers, together with any portable extensions and rigging or outriggers supporting them vertically, shall be examined annually. Certificates attesting to the required examination shall be made readily available for inspection.

(c) Vertical pocket or bucket conveyors such as banana, sugar, and grain marine legs (other than those ((with)) within a grain elevator structure) used within a marine terminal facility shall be examined annually. The annual examination shall include all supporting structures, rigging and mechanical components and observation of all steps of operations. Certificates attesting to the required examinations shall be readily available for inspection.

(d)(i) House fall cargo-handling gear in use shall be proof load tested as a unit upon initial certification and every fourth year thereafter. An examination shall be carried out in conjunction with each unit proof load test and annually thereafter. The unit test shall consist of a proof load of twenty-five percent in excess of the rated safe working load. Examinations shall include all supporting structures and components. Certificates attesting to the required tests and examinations shall be readily available for inspection.

(ii) House fall span beams or other house fall block supports shall be marked with the safe working load, which shall not be exceeded.

(e) Special gear.

(i) Special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, shall be tested as a unit in accordance with the following table before initially being put into use.

Safe working load	Proof load
Up to 20 short tons.....	25 percent in excess
Over 20 to 50 short tons	5 short tons in excess
Over 50 short tons	10 percent in excess

(ii) Every spreader not a part of ship's gear and used for hoisting intermodal containers shall be tested to a proof load equal to twenty-five percent in excess of its rated capacity. Additionally, any spreader which suffers damage necessitating structural repair shall be retested after repair and before being returned to service.

(iii) Certificates attesting to the required tests shall be available for inspection.

(f) Wire rope and loose gear obtained after October 3, 1983, and used for material handling shall have been tested and certificated before being placed into use in accordance with the provisions of WAC 296-56-60097 as applicable. Certificates attesting to the required tests, inspections and examinations shall be available.

(23) Disassembly and reassembly of equipment does not require recertification of the equipment provided that the equipment is reassembled and used in a manner consistent with its certification.

(24) For equipment certificated in accordance with subsection (21)(b) of this section and transferred to a job site in another state, the current certification shall remain valid until the next inspection or examination becomes due.

(25) Certification procedures shall not be construed as a substitute for, or cause for elimination of, normal operational inspection and maintenance routine throughout the year.

(26)(a) Every unit of equipment requiring annual certification shall have had such annual certification within the previous twelve months. Equipment requiring annual certification shall have had such annual certification within the previous twelve months, except that no annual certification is required within twelve months after any required certification. Annual examinations for certification may be accomplished up to one month early without effect on subsequent due dates.

(b) When certificated equipment is out of service for six months or more beyond the due date of a certification inspection, an examination equivalent to an initial certification, including unit proof load test, shall be performed before the equipment reenters service.

(27) Loose gear obtained after October 3, 1983, shall bear a legible mark indicating that it has been tested (see WAC 296-56-60097 (22)(f)). Single sheave blocks shall be marked with safe working loads and proof test loads. Marks relating to testing shall be identifiable on the related certificates, which shall be available.

(28) The certification requirements of this section do not apply to the following equipment:

- (a) Industrial trucks and small industrial crane trucks; and
- (b) Any straddle truck not capable of straddling two or more intermodal containers sixteen feet (4.88 m) in width.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60099 HAND TOOLS. (1) Hand tools used by employees shall be maintained in safe operating condition.

(2)(a) Hand-held portable electric tools shall be equipped with switches that must be manually held in a closed position to operate the tool.

(b) Portable power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc needed to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc needed to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(3) Only cutting tools shall be used to cut metal strapping or banding used to secure cargo.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60115 OTHER PROTECTIVE MEASURES. (1) Protective clothing.

(a) Employees performing work that requires special protective clothing shall be directed by the employer to wear the necessary special protective clothing.

(b) When necessary, protective clothing previously worn shall be cleaned and disinfected before reissuance.

(2) Personal flotation devices.

(a) The employer shall provide, and shall direct the wearing of personal flotation devices for those employees, such as line handlers, who are engaged in work in which they may be pulled into the water:

- (i) When such employees are working in isolation; or
- (ii) Where physical limitations of available working space creates a hazard of falling into the water; or
- (iii) Where the work area is obstructed by cargo or other obstacles so as to prevent employees from obtaining safe footing for their work.

(b) Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices.

(i) Employees are not considered exposed to the danger of drowning when:

(A) The water depth is known to be less than chest deep on the exposed individual;

(B) Working behind standard height and strength guardrails;

(C) Working inside operating cabs or stations which eliminate the possibility of accidentally falling into the water;

(D) Wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water.

(ii) Prior to and after each use, personal flotation devices shall be inspected for defects which would reduce their designed effectiveness. Defective personal flotation devices shall not be used.

(iii) To meet the approved criteria required by (b) of this subsection, a personal flotation device shall be approved by the United States coast guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Life-saving Equipment Specifications) and 33 CFR 175.23 (Coast guard table of devices equivalent to personal flotation devices). Ski belt or inflatable type personal flotation devices are specifically prohibited.

(c) Life ring.

(i) Along docks, walkways or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with line attached shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(ii) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with line attached shall be provided in the immediate vicinity of the work assigned.

(iii) Work assigned over water where the vertical drop from an accidental fall would exceed fifty feet, shall be subject to specific procedures as approved by the department.

(iv) Lines attached to life rings shall be at least ninety feet in length, at least one-quarter inch in diameter and have a minimum breaking strength of five hundred pounds.

(v) Life rings must be United States coast guard approved thirty inch size.

(vi) Life rings and attached lines must be maintained to retain at least seventy-five percent of their designed buoyance and strength.

(3) Emergency facilities. When employees are exposed to hazardous substances which may require emergency bathing, eye washing or other facilities, the employer shall provide such facilities and maintain them in good working order.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60117 MAINTENANCE AND LOAD LIMITS. (1) The structural integrity of docks, piers, wharves, terminals and working surfaces shall be maintained.

(2)((~~aa~~)) Maximum safe load limits, in pounds per square foot (kilograms per square meter), of floors elevated above ground level, and pier structures over the water shall be conspicuously posted in all cargo areas.

((~~bb~~)) EXCEPTION: Pier structures used primarily for vehicle traffic (~~shall~~) may be posted in maximum pounds per axle weight.

(3) Maximum safe load limits shall not be exceeded.

(4) All walking and working surfaces in the terminal area shall be maintained in good repair.

(5) All steel plates, boards, etc., used to temporarily cover small holes or weakened surfaces shall be secured in such a manner as to prevent accidental movement.

(6) All large openings or weakened surfaces shall be barricaded on all exposed sides with barricades equipped with blinkers, flashing lights, or reflectors.

(7) Areas around bits or cleats where workers perform their duties shall be lighted as required in this section and have a nonslip surface around each bitt or cleat.

MANLIFTS: ELECTRIC

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60135 ((~~ELECTRIC~~)) MANLIFTS. Reserved.

MANLIFTS—HAND POWER ((~~MANLIFTS~~))

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60209 FIXED LADDERS. (1) Scope and applicability. This section applies to all fixed ladders except:

(a) Ladders forming an integral part of railway cars, highway carriers, cargo containers, or other transportation carrier equipment;

(b) Climbing devices such as step bolts or structural members of tanks and towers;

(c) Ladders built into or vertically attached to tubular scaffold framing; and

(d) Ladders used only for fire fighting or emergency purposes are exempt from the provisions of subsection (5) of this section. All other requirements of this section will apply.

(2) Definitions.

(a) "Cage" (basket guard) means a barrier enclosing or nearly enclosing a ladder's climbing space and fastened to one or both of the ladder's side rails or to another structure.

(b) "Fixed ladder" means a ladder, including individual rung ladders, permanently attached to a structure, building, or piece of equipment.

(c) "Ladder safety device" means a support system limiting an employee's drop or fall from the ladder, and which may incorporate friction brakes, lifelines and lanyards, or sliding attachments.

(d) "Well" means a permanent complete enclosure around a fixed ladder, which is attached to the walls of the well.

(3) Defects.

(a) Ladders with broken, split, or missing rungs, steps or rails, broken welds or connections, corrosion or wastage, or other defect which may affect safe use shall be removed from service.

(b) Ladder repairs shall provide strength at least equivalent to that of the original ladder.

(4) Ladder specifications.

(a)(i) Ladders installed before October 3, 1983, shall be capable of withstanding without damage a minimum concentrated load, applied uniformly over a three and one-half inch (8.8 cm) width at the rung center, of two hundred pounds (890 N).

(ii) Ladders installed after October 3, 1983, shall be capable of withstanding two hundred fifty pounds (1120 N) applied as described in (a)(i) of this subsection. If used by more than one employee simultaneously, the ladder as a unit shall be capable of simultaneous additional loading in two hundred fifty pound (1120 N) increments for each additional employee, applied to a corresponding number of rungs. The unit shall have a safety factor of four based on ultimate strength, in the designed service.

(b)(i) Ladders installed before October 3, 1983, shall have rungs evenly spaced from nine to sixteen and one-half inches (22.9 to 41.9 cm) apart, center to center.

(ii) Ladders installed after October 3, 1983, shall have rungs evenly spaced from 122 inches (305 cm) apart, center to center.

(c)(i) Ladders installed before October 3, 1983, shall have a width between side rails of at least ten inches (25.4 cm).

(ii) Ladders installed after October 3, 1983, shall have a width between side rails of at least twelve inches (30.48 cm).

(d) The minimum distance between the rung center line and the nearest permanent object behind the rung shall be four inches (10.2 cm), except that in ladders installed after October 3, 1983, the minimum distance shall be seven inches (17.8 cm) unless physical limitations make a lesser distance, not less than four and one-half inches (11.5 cm), necessary.

(e) When a ladder passes through an opening or past overhead obstructions, a minimum twenty-four inch (.61 m) clearance shall exist between the climbing side and any obstruction. Where this distance is less than thirty inches (0.76 m), a deflection device shall be installed for guidance through the opening.

(f) The side rails of ladders shall extend at least thirty-six inches (0.91 m) above the top landing surface, unless grab bars or equivalent holds are provided.

(g) Ladders whose pitch exceeds ninety degrees to the horizontal (slanting backward on the climbing side) shall not be used.

(5) Protection against falls.

(a) Fixed ladders more than twenty feet (6.1 m) in height shall be provided with a cage, well, or ladder safety device.

(b) When a well or cage is used, ladders with length of climb exceeding thirty feet (9.14 m) shall comply with the following provisions:

(i) The ladder shall consist of multiple sections not exceeding thirty feet (9.14 m) each;

(ii) Each section shall be horizontally offset from adjacent sections, except as specified in (b)(iv) of this subsection; and

(iii) A landing platform capable of supporting a load of one hundred pounds per square foot (4.79 kPa) and fitted with guardrails complying with WAC 296-56-60123(3) shall be provided at least every thirty feet, except as specified in (b)(iv) of this subsection;

(iv) For ladders installed after October 3, 1983, offset sections and landing platforms are not required if hinged platforms capable of supporting one hundred pounds per square foot (4.79 kPa), and which are kept closed except when opened for passage, are within the cage or well at intervals not exceeding thirty feet (9.14 m).

(c) Ladders equipped with ladder safety devices shall have rest platforms:

(i) Capable of supporting a load of one hundred pounds per square foot (4.79 kPa);

(ii) Located at intervals of one hundred fifty feet (46 m) or less; and

(iii) Protected by guardrails complying with WAC 296-56-60123(3) of three sides.

(d) Where used, ladder safety devices shall:

(i) Be installed and maintained in accordance with the manufacturer's instructions, which shall be available for inspection;

(ii) Be repaired only with replacement parts having performance capability at least equal to that of the original parts;

(iii) Have a connection length between carrier centerlines and safety belts of 10 ± 2 inches (25.4 ± 5.08 cm); and

(iv) Be installed in a manner that does not reduce the ladder's structural capability.

(e) Ladder cages or wells shall:

(i) Be of rigid construction that allows unobstructed use but prevents an employee from falling through or dislodging the cage or well by falling against it;

(ii) Have smooth inner surfaces;

(iii) Extend at least thirty-six inches (0.9 m) above landings; and

(iv) Extend to within eight feet (2.4 m) above the ground or base, except that a maximum of twenty feet (6.1 m) is permitted where the cage or well would extend into traffic lanes.

(f) Ladders installed after (effective date of standard) on radio, microwave communications, electrical power and similar towers, poles and structures, including stacks and chimneys, shall meet the requirements of this subsection.

(6) Individual rung ladders. Ladders consisting of individual rungs that are attached to walls, conical manhole sections or river cells shall:

(a) Be capable of supporting a load of three hundred fifty pounds (1557 N) without deformation;

(b) Form a continuous ladder, uniformly spaced vertically from twelve inches to sixteen inches (30.5 to 41 cm) apart, with a minimum width of ten inches (25.4 cm), and projecting at least four and one-half inches (1 cm) from the wall;

(c) Be so constructed that an employee's foot cannot slide off the ends; and

(d) Be firmly attached and without sharp edges.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60211 PORTABLE LADDERS. (1) Scope and applicability. This section applies to all portable ladders, including job-made ladders for temporary use, unless otherwise specified.

(2) Standards for existing manufactured portable ladders.

(a) Rungs of manufactured portable ladders obtained before October 3, 1983, shall be capable of supporting a two hundred pound (896 N) load without deformation.

(b) Rungs shall be evenly spaced from nine to sixteen and one-half inches (22.9 to 41.9 cm), center to center.

(c) Rungs shall be continuous members between rails. Each rung of a double-rung ladder (two side rails and a center rail) shall extend the full width of the ladder.

(d) Width between side rails at the base of the ladder shall be at least twelve inches (30 cm) for ladders ten feet (3.05 m) or less in overall length, and shall increase at least one-fourth inch (0.6 cm) for each additional two feet (0.61 m) of ladder length.

(3) Standards for manufactured portable ladders. Portable manufactured ladders obtained after October 3, 1983, shall bear identification indicating that they meet the appropriate ladder construction requirements of the following standards:

ANSI ((~~A14.1~~) A14.1—Current Safety Requirements for Portable Wood Ladders

ANSI A14.2—Current Safety Requirements for Portable Metal Ladders

ANSI A14.5—Current Safety Requirements for Portable Reinforced Plastic Ladders

(4) Standards for job-made portable ladders. Job-made ladders shall:

(a) Have a minimum and uniform distance between rungs of twelve inches (30 cm), center to center;

(b) Are capable of supporting a two hundred fifty pound (1100 N) load without deformation; and

(c) Have a minimum width between side rails of twelve inches (30 cm) for ladders ten feet (3.05 m) in height. Width between rails shall increase at least one-fourth inch (0.6 cm) for each additional two feet (0.61 m) of ladder length.

(5) Maintenance and inspection.

(a) The employer shall maintain portable ladders in safe condition. Ladders with the following defects shall not be used and either shall be tagged as unusable if kept on the premises or shall be removed from the worksite:

(i) Broken, split or missing rungs, cleats, or steps;

(ii) Broken or split side rails;

(iii) Missing or loose bolts, rivets, or fastenings;

(iv) Defective ropes; or

(v) Any other structural defect.

(b) Ladders shall be inspected for defects prior to each day's use, and after any occurrence, such as a fall, which could damage the ladder.

(6) Ladder usage.

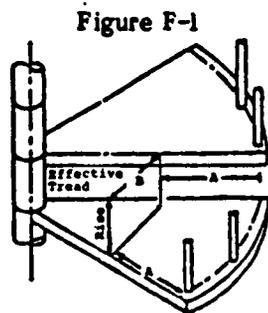
- (a) Ladders made by fastening rungs or devices across a single rail are prohibited.
- (b) Ladders shall not be used:
 - (i) As guys, braces, or skids; or
 - (ii) As platforms, runways, or scaffolds.
- (c) Metal and wire-reinforced ladders with wooden side rails shall not be used when employees on the ladder might come into contact with energized electrical conductors.
- (d) Individual sections from different multisectional ladders or two or more single straight ladders shall not be tied or fastened together to achieve additional length.
- (e) Except for combination ladders, self-supporting ladders shall not be used as single straight ladders.
- (f) Unless intended for cantilever operation, nonself-supporting ladders shall not be used to climb above the top support point.
- (g) Ladders shall extend at least thirty-six inches (0.91 m) above the upper support level if employees are to leave or mount the ladder at that level, except that where such extension is impractical other equivalent means such as grab bars may be used to provide a hand grip.
- (h) Ladders shall be securely positioned on a level and firm base.
- (i) Ladders shall be fitted with slip-resistant bases and secured at top or bottom to prevent the ladder from slipping.
- (j) The employer shall direct that ladders shall be placed so that employees climbing are not exposed to injury from projecting objects or doors that open toward the ladder.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60217 **SPIRAL STAIRWAYS**. (1) Definition. "Spiral stairway" means one with closed circular form, uniform sector-shaped treads and a supporting column.

(2) Requirements. Spiral stairways shall meet the following requirements:

- (a) Stairways shall conform to the minimum dimensions of Figure F-1;



Spiral Stairway—Minimum Dimensions

	A(Half-tread width)	B
Normal use by employees ...	11 inches (27.9 cm)	6 inches (15.2 cm)
Limited access ...	9 inches (22.9 cm)	5 inches (12.7 cm)

- (b) Stairway risers shall be uniform and shall range from six and one-half to ten and one-half inches (16.5 to 26.7 cm) in height;
- (c) Minimum loading capability shall be one hundred pounds per square foot (448 N), and minimum tread center concentrated loading shall be three hundred pounds (1344 N);
- (d) Railing shall conform to the requirements of WAC 296-56-60123 (3)(a). If balusters are used, there shall be a minimum of one per tread. Handrails shall be a minimum of one and one-fourth inches (3.3 cm) in outside diameter; and
- (e) Vertical clearance shall be at least six feet, six inches (1.98 m) above the top step.
- (3) Maintenance. Spiral stairways shall be maintained in safe condition.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60219 **EMPLOYEE EXITS**. (1) Employee exits shall be clearly marked.

(2) If an employee exit is not visible from employees' work stations, directional signs indicating routes to the exit shall be posted.

(3) ~~((Exists))~~ Exits shall be readily accessible and sufficient in number to provide employees with a convenient means of escape in emergencies. A clear passage to the exit shall be maintained.

(4) The minimum width of any employee exit shall be twenty-eight inches (71.1 cm).

(5) All fire exits and aiseways of all docks and warehouses shall be clearly marked and kept clear. All main aiseways shall be wide enough to permit passage of a fire truck.

(6) There shall be a twenty-eight inch clearance maintained where employees use a passageway to an exit.

(7) Every building, structure or crane, new or old, shall be provided with an emergency means of egress to permit the prompt escape of occupants in case of fire or other emergency, at all locations with a vertical height of thirty feet or more. Crane, building or structure installed prior to the effective date of this standard will have until July 1, 1986, to comply.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60227 **RIVER BANKS**. (1) This section applies to temporary installations or temporary operations near a river bank.

(2) Where working surfaces at river banks slope so steeply that an employee could slip or fall into the water, the employer shall ensure that the outer perimeter of the working surface is protected by posting or other portable protection such as roping off, and that employees wear a personal flotation device meeting the requirements of WAC 296-56-60115~~((3))~~(2).

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60233 **RELATED TERMINAL OPERATIONS AND EQUIPMENT—MACHINE GUARDING**. (1) Definition. "Guarded" means shielded, fenced, or enclosed by covers, casings, shields, troughs, spillways or railings, or guarded by position or location. Examples of guarding methods are guarding by location (positioning hazards so they are inaccessible to employees) and point of operation guarding (using barrier guards, two-hand tripping devices, electronic safety devices, or other such devices).

(2) General.
 (a) Danger zones on machines and equipment used by employees shall be guarded.

(b) Where chips and dust produced by machine operation may result in a hazard to the operator, the machinery shall be equipped with an effective exhaust system at the point of origin, or other equally effective means shall be provided to protect the operator.

(c) Fixed machinery shall be secured to prevent shifting.

(d) A power cut-off device for machinery and equipment shall be provided at the operator's working position.

(e) Machines driven by belts and shafting shall be fitted with a belt-locking or equivalent protective device if the belt can be shifted.

(f) In operations where injury to the operator might result if motors were to restart after power failures, provisions shall be made to prevent machines from automatically restarting upon restoration of power.

(g) The power supply to machines shall be turned off, locked out, and tagged out during repair, adjustment, or servicing.

(h) Machines shall be maintained in a safe working condition.

(i) Only designated employees shall maintain or repair machinery and equipment.

(j) Machines with defects that affect the safety of operation shall not be used.

(3) Hand-fed circular rip saws and hand-fed circular crosscut table saws. Unless fixed or manually adjustable enclosures or guarding provides equivalent protection, hand-fed circular rip saws and hand-fed circular crosscut table saws shall be guarded as follows to keep employees clear of any danger zones:

(a) They shall be equipped with hoods completely enclosing those portions of the saw above the table and the material being cut;

(b) They shall have spreaders to prevent material from squeezing the saw. Spreaders shall be in true alignment with the saw. Spreaders

may be removed only during grooving, dadoing, or rabbeting operations, and shall be replaced at the completion of such operations; and

(c) They shall have nonkickback fingers or dogs to oppose the tendency of the saw to pick up material or throw material toward the operator.

(4) Swing cutoff saws.

(a) Swing cutoff saws shall have hoods completely enclosing the upper half of the saw, the arbor end and the point of operation at all saw positions to protect the operator from material thrown up by the saw. The hood shall automatically cover the lower portion of the blade, so that when the saw returns to the back of the table the hood rises on top of the fence, and when the saw is moved forward the hood drops on top, remaining in contact with the table or the material.

(b) Swing cutoff saws shall have a device to return the saw automatically to the back of the table without rebound. The device shall not be dependent upon rope, cord or springs.

(c) Devices shall be provided to prevent saws from swinging beyond the front or back edges of the table.

(d) Inverted swing cutoff saws shall have hoods covering the part of the saw protruding above the table top or the material being cut. Hoods shall automatically adjust to the thickness of, and remain in contact with, material being cut.

(5) Radial saws. Unless fixed or manually adjustable enclosures or guards provide equivalent protection, radial saws shall be guarded as follows:

(a) The upper hood of radial saws shall enclose the upper portion of the blade up to and including the end of the saw arbor and shall protect the operator from being struck by debris. The sides of the lower exposed portion of the blade shall be guarded to the blade diameter by a device automatically adjusting to the thickness of the stock and remaining in contact with the stock. The lower guard may be removed only when the saw is used for bevel cuts;

(b) Radial saws used for ripping shall have nonkickback fingers or dogs on both sides to oppose the thrust or tendency of the saw to pick up material or throw material toward the operator;

(c) Adjustable stop shall be provided to prevent travel of radial saw blades beyond the table's edge;

(d) Radial saws shall be installed so that the cutting head returns to the starting position without rebound when released; and

(e) The employer shall direct that employees perform ripping and ploughing against the saw turning direction. Rotation direction and an indication of the end of the saw to be used shall be conspicuously marked on the hood.

(6) Band saws and band resaws.

(a) Saw blades and band saw wheels shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table, to protect employees from point-of-operation hazards and flying debris.

(b) Band saws shall be equipped with brakes to stop the band saw wheel if the blade breaks.

(c) Band saws shall be equipped with a tension control device to keep the blade taut.

(7) Abrasive wheels and machinery.

(a) Abrasive wheels shall be used only on machines having enclosure guards to restrain pieces of grinding wheels and to protect employees if the wheel breaks, except as provided in (b) and (c) of this subsection. Where the operator must stand in front of the safety guard opening, the safety guard shall be adjustable or have an adjustable tongue or piece at the top of the opening. The safety guard or the tongue shall be adjusted so that they are always close to the periphery of the wheel. Guards shall be aligned with the wheel and the strength of fastenings shall be greater than the strength of the guard.

(b) When the work provides equivalent protection, or when the machine is designed as a portable saw, guards may be constructed with the spindle end, nut and outer flange exposed. When the work entirely covers the side of the wheel, the side covers of the guard may be removed.

(c) Guarding is not required:

(i) For wheels used for internal work while the wheel is contained within the work being ground; or

(ii) For mounted wheels two inches (5 cm) and smaller in diameter used in portable operations.

(d) Work rests shall be used on fixed grinding machines. Work rests shall be rigidly constructed and adjustable for wheel wear. They shall be adjusted closely to the wheel with a maximum opening of one-eighth inch (3.2 mm) and shall be securely clamped. Adjustment shall not be made while the wheel is in motion.

(e) Grinding wheels shall fit freely on the spindle. The spindle nut shall be tightened only enough to hold the wheel in place.

(f) Grinding machine wheels shall turn at a speed that is compatible with the rated speed of the wheel.

(g) Flanges and blotters shall be used only with wheels designed for their use. Flanges shall be of a type ensuring retention of pieces of the wheel in case of breakage.

(h) Abrasive wheels with operational defects shall not be used.

(8) Rotating parts, drives and connections.

(a) Rotating parts, such as gears and pulleys, that are located seven feet (2.1 m) or less above working surfaces shall be guarded to prevent employee contact with moving parts.

(b) Belt, rope and chain drives shall be guarded to prevent employees from coming into contact with moving parts.

(c) Gears, sprockets and chains shall be guarded to prevent employees coming into contact with moving parts. This requirement does not apply to manually operated sprockets.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60235 WELDING, CUTTING AND HEATING (HOT WORK). (1) Definition. "Hot work" means riveting, welding, flame cutting or other fire or spark-producing operation.

(2) Hot work in confined spaces. Hot work shall not be performed in a confined space until a designated person has tested the atmosphere and determined that it is not hazardous.

(3) Fire protection.

(a) To the extent possible, hot work shall be performed in designated locations that are free of fire hazards.

(b) When hot work must be performed in a location that is not free of fire hazards, all necessary precautions shall be taken to confine heat, sparks, and slag so that they cannot contact flammable or combustible material.

(c) Fire extinguishing equipment suitable for the location shall be immediately available and shall be maintained in readiness for use at all times.

(d) When the hot work operation is such that normal fire prevention precautions are not sufficient, additional personnel shall be assigned to guard against fire during hot work and for a sufficient time after completion of the work to ensure that no fire hazard remains. The employer shall instruct all employees involved in hot work operations as to potential fire hazards and the use of fire fighting equipment.

(e) Drums and containers which contain or have contained flammable or combustible liquids shall be kept closed. Empty containers shall be removed from the hot work area.

(f) When openings or cracks in flooring cannot be closed, precautions shall be taken to ensure that no employees or flammable or combustible materials on the floor below are exposed to sparks dropping through the floor. Similar precautions shall be taken regarding cracks or holes in walls, open doorways and open or broken windows.

(g) Hot work shall not be performed:

(i) In flammable or potentially flammable atmospheres;

(ii) On or in equipment or tanks that have contained flammable gas or liquid or combustible liquid or dust-producing material, until a designated person has tested the atmosphere inside the equipment or tanks and determined that it is not hazardous; or

(iii) Near any area in which exposed readily ignitable materials such as bulk sulphur, baled paper or cotton are stored. Bulk sulphur is excluded from this prohibition if suitable precautions are followed, the person in charge is knowledgeable and the person performing the work has been instructed in preventing and extinguishing sulphur fires.

(h)(i) Drums, containers or hollow structures that have contained flammable or combustible substances shall either be filled with water or cleaned, and shall then be ventilated. A designated person shall test the atmosphere and determine that it is not hazardous before hot work is performed on or in such structures.

(ii) Before heat is applied to a drum, container or hollow structure, an opening to release built-up pressure during heat application shall be provided.

(4) Gas welding and cutting.

(a) Compressed gas cylinders:

(i) Shall have valve protection caps in place except when in use, hooked up or secured for movement. Oil shall not be used to lubricate caps;

(ii) Shall be hoisted only while secured, as on a cradle or pallet, and shall not be hoisted by magnet, choker sling or cylinder caps;

(iii) Shall be moved only by tilting or rolling on their bottom edges;

- (iv) Shall be secured when moved by vehicle;
- (v) Shall be secured while in use;
- (vi) Shall have valves closed when cylinders are empty, being moved or stored;
- (vii) Shall be secured upright except when hoisted or carried;
- (viii) Shall not be freed when frozen by prying the valves or caps with bars or by hitting the valve with a tool;
- (ix) Shall not be thawed by boiling water;
- (x) Shall not be exposed to sparks, hot slag, or flame;
- (xi) Shall not be permitted to become part of electrical circuits or have electrodes struck against them to strike arcs;
- (xii) Shall not be used as rollers or supports;
- (xiii) Shall not have contents used for purposes not authorized by the supplier;
- (xiv) Shall not be used if damaged or defective;
- (xv) Shall not have gases mixed within, except by gas suppliers;
- (xvi) Shall be stored so that oxygen cylinders are separated from fuel gas cylinders and combustible materials by either a minimum distance of twenty feet (6 m) or a barrier having a fire-resistance rating of thirty minutes; and
- (xvii) Shall not have objects that might either damage the safety device or obstruct the valve placed on top of the cylinder when in use.
- (b) Use of fuel gas. Fuel gas shall be used only as follows:
 - (i) Before regulators are connected to cylinder valves, the valves shall be opened slightly (cracked) and closed immediately to clear away dust or dirt. Valves shall not be cracked if gas could reach possible sources of ignition;
 - (ii) Cylinder valves shall be opened slowly to prevent regulator damage and shall not be opened more than one and one-half turns. Any special wrench required for emergency closing shall be positioned on the valve stem during cylinder use. For manifolded or coupled cylinders, at least one wrench shall be immediately available. Nothing shall be placed on top of a cylinder or associated parts when the cylinder is in use;
 - (iii) Pressure-reducing regulators shall be attached to cylinder valves when cylinders are supplying torches or devices equipped with shut-off valves;
 - (iv) Cylinder valves shall be closed and gas released from the regulator or manifold before regulators are removed;
 - (v) Leaking fuel gas cylinder valves shall be closed and the gland nut tightened. If the leak continues, the cylinder shall be tagged, removed from service, and moved to a location where the leak will not be hazardous. If a regulator attached to a valve stops a leak, the cylinder need not be removed from the workplace but shall be tagged and may not be used again before it is repaired; and
 - (vi) If a plug or safety device leaks, the cylinder shall be tagged, removed from service, and moved to a location where the leak will not be hazardous.
- (c) Hose.
 - (i) Fuel gas and oxygen hoses shall be easily distinguishable from each other by color or sense of touch. Oxygen and fuel hoses shall not be interchangeable. Hoses having more than one gas passage shall not be used.
 - (ii) When oxygen and fuel gas hoses are taped together, not more than four of each twelve inches (10.2 cm of each 30.5 cm) shall be taped.
 - (iii) Hose shall be inspected before use. Hose subjected to flashback or showing evidence of severe wear or damage shall be tested to twice the normal working pressure but not less than two hundred p.s.i. (1378.96 kPa) before reuse. Defective hose shall not be used.
 - (iv) Hose couplings shall not unlock or disconnect without rotary motion.
 - (v) Hose connections shall be clamped or securely fastened to withstand twice the normal working pressure but not less than three hundred p.s.i. (2068.44 kPa) without leaking.
 - (vi) Gas hose storage boxes shall be ventilated.
- (d) Torches.
 - (i) Torch tip openings shall only be cleaned with devices designed for that purpose.
 - (ii) Torches shall be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches shall be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches with such defects shall not be used.
 - (iii) Torches shall not be lighted from matches, cigarette lighters, other flames or hot work.
- (e) Pressure regulators. Pressure regulators, including associated gauges, shall be maintained in safe working order.

(f) Operational precaution. Gas welding equipment shall be maintained free of oil and grease.

- (5) Arc welding and cutting.
 - (a) Manual electrode holders.
 - (i) The employer shall ensure that only manual electrode holders intended for arc welding and cutting and capable of handling the maximum current required for such welding or cutting shall be used.
 - (ii) Current-carrying parts passing through those portions of the holder gripped by the user and through the outer surfaces of the jaws of the holder shall be insulated against the maximum voltage to ground.
 - (b) Welding cables and connectors.
 - (i) Arc welding and cutting cables shall be insulated, flexible and capable of handling the maximum current required by the operations, taking into account the duty cycles.
 - (ii) Only cable free from repair or splice for ten feet (3 m) from the electrode holder shall be used unless insulated connectors or splices with insulating quality equal to that of the cable are provided.
 - (iii) When a cable other than the lead mentioned in (b)(ii) of this subsection wears and exposes bare conductors, the portion exposed shall not be used until it is protected by insulation equivalent in performance capacity to the original.
 - (iv) Insulated connectors of equivalent capacity shall be used for connecting or splicing cable. Cable lugs, where used as connectors, shall provide electrical contact. Exposed metal parts shall be insulated.
 - (c) Ground returns and machine grounding.
 - (i) Ground return cables shall have current-carrying capacity equal to or exceeding the total maximum output capacities of the welding or cutting units served.
 - (ii) Structures or pipelines, other than those containing gases or flammable liquids or conduits containing electrical circuits, may be used in the ground return circuit if their current-carrying capacity equals or exceeds the total maximum output capacities of the welding or cutting units served.
 - (iii) Structures or pipelines forming a temporary ground return circuit shall have electrical contact at all joints. Arcs, sparks or heat at any point in the circuit shall cause rejection as a ground circuit.
 - (iv) Structures or pipelines acting continuously as ground return circuits shall have joints bonded and maintained to ensure that no electrolysis or fire hazard exists.
 - (v) Arc welding and cutting machine frames shall be grounded, either through a third wire in the cable containing the circuit conductor or through a separate wire at the source of the current. Grounding circuits shall have resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.
 - (vi) Ground connections shall be mechanically and electrically adequate to carry the current.
 - (d) When electrode holders are left unattended, electrodes shall be removed and holders placed to prevent employee injury.
 - (e) Hot electrode holders shall not be dipped in water.
 - (f) The employer shall ensure that when arc welders or cutters leave or stop work or when machines are moved, the power supply switch shall be kept in the off position.
 - (g) Arc welding or cutting equipment having a functional defect shall not be used.
 - (h) (i) Arc welding and cutting operations shall be separated from other operations by shields, screens, or curtains to protect employees in the vicinity from the direct rays and sparks of the arc.
 - (ii) Employees in areas not protected from the arc by screening shall be protected by appropriate filter lenses in accordance with subsection (8) of this section. When welders are exposed to their own arc or to each other's arc, they shall wear filter lenses complying with the requirements of subsection (8) of this section.
 - (i) The control apparatus of arc welding machines shall be enclosed, except for operating wheels, levers, and handles.
 - (j) Input power terminals, top change devices and live metal parts connected to input circuits shall be enclosed and accessible only by means of insulated tools.
 - (k) When arc welding is performed in wet or high-humidity conditions, employees shall use additional protection, such as rubber pads or boots, against electric shock.
 - (6) Ventilation and employee protection in welding, cutting and heating.
 - (a) Mechanical ventilation requirements. The employer shall ensure that general mechanical ventilation or local exhaust systems shall meet the following requirements:

(i) General mechanical ventilation shall maintain vapors, fumes and smoke below a hazardous level;

(ii) Local exhaust ventilation shall consist of movable hoods positioned close to the work and shall be of such capacity and arrangement as to keep breathing zone concentrations below hazardous levels;

(iii) Exhausts from working spaces shall be discharged into the open air, clear of intake air sources;

(iv) Replacement air shall be clean and respirable; and

(v) Oxygen shall not be used for ventilation, cooling or cleaning clothing or work areas.

(b) Hot work in confined spaces. Except as specified in (c) (ii) and (iii) of this subsection, when hot work is performed in a confined space the employer shall ensure that:

(i) General mechanical or local exhaust ventilations shall be provided; or

(ii) Employees in the space shall wear supplied air respirators in accordance with WAC 296-62-071 and a standby on the outside shall maintain communication with employees inside the space and shall be equipped and prepared to provide emergency aid.

(c) Welding, cutting or heating of toxic metals.

(i) In confined or enclosed spaces, hot work involving the following metals shall only be performed with general mechanical or local exhaust ventilation that ensures that employees are not exposed to hazardous levels of fumes:

- (A) Lead base metals;
- (B) Cadmium-bearing filler materials; and
- (C) Chromium-bearing metals or metals coated with chromium-bearing materials.

(ii) In confined or enclosed spaces, hot work involving the following metals shall only be performed with local exhaust ventilation meeting the requirements of this subsection or by employees wearing supplied air respirators in accordance with chapter 296-62 WAC;

(A) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials;

(B) Metals containing lead other than as an impurity, or coated with lead-bearing materials;

(C) Cadmium-bearing or cadmium-coated base metals; and

(D) Metals coated with mercury-bearing materials.

(iii) Employees performing hot work in confined or enclosed spaces involving beryllium-containing base or filler metals shall be protected by local exhaust ventilation and wear supplied air respirators or self-contained breathing apparatus, in accordance with the requirements of chapter 296-62 WAC.

(iv) The employer shall ensure that employees performing hot work in the open air that involves any of the metals listed in (c) (i) and (ii) of this subsection shall be protected by respirators in accordance with the requirements of chapter 296-62 WAC and those working on beryllium-containing base or filler metals shall be protected by supplied air respirators, in accordance with the requirements of chapter 296-62 WAC.

(v) Any employee exposed to the same atmosphere as the welder or burner shall be protected by the same type of respiratory and other protective equipment as that worn by the welder or burner.

(d) Inert-gas metal-arc welding. Employees shall not engage in and shall not be exposed to the inert-gas metal-arc welding process unless the following precautions are taken:

(i) Chlorinated solvents shall not be used within two hundred feet (61 m) of the exposed arc. Surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is performed on them.

(ii) Employees in areas not protected from the arc by screening shall be protected by appropriate filter lenses in accordance with the requirements of subsection (8) of this section. When welders are exposed to their own arc or to each other's arc, filter lenses complying with the requirements of subsection (8) of this section shall be worn to protect against flashes and radiant energy.

(iii) Employees exposed to radiation shall have their skin covered completely to prevent ultraviolet burns and damage. Helmets and hand shields shall not have leaks, openings or highly reflective surfaces.

(iv) Inert-gas metal-arc welding on stainless steel shall not be performed unless exposed employees are protected either by local exhaust ventilation or by wearing supplied air respirators.

(7) Welding, cutting and heating on preservative coatings.

(a) Before hot work is commenced on surfaces covered by a preservative coating of unknown flammability, a test shall be made by a designated person to determine the coating's flammability. Preservative coatings shall be considered highly flammable when scrapings burn with extreme rapidity.

(b) Appropriate precaution shall be taken to prevent ignition of highly flammable hardened preservative coatings. Highly flammable coatings shall be stripped from the area to be heated. An uncoiled fire hose with fog nozzle, under pressure, shall be immediately available in the hot work area.

(c) Surfaces covered with preservative coatings shall be stripped for at least four inches (10.2 cm) from the area of heat application or employees shall be protected by supplied air respirators in accordance with the requirements of chapter 296-62 WAC.

(8) Protection against radiant energy.

(a) Employees shall be protected from radiant energy eye hazards by spectacles, cup goggles, helmets, hand shields or face shields with filter lenses complying with the requirements of this subsection.

(b) Filter lenses shall have an appropriate shade number, as indicated in Table G-1, for the work performed. Variations of one or two shade numbers are permissible to suit individual preferences.

(c) If filter lenses are used in goggles worn under the helmet, the shade numbers of both lenses equals the value shown in Table G-1 for the operation.

Table G-1.—Filter Lenses for Protection Against Radiant Energy

Operation	Shade No.
Soldering	2
Torch Brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1-6 inches	4 or 5
Heavy cutting, over 6 inches	5 or 6
Light gas welding, up to 1/8((+7/2)) inch	4 or 5
Medium gas welding, 1/8-1/2 inch	5 or 6
Heavy gas welding, over 1/2 inch	6 or 8
Shielded Metal-Arc Welding 1/16 to 5/32-inch electrodes	10
Inert gas Metal-Arc Welding (non-ferrous) 1/16 to 5/32-inch electrodes	11
Shielded Metal-Arc Welding: 3/16 to 1/4-inch electrodes	12
5/16 and 3/8-inch electrodes	14

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-56-60237 **SPRAY PAINTING.** (1) Scope. This section covers painting operations connected with maintenance of structures, equipment and gear at the marine terminal and of ((the)) transient equipment serviced at the terminal. It does not apply to overall painting of terminal structures under construction, major repair or rebuilding of terminal structures, or portable spraying apparatus not used regularly in the same location.

(2) Definitions.
 (a) "Spraying area" means any area where flammable vapors, mists or combustible residues, dusts or deposits may be present due to paint spraying operations.

(b) "Spray booth" means an enclosure containing a flammable or combustible spraying operation and confining and limiting the escape of paint, vapor and residue by means of a powered exhaust system.

(c) "Approved" means, for the purpose of this section, that the equipment has been approved for the specified use by a nationally recognized testing laboratory.

(3) Spray painting requirements for indoor and outdoor spraying areas and booths.

(a) Shut-off valves, containers or piping with attached hoses or flexible connections shall have shut-off valves closed at the connection when not in use.

(b) Pumps used to transfer paint supplies shall have automatic pressure-relieving devices.

(c) Hoses and couplings shall be inspected before use. Hoses showing deterioration, leakage or weakness in the carcass or at the couplings shall be removed from service.

(d)(i) No open flame or spark-producing equipment shall be within twenty feet (6 m) of a spraying area unless it is separated from the spraying area by a fire-retardant partition.

(ii) Hot surfaces shall not be located in spraying areas.

(iii) Whenever combustible residues may accumulate on electrical installations, wiring shall be in rigid conduit or in boxes containing no taps, splices or connections.

(iv) Portable electric lights shall not be used during spraying operations. Lights used during cleaning or repairing operations shall be approved for the location in which they are used.

(e) When flammable or combustible liquids are being transferred between containers, both containers shall be bonded and grounded.

(f)(i) Spraying shall be performed only in designated spray booths or spraying areas.

(ii) Spraying areas shall be kept as free from combustible residue accumulations as practicable.

(iii) Residue scrapings, debris, rags, and waste shall be removed from the spraying area as they accumulate.

(g) Spraying with organic peroxides and other dual-component coatings shall only be conducted in sprinkler-equipped spray booths.

(h) Only the quantity of flammable or combustible liquids required for the operation shall be allowed in the spraying area, and in no case shall the amount exceed a one-day supply.

(i) Smoking shall be prohibited and "No Smoking" signs shall be posted in spraying and paint storage areas.

(4) Additional requirements for spraying areas and spray booths.

(a) Distribution or baffle plates shall be of noncombustible material and shall be removable or accessible for cleaning. They shall not be located in exhaust ducts.

(b) Any discarded filter shall be removed from the work area or placed in water.

(c) Filters shall not be used when the material being sprayed is highly susceptible to spontaneous heating and ignition.

(d) Filters shall be noncombustible or of an approved type. The same filter shall not be used when spraying with different coating materials if the combination of materials may spontaneously ignite.

(e) Spraying areas shall be mechanically ventilated for removal of flammable and combustible vapor and mist.

(f) Mechanical ventilation shall be in operation during spraying operations and long enough thereafter to exhaust hazardous vapor concentrations.

(g) Rotating fan elements shall be nonsparking or the casing shall consist of or be lined with nonsparking material.

(h) Piping systems conveying flammable or combustible liquids to the spraying booth or area shall be made of metal and be both bonded and grounded.

(i) Air exhausted from spray operations shall not contaminate makeup air or other ventilation intakes. Exhausted air shall not be recirculated unless it is first cleaned of any hazardous contaminants.

(j) Original closed containers, approved portable tanks, approved safety cans or a piping system shall be used to bring flammable or combustible liquids into spraying areas.

(k) If flammable or combustible liquids are supplied to spray nozzles by positive displacement pumps, the pump discharge line shall have a relief valve discharging either to a pump section or detached location, or the line shall be equipped with a device to stop the prime mover when discharge pressure exceeds the system's safe operating pressure.

(l) Wiring, motors and equipment in a spray booth shall be of approved explosion-proof type for Class I, Group D locations and conform to WAC 296-24-956 for Class I, Division 1, Hazardous Locations. Wiring, motors and equipment within twenty feet (6 m) of any interior spraying area and not separated by vapor-tight partitions shall not produce sparks during operation and shall conform to the requirements of WAC 296-24-956 for Class I, Division 2, Hazardous Locations.

(m) Outside electrical lights within ten feet (3 m) of spraying areas and not separated from the areas by partitions shall be enclosed and protected from damage.

(5) Additional requirements for spray booths.

(a) Spray booths shall be substantially constructed of noncombustible material and have smooth interior surfaces. Spray booth floors shall be covered with noncombustible material. As an aid to cleaning, paper may be used to cover the floor during painting operations if it is removed after the painting is completed.

(b) Spray booths shall be separated from other operations by at least three feet (0.91 m) or by fire-retardant partitions or walls.

(c) A space of at least three feet (0.91 m) on all sides of the spray booth shall be maintained free of storage or combustible materials.

(d) Metal parts of spray booths, exhaust ducts, piping and airless high-pressure spray guns and conductive objects being sprayed shall be grounded.

(e) Electric motors driving exhaust fans shall not be located inside booths or ducts.

(f) Belts shall not enter ducts or booths unless the belts are completely enclosed.

(g) Exhaust ducts shall be made of steel, shall have sufficient access doors to permit cleaning, and shall have a minimum clearance of eighteen inches (0.46 m) from combustible materials. Any installed dampers shall be fully opened when the ventilating system is operating.

(h) Spray booths shall not be alternately used to spray different types of coating materials if the combination of the materials may spontaneously ignite unless deposits of the first material are removed from the booth and from exhaust ducts before spraying of the second material begins.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-56-60137 WAIVER AND VARIANCE.

WAC 296-56-60182 WAIVER AND VARIANCE.

AMENDATORY SECTION (Amending Order 84-22, filed 10/30/84)

WAC 296-62-05403 SCOPE AND APPLICATION. (1) This section requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers except those in agriculture (SIC Codes 01, 02 and 07) to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other forms of warning, material safety data sheets, and information and training. In addition, this section requires distributors to transmit the required information to employers.

(2) This section applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

(3) This section applies to laboratories only as follows:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees; and,

(c) Employers shall ensure that laboratory employees are apprised of the hazards of the chemicals in their workplaces in accordance with WAC 296-62-05415.

(4) This section does not require labeling of the following chemicals:

(a) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency;

(b) Any food, food additive, color additive, drug, or cosmetic, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and regulations issued under the act, when they are subject to the labeling requirements of that act and labeling regulations issued under that act by the Food and Drug Administration;

(c) Any distilled spirits (beverage alcohols), wine, or malt beverages intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms; and,

(d) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission.

(5) This section does not apply to:

(a) Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.) when subject to regulations issued under that act by the Environmental Protection Agency;

(b) Tobacco or tobacco products;

(c) Wood or wood products;

(d) Articles; and,
 (e) Foods, drugs, or cosmetics intended for personal consumption by employees while in the workplace.

(f) Any transportation of a hazardous chemical or substance (~~while being transported~~), provided such transportation is subject to regulations issued by the United States department of transportation or the Washington utilities and transportation commission.

(g) Any distributor who makes retail sales to the general public of consumer products packaged for distribution to, and used by, the general public, shall not be required to disseminate material safety data sheets to the retail purchasers of such products.

(6) Where there are two or more employers at the same workplace, each employer shall be solely responsible under the provisions of WAC 296-62-054 through 296-62-05425 for his or her own employees.

AMENDATORY SECTION (Amending Order 84-22, filed 10/30/84)

WAC 296-62-05405 DEFINITIONS APPLICABLE TO THIS SECTION. (1) Article - a manufactured item:

(a) Which is formed to a specific shape or design during manufacture;

(b) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and

(c) Which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.

(2) Chemical - any element, chemical compound or mixture of elements and/or compounds.

(3) Chemical manufacturer - an employer in SIC Codes 20 through 39 with a workplace where chemical(s) are produced for use or distribution.

(4) Chemical name - the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules (~~(or)~~) of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

(5) Combustible liquid - any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

(6) Common name - any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

(7) Compressed gas

(a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

(b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

(c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

(8) Container - any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this section, pipes or piping systems are not considered to be containers.

(9) Designated representative - any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

(10) Director - the director of the department of labor and industries or his/her designee.

(11) Distributor - a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to purchasers.

(12) Employee - a worker employed by an employer who may be exposed to hazardous chemicals under normal operating conditions or foreseeable emergencies, including, but not limited to production workers, line supervisors, and repair or maintenance personnel. Office workers, grounds maintenance personnel, security personnel or nonresident management are included if their job performance routinely involves potential exposure to hazardous chemicals.

(13) Employer - a person engaged in a business where chemicals are either used, or are produced for use or distribution.

(14) Explosive - a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

(15) Exposure or exposed - an employee that is subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g. accidental or possible) exposure.

(16) Flammable - a chemical that falls into one of the following categories:

(a) Aerosol flammable - an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(b) Gas, flammable:

(i) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen percent by volume or less; or

(ii) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve percent by volume, regardless of the lower limit;

(c) Liquid, flammable - any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.

(d) Solid, flammable - a solid, other than a blasting agent or explosive as defined in s1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

(17) Flashpoint - the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(a) Tagliabue closed tester - (see American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(b) Pensky-Martens closed tester - (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(c) Setaflash closed tester - (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

(18) Foreseeable emergency - any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

(19) Hazardous chemical - any chemical which is a physical hazard or a health hazard (~~(except consumer products packaged for distribution to, and used by, the general public, including any product used by an employer or the employer's employees in the same form, concentration, and manner as it is sold to consumers, and to the employer's knowledge, employee exposure is not significantly greater than the consumer exposure occurring during principle consumer use of the product)~~).

(20) Hazard warning - any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the hazards of the chemical(s) in the container(s).

(21) Health hazard - a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this section, and Appendix B

describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.

(22) Identify – any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

(23) Immediate use – that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

(24) Importer – the first business with employees within Washington which receives hazardous chemicals produced in other states or countries, for the purpose of supplying them to distributors or purchasers within Washington.

(25) Label – any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

(26) Material safety data sheet (MSDS) – written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05413.

(27) Mixture – any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

(28) Organic peroxide – an organic compound that contains the bivalent–O–O–structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(29) Oxidizer – a chemical other than a blasting agent or explosive as defined in WAC 296-52-030, that initiates or promotes combustion in other materials, thereby causing fire either of itself [or] through the release of oxygen or other gases.

(30) Physical hazard – a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

(31) Produce – to manufacture, process, formulate, or repackage.

(32) Purchaser – an employer with a workplace who purchases a hazardous chemical for use within that workplace.

(33) Pyrophoric – a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.

(34) Responsible party – someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(35) Specific chemical identity – the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

(36) Trade secret – any confidential formula, pattern, process, device, information or compilation of information (including chemical name or other unique chemical identifier) that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it.

(37) Unstable (reactive) – a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

(38) Use – to package, handle, react, or transfer.

(39) Water-reactive – a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

(40) Work area – a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

(41) Workplace – an establishment at one geographical location containing one or more work areas.

AMENDATORY SECTION (Amending Order 84-14, filed 6/7/84)

WAC 296-62-05411 LABELS AND OTHER FORMS OF WARNING. (1) The chemical manufacturer, importer, or distributor shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked with the following information:

(a) Identity of the hazardous chemical(s);

(b) Appropriate hazard warnings; and

(c) Name and address of the chemical manufacturer, importer, or other responsible party.

(2) Chemical manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this section in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act (18 U.S.C. 1801 et seq.) and regulations issued under that act by the department of transportation.

(3) If the hazardous chemical is regulated by WISHA in a substance-specific health standard, the chemical manufacturer, importer, distributor or employer shall ensure that the labels or other forms of warning used are in accordance with the requirements of that standard.

(4) Except as provided in subsection (5) and (6) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the following information:

(a) Identity of the hazardous chemical(s) contained therein; and

(b) Appropriate hazard warnings.

(5) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, ((as long as the alternative method identifies the containers;)) as long as the alternative method identifies the containers to which it is applicable and conveys the information required by subsection (4) of this section to be on a label. The written materials shall be readily accessible to the employees in their work area throughout each work shift.

(6) The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer.

(7) The employer shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

(8) The employer shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

(9) The chemical manufacturer, importer, distributor or employer need not affix new labels to comply with this section if existing labels already convey the required information.

AMENDATORY SECTION (Amending Order 84-22, filed 10/30/84)

WAC 296-62-05413 MATERIAL SAFETY DATA SHEETS.

(1) Chemical manufacturers and importers shall obtain or develop a material safety data sheet for each hazardous chemical they produce or import. Employers shall have a material safety data sheet for each hazardous chemical which they use.

(2) Each material safety data sheet shall be in English and shall contain at least the following information:

(a) The identity used on the label, and, except as provided for in WAC 296-62-05417 on trade secrets:

(i) If the hazardous chemical is a single substance, its chemical and common name(s);

(ii) If the hazardous chemical is a mixture which has been tested as a whole to determine its hazards, the chemical and common name(s) of the ingredients which contribute to these known hazards, and the common name(s) of the mixture itself; or,

(iii) If the hazardous chemical is a mixture which has not been tested as a whole:

(A) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise 1% or greater of the composition, except that chemicals identified as carcinogens under WAC 296-62-05407(4) shall be listed if the concentrations are 0.1% or greater; and,

(B) The chemical and common name(s) of all ingredients which have been determined to present a physical hazard when present in the mixture;

(b) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);

(c) The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;

(d) The health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical;

(e) The primary route(s) of entry;

(f) The WISHA permissible exposure limit, ACGIH threshold limit value, and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet, where available;

(g) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition)

or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by WISHA;

(h) Any generally applicable precautions for safe handling and use which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;

(i) Any generally applicable control measures which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;

(j) Emergency and first aid procedures;

(k) The date of preparation of the material safety data sheet or the last change to it; and,

(l) The name, address and telephone number of the chemical manufacturer, importer, employer or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(3) If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer or employer preparing the material safety data sheet shall mark it to indicate that no applicable information was found.

(4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one material safety data sheet to apply to all of these similar mixtures.

(5) The chemical manufacturer, importer or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer or employer becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the material safety data sheet before the chemical is introduced into the workplace again.

(6) Chemical manufacturers or importers shall ensure that distributors and purchasers of hazardous chemicals are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated. The chemical manufacturer or importer shall either provide material safety data sheets with the shipped containers or send them to the purchaser prior to or at the time of the shipment. If the material safety data sheet is not provided with the shipment, the purchaser shall obtain one from the chemical manufacturer, importer, or distributor as soon as possible.

(7) Distributors shall ensure that material safety data sheets, and updated information, are provided to other distributors and purchasers of hazardous chemicals.

(8) The employer shall maintain copies of the required material safety data sheets for each hazardous chemical in the workplace, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s).

(9) Material safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).

(10) Material safety data sheets shall also be made readily available, upon request, to designated representatives and to the director or his/her designee in accordance with the requirements of WAC 296-62-05209.

(11) If a purchaser has not received a material safety data sheet within twenty calendar days after making a written request to the chemical manufacturer, importer, or distributor in accordance with WAC 296-62-05413(6), he/she may make a written request for assistance to the Department of Labor and Industries, Right-to-Know Program, Industrial Hygiene Section, P.O. Box 207, Olympia, Washington 98504. Such written request shall include:

(a) A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor;

(b) The name of the product suspected of containing a hazardous chemical;

(c) The identification number of the product if available;

(d) A copy of the product label if available; and

(e) The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained.

Upon receipt of a written request for material safety data sheet, the department shall attempt to procure the material safety data sheet from the chemical manufacturer, importer or distributor and upon procurement, shall forward a copy of the material safety data sheet at no cost to the purchaser.

AMENDATORY SECTION (Amending Order 84-22, filed 10/30/84)

WAC 296-62-05421 APPENDIX A—HEALTH HAZARD DEFINITIONS (MANDATORY). Although safety hazards related to the physical characteristics of a chemical can be objectively defined in terms of testing requirements (e.g. flammability), health hazard definitions are less precise and more subjective. Health hazards may cause measurable changes in the body—such as decreased pulmonary function. These changes are generally indicated by the occurrence of signs and symptoms in the exposed employees—such as shortness of breath, a nonmeasurable, subjective feeling. Employees exposed to such hazards must be apprised of both the change in body function and the signs and symptoms that may occur to signal that change.

The determination of occupational health hazards is complicated by the fact that many of the effects or signs and symptoms occur commonly in nonoccupationally exposed populations, so that effects of exposure are difficult to separate from normally occurring illnesses. Occasionally, a substance causes an effect that is rarely seen in the population at large, such as angiosarcomas caused by vinyl chloride exposure, thus making it easier to ascertain that the occupational exposure was the primary causative factor. More often, however, the effects are common, such as lung cancer. The situation is further complicated by the fact that most chemicals have not been adequately tested to determine their health hazard potential, and data do not exist to substantiate these effects.

There have been many attempts to categorize effects and to define them in various ways. Generally, the terms "acute" and "chronic" are used to delineate between effects on the basis of severity or duration. "Acute" effects usually occur rapidly as a result of short-term exposures, and are of short duration. "Chronic" effects generally occur as a result of long-term exposure, and are of long duration.

The acute effects referred to most frequently are those defined by the American National Standards Institute (ANSI) standard for Precautionary Labeling of Hazardous Industrial Chemicals (Z129.1-1982) — irritation, corrosivity, sensitization and lethal dose. Although these are important health effects, they do not adequately cover the considerable range of acute effects which may occur as a result of occupational exposure, such as, for example, narcosis.

Similarly, the term chronic effect is often used to cover only carcinogenicity, teratogenicity, and mutagenicity. These effects are obviously a concern in the workplace, but again, do not adequately cover the area of chronic effects, excluding, for example, blood dyscrasias (such as anemia), chronic bronchitis and liver atrophy.

The goal of defining precisely, in measurable terms, every possible health effect that may occur in the workplace as a result of chemical exposures cannot realistically be accomplished. This does not negate the need for employees to be informed of such effects and protected from them.

Appendix B, which is also mandatory, outlines the principles and procedures of hazard assessment.

For purposes of this section, any chemicals which meet any of the following definitions, as determined by the criteria set forth in Appendix B are health hazards:

(1) Carcinogen. A chemical is considered to be a carcinogen if:

(a) It has been evaluated by the International Agency for Research on Cancer (IARC), and found to be a carcinogen or potential carcinogen; or

(b) It is listed as a carcinogen or potential carcinogen in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or,

(c) It is regulated by WISHA as a carcinogen.

(2) Corrosive. A chemical that causes visible destruction of, or irreversible alterations in, living tissue by chemical action at the site of

contact. For example, a chemical is considered to be corrosive if, when tested on the intact skin of albino rabbits by the method described by the U.S. Department of Transportation in Appendix A to 49 CFR Part 173, it destroys or changes irreversibly the structure of the tissue at the site of contact following an exposure period of four hours. This term shall not refer to action on inanimate surfaces.

(3) Highly toxic. A chemical falling within any of the following categories:

(a) A chemical that has a median lethal dose (LD₅₀) of 50 milligrams or less per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD₅₀) of 200 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

(c) A chemical that has a median lethal concentration (LC₅₀) in air of 200 parts per million by volume or less of gas or vapor, or 2 milligrams per liter or less of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

(4) Irritant. A chemical, which is not corrosive, but which causes a reversible inflammatory effect on living tissue by chemical action at the site of contact. A chemical is a skin irritant if, when tested on the intact skin of albino rabbits by the methods of 16 CFR 1500.41 for four hours exposure or by other appropriate techniques, it results in an empirical score of five or more. A chemical is an eye irritant if so determined under the procedure listed in 16 CFR 1500.42 or other appropriate techniques.

(5) Sensitizer. A chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

(6) Toxic. A chemical falling within any of the following categories:

(a) A chemical that has a median lethal dose (LD₅₀) of more than 50 milligrams per kilogram but not more than 500 milligrams per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD₅₀) of more than 200 milligrams per kilogram but not more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

(c) A chemical that has a median lethal concentration (LC₅₀) in air of more than 200 parts per million but not more than 2,000 parts per million by volume of gas or vapor, or more than two milligrams per liter but not more than 20 milligrams per liter of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

(7) Target organ effects. The following is a target organ categorization of effects which may occur, including examples of signs and symptoms and chemicals which have been found to cause such effects. These examples are presented to illustrate the range and diversity of effects and hazards found in the workplace, and the broad scope employers must consider in this area, but are not intended to be all-inclusive.

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| (a) Hepatotoxins: | Chemicals which produce liver damage. |
| Signs & symptoms: | Jaundice, liver enlargement |
| Chemicals: | Carbon tetrachloride, nitrosamines. |
| (b) Nephrotoxins: | Chemicals which produce kidney damage. |
| Signs & symptoms: | Edema; proteinuria |
| Chemicals: | Halogenated hydrocarbons; uranium. |
| (c) Neurotoxins: | Chemicals which produce their primary toxic effects on the nervous system. |
| Signs & symptoms: | Narcosis; behavioral changes; decrease in motor functions. |
| Chemicals: | Mercury, carbon (disulfide) disulfide. |
| (d) Agents which act on the blood or hematopoietic system: | Decrease hemoglobin function; deprive the body tissues of oxygen. |
| Signs & symptoms: | Cyanosis; loss of consciousness |
| Chemicals: | Carbon monoxide; cyanides. |

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| (e) Agents which damage the lung: | Chemicals which irritate or damage the pulmonary tissue. |
| Signs & symptoms: | Cough; tightness in chest; shortness of breath. |
| Chemicals: | Silica; asbestos. |
| (f) Reproductive toxins: | Chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis). |
| Signs & symptoms: | Birth defects; sterility |
| Chemicals: | Lead; DBCP. |
| (g) Cutaneous hazards: | Chemicals which affect the dermal layer of the body. |
| Signs & symptoms: | Defatting of the skin; rashes; irritation |
| Chemicals: | ((Organic solvents, acids))
Ketones; chlorinated compounds. |
| (h) Eye hazards: | Chemicals which affect the eye or visual capacity. |
| Signs & symptoms: | Conjunctivitis; corneal damage. |
| Chemicals: | Organic solvents; acids. |

AMENDATORY SECTION (Amending Order 84-14, filed 6/7/84)

WAC 296-62-05425 APPENDIX C—INFORMATION SOURCES (ADVISORY). The following is a list of available data sources which the chemical manufacturer, importer, or employer may wish to consult to evaluate the hazards of chemicals they produce or import:

(1) Any information in their own company files such as toxicity testing results or illness experience of company employees.

(2) Any information obtained from the supplier of the chemical, such as material safety data sheets or product safety bulletins.

(3) Any pertinent information obtained from the following source list (latest editions should be used):

Condensed Chemical Dictionary
Van Nostrand (~~and~~) Reinhold Co.
135 West 50th Street
New York, NY 10020

The Merck Index: An Encyclopedia of Chemicals and Drugs
Merck and Company, Inc.
126 E. Lincoln Avenue
Rahway, NJ 07065

IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man
Geneva: World Health Organization
International Agency for Research on Cancer, 1972-1977 (Multivolume work)
49 Sheridan Street
Albany, New York

Industrial Hygiene and Toxicology, by F.A. Patty
John Wiley & Sons, Inc.
New York, NY
(Five volumes)

Clinical Toxicology of Commercial Products
Gleason, Gosselin and Hodge

Casarett and Doull's Toxicology: The Basic Science of Poisons
Doull, Klaassen, and Amdur
Macmillan Publishing Co., Inc.
New York, NY

Industrial Toxicology, by Alice Hamilton and Harriet L. Hardy
Publishing Sciences Group, Inc.
Action, MA

Toxicology of the Eye, by W. Morton Grant
Charles C. Thomas
301-327 East Lawrence Avenue
Springfield, IL

Recognition of Health Hazards in Industry
William A. Burgess
John Wiley and Sons
605 Third Avenue
New York, NY 10158

Chemical Hazards of the Workplace
Nick H. Proctor and James P. Hughes
J.P. Lipincott Company
6 Winchester Terrace
New York, NY 10022

Handbook of Chemistry and Physics
Chemical Rubber Company
18901 Cranwood Parkway
Cleveland, OH 44128

Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes
American Conference of Governmental Industrial Hygienists
6500 ((Glenway)) Glenway Avenue, Bldg. D-5
Cincinnati, OH 45211

NOTE: The following documents are on sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Occupational Health Guidelines
NIOSH/OSHA (NIOSH Pub. No. 81-123)

NIOSH/OSHA Pocket Guide to Chemical Hazards
NIOSH Pub. NO. 78-210

Registry of Toxic Effects of Chemical Substances
U.S. Department of Health and Human Services
Public Health Service
Center for Disease Control
National Institute for Occupational Safety and Health
(NIOSH Pub. No. 80-102)

The Industrial Environment - Its Evaluation and Control
U.S. Department of Health and Human Services
Public Health Service
Center for Disease Control
National Institute for Occupational Safety and Health
(NIOSH Pub. No. 74-117)

Miscellaneous Documents - National Institute for Occupational Safety and Health

- (1) Criteria for a recommended standard... Occupational Exposure to " _____ "
- (2) Special Hazard Reviews
- (3) Occupational Hazard Assessment
- (4) Current Intelligence Bulletins

BIBLIOGRAPHIC DATA BASES

Service Provider

Bibliographic Retrieval Services (BRS)
Corporation Park, Bldg. 702
Scotia, New York 12302

Lockheed - DIALOG
Lockheed Missiles & Space
Company, Inc.
P.O. Box 44481
San Francisco, CA 94144

SDC - ORBIT
SDC Search Service
Department No. 2230
Pasadena, CA 91051

File Name

AGRICOLA
BIOSIS PREVIEWS
CA CONDENSATES
CA SEARCH
DRUG INFORMATION
MEDLARS
MEDOC
NTIS
POLLUTION ABSTRACTS
SCIENCE CITATION INDEX
SSIE

AGRICOLA
BIOSIS PREV. 1972-PRESENT
BIOSIS PREV. 1969-71
CA CONDENSATES 1970-71
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CHEMNAME
CONFERENCE PAPERS INDEX
FOOD SCIENCE & TECH. ABSTR.
FOODS ADLIBRA
INTL. PHARMACEUTICAL
ABSTR.
NTIS
POLLUTION ABSTRACTS
SCISEARCH 1978-PRESENT
SCISEARCH 1974-77
SSIE CURRENT RESEARCH

AGRICOLA
BIOCODES
BIOSIS/BIO6973
CAS6771/CAS7276
CAS77
CHEMDEX
CONFERENCE
ENVIROLINE
LABORDOC

Chemical Information System (CIS)
Chemical Information Systems, Inc.
7215 Yorke Road
Baltimore, MD 21212

National Library of Medicine
Department of Health and
Human Services
Public Health Service
National Institutes of Health
Bethesda, MD 20209

NTIS
POLLUTION
SSIE

Structure & Nomenclature
Search system
Acute Toxicity (RTECS)
Clinical Toxicology of
Commercial Products
Oil and Hazardous Materials
Technical Assistance Data
System

Toxicology Data Bank (TDB)
MEDLINE
TOXLINE
CANCERLIT
RTECS

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

WAC 296-62-07302 LIST OF CARCINOGENS. (1) The following substances are deemed to be carcinogens for the purposes of WAC 296-62-073 through 296-62-07316.

(2) Any reference to carcinogens in WAC 296-62-07304 through 296-62-07316 shall mean only those carcinogens listed in WAC 296-62-07302.

- (a) 4-Nitrobiphenyl - Chemical Abstracts Registry Number 92933.
- (b) Alpha-Naphthylamine - Chemical Abstracts Registry Number 134327.
- (c) 4,4' Methylene bis (2 - chloroaniline) - Chemical Abstracts Service Registry Number 101144.
- (d) Methyl chloromethyl ether - Chemical Abstracts Service Registry Number 107302.
- (e) 3,3'-Dichlorobenzidine (and its salts) - Chemical Abstracts Service Registry Number 91941.
- (f) Bis-Chloromethyl ether - Chemical Abstracts Service Registry Number 542881.
- (g) Beta-Naphthylamine - Chemical Abstracts Service Registry Number 91598.
- (h) Benzidine - Chemical Abstracts Service Registry Number 92875.
- (i) 4-Aminodiphenyl - Chemical Abstracts Service Registry Number 92671.
- (j) Ethyleneimine - Chemical Abstracts Service Registry Number 151564.
- (k) Beta-Propiolactone - Chemical Abstracts Service Registry Number 57578.
- (l) 2-Acetylaminofluorene - Chemical Abstracts Service Registry Number 53963.
- (m) 4-Dimethylaminoazobenzene - Chemical Abstract Service Registry Number 60117.
- (n) N-Nitrosodimethylamine - Chemical Abstracts Service Registry Number 62759.

AMENDATORY SECTION (Amending Order 81-20, filed 7/27/81)

WAC 296-62-07306 REQUIREMENTS FOR AREAS CONTAINING CARCINOGENS LISTED IN WAC 296-62-07302. (1) A regulated area shall be established by an employer where listed carcinogens are manufactured, processed, used, repackaged, released, handled or stored.

(2) All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated systems. Employees working with carcinogens within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed system operation. Within regulated areas where carcinogens are stored in sealed containers, or contained in a closed system including piping systems with any sample ports or openings closed while carcinogens are contained within:

- (i) Access shall be restricted to authorized employees only;
- (ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.
- (c) Open vessel system operations. Open vessel system operations as defined in WAC 296-62-07304 (2)(l) are prohibited.

(d) Transfer from a closed system. Charging or discharging point operations, or otherwise opening a closed system. In operations involving "laboratory-type hoods," or in locations where a carcinogen is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this section shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in a carcinogen handling operation shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with chapter 296-62 WAC, of the general safety and health standards. A respirator affording higher levels of protection may be substituted.

EXCEPTION: N-Nitrosodimethylamine is not a dust, mist, or fume at normal temperatures and a positive-pressure supplied-air respirator shall be used.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under WAC 296-62-07310 (2), (3) and (4).

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and decontamination activities. In clean up of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with carcinogens could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear, clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the general safety and health standards;

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

(f) Laboratory activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of carcinogens listed in WAC 296-62-07302.

(i) Mechanical pipetting aids shall be used for all pipetting procedures.

(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(iii) Surfaces on which carcinogens are handled shall be protected from contamination.

(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.

(v) All other forms of listed carcinogens shall be inactivated prior to disposal.

(vi) Laboratory vacuum systems shall be protected with high efficiency scrubbers or with disposable absolute filters.

(vii) Employees engaged in animal support activities shall be:

(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of

decontamination or disposal. The contents of such impervious containers shall be identified as required under WAC 296-62-07310 (2), (3) and (4).

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(D) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be:

(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under WAC 296-62-07310 (2), (3) and (4).

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where carcinogens are handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other areas through the ventilation system.

(xi) A current inventory of the carcinogens shall be maintained.

(xii) Ventilated apparatus such as laboratory-type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.

AMENDATORY SECTION (Amending Order 84-24, filed 12/11/84)

WAC 296-62-07353 ETHYLENE OXIDE. (1) Scope and application.

(a) This section applies to all occupational exposures to ethylene oxide (EtO), Chemical Abstracts Service Registry No. 75-21-8, except as provided in (b) of this subsection.

(b) This section does not apply to the processing, use, or handling of products containing EtO where objective data are reasonably relied upon that demonstrate that the product is not capable of releasing EtO in airborne concentrations at or above the action level under the expected conditions of processing, use, or handling that will cause the greatest possible release.

(c) Where products containing EtO are exempted under (b) of this subsection, the employer shall maintain records of the objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in subsection (11)(a) of this section.

(2) Definitions: For the purpose of this section, the following definitions shall apply:

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

(b) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (12) of this section, or any other person authorized by chapter 49.17 RCW or regulations issued under chapter 49.17 RCW.

(c) "Director" means the director of the department of labor and industries, or designee.

(d) "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment that is likely to or does result in an unexpected significant release of EtO.

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

(f) "Ethylene oxide" or "EtO" means the three-membered ring organic compound with chemical formula C₂H₄O.

(3) Permissible exposure limits (PEL). Eight-hour time-weighted average (TWA). The employer shall ensure that no employee is exposed to an airborne concentration of EtO in excess of one part EtO

per million parts of air (1 ppm) as an eight-hour time-weighted average. (Eight-hour TWA).

(4) Exposure monitoring.

(a) General.

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of the eight-hour TWA of each employee.

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

(iii) Where the employer can document that exposure levels are equivalent for similar operations in different work shifts, the employer need only determine representative employee exposure for that operation during one shift.

(b) Initial monitoring.

(i) Each employer who has a workplace or work operation covered by this standard, except as provided in subsection (1)(b) or (4)(b)(ii) of this section, shall perform initial monitoring to determine accurately the airborne concentrations of EtO to which employees may be exposed.

(ii) Where the employer has monitored after June 15, 1983, and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection.

(c) Monitoring frequency (periodic monitoring).

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

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

(iii) The employer may alter the monitoring schedule from quarterly to semiannually for any employee for whom two consecutive measurements taken at least seven days apart indicate that the employee's exposure has decreased to or below the eight-hour TWA.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b)(i) of this subsection reveals employee exposure to be below the action level, the employer may discontinue the monitoring for those employees whose exposures are represented by the initial monitoring.

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

(e) Additional monitoring. Notwithstanding the provisions of (d) of this subsection, the employer shall institute the exposure monitoring required under (b)(i) and (c) of this subsection whenever there has been a change in the production, process, control equipment, personnel or work practices that may result in new or additional exposures to EtO or when the employer has any reason to suspect that a change may result in new or additional exposures.

(f) Accuracy of monitoring. Monitoring shall be accurate, to a confidence level of ninety-five percent, to within plus or minus twenty-five percent for airborne concentrations of EtO at the 1 ppm TWA and to within plus or minus thirty-five percent for airborne concentrations of EtO at the action level of 0.5 ppm.

(g) Employee notification of monitoring results.

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

(ii) The written notification required by (g)(i) of this subsection shall contain the corrective action being taken by the employer to reduce employee exposure to or below the PEL, wherever monitoring results indicated that the PEL has been exceeded.

(5) Regulated areas.

(a) The employer shall establish a regulated area wherever occupational exposures to airborne concentrations of EtO may exceed the TWA.

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

(c) Regulated areas shall be demarcated in any manner that minimizes the number of employees within the regulated area.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to or below the TWA, except to the extent that such controls are not feasible.

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

(iii) Engineering controls are generally infeasible for the following operations: Collection of quality assurance sampling from sterilized materials removal of biological indicators from sterilized materials; Loading and unloading of tank cars; changing of ethylene oxide tanks on sterilizers; and vessel cleaning. For these operations, engineering controls are required only where the director demonstrates that such controls are feasible.

(b) Compliance program.

(i) Where the TWA is exceeded, the employer shall establish and implement a written program to reduce employee exposure to or below the TWA by means of engineering and work practice controls, as required by (a) of this subsection, and by the use of respiratory protection where required or permitted under this section.

(ii) The compliance program shall include a schedule for periodic leak detection surveys and a written plan for emergency situations, as specified in subsection (8)(a)(i) of this section.

(iii) Written plans for a program required in (b) of this subsection shall be developed and furnished upon request for examination and copying to the director, affected employees and designated employee representatives. Such plans shall be reviewed at least every twelve months, and shall be updated as necessary to reflect significant changes in the status of the employer's compliance program.

(iv) The employer shall not implement a schedule of employee rotation as a means of compliance with the TWA.

(7) Respiratory protection and personal protective equipment.

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

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

(ii) In work operations, such as maintenance and repair activities, vessel cleaning, or other activities for which engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the TWA; and

(iv) In emergencies.

(b) Respirator selection.

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

(ii) The employer shall select respirators from among those jointly approved as being acceptable for protection against EtO by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator program. Where respiratory protection is required by this section, the employer shall institute a respirator program in accordance with WAC 296-62-071.

(d) Protective clothing and equipment. Where eye or skin contact with liquid EtO or EtO solutions may occur, the employer shall select and provide, at no cost to the employee, appropriate protective clothing or other equipment in accordance with WAC 296-24-07501 and 296-24-07801 and to protect any area of the body that may come in contact with liquid EtO or EtO in solution, and shall ensure that the employee wears the protective clothing and equipment provided.

(8) Emergency situations.

(a) Written plan.

(i) A written plan for emergency situations shall be developed for each workplace where there is a possibility of an emergency. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped with respiratory protection as required by subsection (7) of this section until the emergency is abated.

(iii) The plan shall include the elements prescribed in WAC 296-24-567, "Employee emergency plans and fire prevention plans."

(b) Alerting employees. Where there is the possibility of employee exposure to EtO due to an emergency, means shall be developed to alert potentially affected employees of such occurrences promptly. Affected employees shall be immediately evacuated from the area in the event that an emergency occurs.

Table 1.—Minimum Requirements for Respiratory Protection for Airborne EtO

Condition of use or concentration of airborne EtO (ppm)	Minimum required respirator
Equal to or less than 50.	(a) Full facepiece respirator with EtO approved canister, front- or back-mounted.
Equal to or less than 2,000.	(a) Positive-pressure supplied air respirator, equipped with full facepiece, hood, or helmet, or (b) Continuous-flow supplied air respirator (positive pressure) equipped with hood, helmet or suit.
Concentration above 2,000 or unknown concentration (such as in emergencies).	(a) Positive-pressure self-contained breathing apparatus (SCBA), equipped with full facepiece, or (b) Positive-pressure full facepiece supplied air respirator equipped with an auxiliary positive-pressure self-contained breathing apparatus.
Firefighting.....	(a) Positive pressure self-contained breathing apparatus equipped with full facepiece.
Escape.....	(a) Any respirator described above.

Note.—Respirators approved for use in higher concentrations are permitted to be used in lower concentrations.

- (9) Medical surveillance.
 - (a) General.
 - (i) Employees covered.
 - (A) The employer shall institute a medical surveillance program for all employees who are or may be exposed to EtO at or above the action level, without regard to the use of respirators, for at least thirty days a year.
 - (B) The employer shall make available medical examinations and consultations to all employees who have been exposed to EtO in an emergency situation.
 - (ii) Examination by a physician. The employer shall ensure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and are provided without cost to the employee, without loss of pay, and at a reasonable time and place.
 - (b) Medical examinations and consultations.
 - (i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under (a)(i) of this subsection on the following schedules:
 - (A) Prior to assignment of the employee to an area where exposure may be at or above the action level for at least thirty days a year.
 - (B) At least annually each employee exposed at or above the action level for at least thirty days in the past year.
 - (C) At termination of employment or reassignment to an area where exposure to EtO is not at or above the action level for at least thirty days a year.
 - (D) As medically appropriate for any employee exposed during an emergency.
 - (E) As soon as possible, upon notification by an employee either (I) that the employee has developed signs or symptoms indicating possible overexposure to EtO, or (II) that the employee desires medical advice concerning the effects of current or past exposure to EtO on the employee's ability to produce a healthy child.
 - (F) If the examining physician determines that any of the examinations should be provided more frequently than specified, the employer shall provide such examinations to affected employees at the frequencies recommended by the physician.
 - (ii) Content.
 - (A) Medical examinations made available pursuant to (b)(i)(A) through (D) of this subsection shall include:
 - (I) A medical and work history with special emphasis directed to symptoms related to the pulmonary, hematologic, neurologic, and reproductive systems and to the eyes and skin.
 - (II) A physical examination with particular emphasis given to the pulmonary, hematologic, neurologic, and reproductive systems and to the eyes and skin.
 - (III) A complete blood count to include at least a white cell count (including differential cell count), red cell count, hematocrit, and hemoglobin.
 - (IV) Any laboratory or other test which the examining physician deems necessary by sound medical practice.
 - (B) The content of medical examinations or consultation made available pursuant to (b)(i)(E) of this subsection shall be determined by the examining physician, and shall include pregnancy testing or laboratory evaluation of fertility, if requested by the employee and deemed appropriate by the physician.
 - (c) Information provided to the physician. The employer shall provide the following information to the examining physician:
 - (i) A copy of this standard and Appendices A, B, and C.
 - (ii) A description of the affected employee's duties as they relate to the employee's exposure.
 - (iii) The employee's representative exposure level or anticipated exposure level.
 - (iv) A description of any personal protective and respiratory equipment used or to be used.
 - (v) Information from previous medical examinations of the affected employee that is not otherwise available to the examining physician.
 - (d) Physician's written opinion.
 - (i) The employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination and shall include:
 - (A) The physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of material health impairment from exposure to EtO;
 - (B) Any recommended limitations on the employee or upon the use of personal protective equipment such as clothing or respirators; and
 - (C) A statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions resulting from EtO exposure that require further explanation or treatment.
 - (ii) The employer shall instruct the physician not to reveal in the written opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to EtO.
 - (iii) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days from its receipt.
 - (10) Communication of EtO hazards to employees.
 - (a) Signs and labels.
 - (i) The employer shall post and maintain legible signs demarcating regulated areas and entrances or accessways to regulated areas that bear the following legend:

DANGER
ETHYLENE OXIDE
CANCER HAZARD AND REPRODUCTIVE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING MAY BE REQUIRED
TO BE WORN IN THIS AREA

 - (ii) The employer shall ensure that precautionary labels are affixed to all containers of EtO whose contents are capable of causing employee exposure at or above the action level, and that the labels remain affixed when the containers of EtO leave the workplace. For the purposes of this subsection, reaction vessels, storage tanks, and pipes or piping systems are not considered to be containers. The labels shall comply with the requirements of WAC 296-62-05411 of WISHA's hazard communication standard, and shall include the following legend:

CAUTION
CONTAINS ETHYLENE OXIDE
CANCER AND REPRODUCTIVE HAZARD; and

 - (B) A warning statement against breathing airborne concentrations of EtO.
 - (b) Material safety data sheets. Employers who are manufacturers or importers of EtO shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413 of the hazard communication standard.

(I) A medical and work history with special emphasis directed to symptoms related to the pulmonary, hematologic, neurologic, and reproductive systems and to the eyes and skin.

(II) A physical examination with particular emphasis given to the pulmonary, hematologic, neurologic, and reproductive systems and to the eyes and skin.

(III) A complete blood count to include at least a white cell count (including differential cell count), red cell count, hematocrit, and hemoglobin.

(IV) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

(B) The content of medical examinations or consultation made available pursuant to (b)(i)(E) of this subsection shall be determined by the examining physician, and shall include pregnancy testing or laboratory evaluation of fertility, if requested by the employee and deemed appropriate by the physician.

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

(i) A copy of this standard and Appendices A, B, and C.
(ii) A description of the affected employee's duties as they relate to the employee's exposure.

(iii) The employee's representative exposure level or anticipated exposure level.

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

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

(d) Physician's written opinion.
(i) The employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination and shall include:

(A) The physician's opinion as to whether the employee has any detected medical conditions that would place the employee at an increased risk of material health impairment from exposure to EtO;

(B) Any recommended limitations on the employee or upon the use of personal protective equipment such as clothing or respirators; and

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

(ii) The employer shall instruct the physician not to reveal in the written opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to EtO.

(iii) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days from its receipt.

(10) Communication of EtO hazards to employees.
(a) Signs and labels.

(i) The employer shall post and maintain legible signs demarcating regulated areas and entrances or accessways to regulated areas that bear the following legend:

DANGER
ETHYLENE OXIDE
CANCER HAZARD AND REPRODUCTIVE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING MAY BE REQUIRED
TO BE WORN IN THIS AREA

(ii) The employer shall ensure that precautionary labels are affixed to all containers of EtO whose contents are capable of causing employee exposure at or above the action level, and that the labels remain affixed when the containers of EtO leave the workplace. For the purposes of this subsection, reaction vessels, storage tanks, and pipes or piping systems are not considered to be containers. The labels shall comply with the requirements of WAC 296-62-05411 of WISHA's hazard communication standard, and shall include the following legend:

CAUTION
CONTAINS ETHYLENE OXIDE
CANCER AND REPRODUCTIVE HAZARD; and

(B) A warning statement against breathing airborne concentrations of EtO.

(b) Material safety data sheets. Employers who are manufacturers or importers of EtO shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413 of the hazard communication standard.

(c) Information and training.

(i) The employer shall provide employees who are potentially exposed to EtO at or above the action level with information and training on EtO at the time of initial assignment and at least annually thereafter.

(ii) Employees shall be informed of the following:

(A) The requirements of this section with an explanation of its contents, including Appendices A and B;

(B) Any operations in their work area where EtO is present;

(C) The location and availability of the written EtO final rule; and

(D) The medical surveillance program required by subsection (9) of this section with an explanation of the information in Appendix C.

(iii) Employee training shall include at least:

(A) Methods and observations that may be used to detect the presence or release of EtO in the work area (such as monitoring conducted by the employer, continuous monitoring devices, etc.);

(B) The physical and health hazards of EtO;

(C) The measures employees can take to protect themselves from hazards associated with EtO exposure, including specific procedures the employer has implemented to protect employees from exposure to EtO, such as work practices, emergency procedures, and personal protective equipment to be used; and

(D) The details of the hazard communication program developed by the employer, including an explanation of the labeling system and how employees can obtain and use the appropriate hazard information.

(11) Recordkeeping.

(a) Objective data for exempted operations.

(i) Where the processing, use, or handling of products made from or containing EtO are exempted from other requirements of this section under subsection (1)(b) of this section, or where objective data have been relied on in lieu of initial monitoring under subsection (4)(b)(ii) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(ii) This record shall include at least the following information:

(A) The product qualifying for exemption;

(B) The source of the objective data;

(C) The testing protocol, results of testing, and/or analysis of the material for the release of EtO;

(D) A description of the operation exempted and how the data support the exemption; and

(E) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure measurements.

(i) The employer shall keep an accurate record of all measurements taken to monitor employee exposure to EtO as prescribed in subsection (4) of this section.

(ii) This record shall include at least the following information:

(A) The date of measurement;

(B) The operation involving exposure to EtO which is being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy;

(D) Number, duration, and results of samples taken;

(E) Type of protective devices worn, if any; and

(F) Name, social security number and exposure of the employees whose exposures are represented.

(iii) The employer shall maintain this record for at least thirty years, in accordance with WAC 296-62-05207.

(c) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance by subsection (9)(a)(i) of this section, in accordance with WAC 296-62-05207.

(ii) The record shall include at least the following information:

(A) The name and social security number of the employee;

(B) Physicians' written opinions;

(C) Any employee medical complaints related to exposure to EtO; and

(D) A copy of the information provided to the physician as required by subsection (9)(c) of this section.

(iii) The employer shall ensure that this record is maintained for the duration of employment plus thirty years, in accordance with WAC 296-62-05207.

(d) Availability.

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

(ii) The employer, upon request, shall make any exemption and exposure records required by subsection (12)(a) and (b) of this section available for examination and copying to affected employees, former employees, designated representatives and the director, in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

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

(e) Transfer of records.

(i) The employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05207.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director at least ninety days prior to disposal and transmit them to the director.

(12) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to EtO conducted in accordance with subsection (4) of this section.

(b) Observation procedures. When observation of the monitoring of employee exposure to EtO requires entry into an area where the use of protective clothing or equipment is required, the observer shall be provided with and be required to use such clothing and equipment and shall comply with all other applicable safety and health procedures.

(13) Dates.

(a) Effective date. This section shall become effective thirty days after filing with the Code Reviser.

(b) Start-up dates.

(i) The requirements of subsections (3) through (12) of this section, including feasible work practice controls but not including engineering controls specified in subsection (6)(a) of this section, shall be complied with within one hundred eighty days after the effective date of this section.

(ii) Engineering controls specified by subsection (6)(a) of this section shall be implemented within one year after the effective date of this section.

(14) Appendices. The information contained in the appendices is not intended by itself to create any additional obligations not otherwise imposed or to detract from any existing obligation. Appendices are available from:

Support Services
Division of Industrial
Safety and Health
P.O. Box 207
Olympia, WA 98504
(206) 753-6381

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-62-130 EMERGENCY WASHING FACILITIES.

(1) Definitions. Emergency washing facilities shall mean deluge showers, eye wash fountains (~~(or available water supply suitable for drenching or cleansing purposes)~~), eye/face washes or other units capable of delivering a minimum of 30 gallons/minute for 15 minutes for showers or 1.5 liters/minute for 15 minutes for eye baths. Every washing facility using nonpotable water shall have signs stating water is nonpotable.

(2) Facilities Required. Emergency washing facilities shall be ~~((readily available in the immediate work area for workmen who))~~ located no more than 10 seconds travel time or 50 feet travel distance from the work areas where workers may be exposed to ~~((the hazards of))~~ harmful concentrations of contact chemical agents. Such facilities shall be periodically inspected to ensure that they function correctly and that the quality and quantity of water is satisfactory for emergency washing purposes.

AMENDATORY SECTION (Amending Order 73-3, filed 5/7/73)

WAC 296-155-665 **SPECIFIC TRENCHING REQUIREMENTS.** (1) As trench construction is a hazardous operation, particular attention shall be given to the protection of the worker, the protection to be governed by the nature of the ground.

(2) No one person shall be allowed to work alone in a trench over four feet in depth unless there is a top person in constant attendance. The top person shall be in addition to the equipment operator when the person in the trench is not in constant view of the equipment operator.

(3) Except in solid rock and compact shale, the sides of all trenches, including embankments, 4 feet or more in depth and 6 feet or more in length, shall be shored, sheeted, braced, sloped or otherwise supported by means of sufficient strength to protect the employees working within them. (See Tables N-1, N-2, N-3, N-4 and N-5.) Trenches less than 4 feet in depth and 6 feet or more in length, shall also be effectively protected when the ground indicates that hazardous ground movement is possible. (See Tables N-1, N-2, N-3, N-4 and N-5.)

(4) When the sloping to the angle of repose does not extend to the bottom of the trench, shoring shall be required to support the vertical part of the trench. The shoring shall extend above the bottom of the slope a minimum of 12 inches to prevent material from sliding into the trench.

(5) The surface of the slope shall be cleaned of boulders, stumps, or other hard masses of earth on the angle of repose slope to eliminate the danger of any such materials sliding or rolling into the trench.

(6) In hard or compact soil, when the outside diameter of the pipe to be laid is 6 feet or larger, the sides of the trench can be vertical at the bottom 4 feet of the trench, providing a 4 foot bench is provided immediately above the vertical portion, and the remaining portion of the trench above the bench is sloped to the angle of repose. (See Table N-4.)

(7) Materials used for sheeting and sheet piling, bracing, shoring, and underpinning, shall be in good serviceable condition, and timbers used shall be sound and free from large or loose knots, and shall be designed and installed so as to provide adequate personnel protection to the bottom of the excavation.

(8) Additional precautions by way of shoring and bracing shall be taken to prevent slides or cave-ins when excavations or trenches are made in locations adjacent to backfilled excavations or trenches, or where excavations or trenches are subjected to vibrations from railroad or highway traffic, the operation of machinery, or any other source.

(9) Where a mechanical digger is used, the bracing shall be placed as close as possible to the lower end of the boom.

(10) When trenches are undercut, they shall be shored as necessary to safely support the overhanging material.

(11) If for any reason prior to, during or subsequent to the placement of the trench bracing system, voids should form in the sides or face of excavation or trench, such voids shall be promptly filled with compacted material or blocking, as required to distribute the load uniformly onto the bracing system.

(12) If a trench is cut alongside an existing structure and the footings of the structure are nearer to the trench than the plane of repose for the soil, they shall be underpinned or the side wall of the trench rigidly supported.

(13) Excavations or trenches made in ledge rock or compact shale shall not require bracing or shoring but shall be inspected by a competent representative of the employer before each shift of work, at which time all loose, shattered or disintegrated rock shall be removed from sides and face of excavation or trench.

(14) Excavated material and superimposed loads shall not be placed nearer than two feet to the sides of the trench, unless bracing has been designed and installed to withstand the load.

(15) Employees entering bell-bottom pier holes shall be protected by the installation of a removable-type casing of sufficient strength to resist shifting of the surrounding earth. Such temporary protection shall be provided for the full depth of that part of each pier hole which is above the bell.

(16) A means of emergency egress shall be decided prior to personnel entering bell-bottom pier holes. Employees expected to enter bell-bottom pier holes shall be instructed as to the hazards of their respective jobs, and in the means of emergency egress.

NOTE: Example of protection: A lifeline, suitable for instant rescue and securely fastened to a shoulder harness, may be worn by each employee entering the shafts. This lifeline could be individually manned and separate from any line used to remove materials excavated from the bell footing.

(17)(a) Minimum requirements for trench timbering shall be in accordance with Table ((N-3))N-5.

(b) Braces and diagonal shores in a wood shoring system shall not be subjected to compressive stress in excess of values given by the following formula:

$$S = 1300 - \frac{20L}{D}$$

$$\text{Maximum ratio } \frac{L}{D} = 50$$

Where:

L = Length, unsupported, in inches.

D = Least side of the timber in inches.

S = Allowable stress in pounds per square inch of cross-section.

(18) When employees are required to be in trenches 4 feet deep or more, an adequate means of exit, such as a ladder or steps, shall be provided and located so as to require no more than 25 feet of lateral travel. An earth ramp is acceptable providing: (a) The stability of the earth is adequate for good footing. (b) The total travel distance does not exceed 25 feet. (c) The trench depth does not exceed 15 feet. (d) Adequate shoring or equivalent protection is provided for the entire escape route.

(19) Bracing or shoring of trenches shall be carried along with the excavation.

(20) Cross braces or trench jacks shall be placed in true horizontal position, be spaced vertically, and be secured to prevent sliding, falling, or kickouts.

(21) Portable trench boxes or sliding trench shields may be used for the protection of personnel in lieu of a shoring system or sloping. Where such trench boxes or shields are used, they shall be designed, constructed, and maintained in a manner which will provide protection equal to or greater than the sheeting or shoring required for the trench.

(22) Backfilling and removal of trench supports shall progress together from the bottom of the trench. Jacks or braces shall be released slowly and, in unstable soil, ropes shall be used to pull out the jacks or braces from above after employees have cleared the trench.

(23) Signalpersons shall be employed to direct equipment when backfilling.

(24) The construction of temporary shoring work shall be done, or supervised, by a competent person, who shall make frequent inspections and issue instructions for its removal.

(25) Workers shall be instructed to immediately report any signs or indications of weakness of shoring or bracing.

(26) Trenching machines (ladder and rotary type). (a) Trenching machine operators shall not get on or off machine while in operation.

(b) Workers shall not work at sloping top of ditch near bucket line.

(c) Excavated material shall be conveyed to pile not closer than within 2 feet of edge of trench.

(d) Trucks hauling excavated material away from trenching machine shall not approach closer to the edge of trench than the trench depth from the surface of ground.

(e) Where side cutters are installed it will be mandatory that persons stay clear of bucket line.

AMENDATORY SECTION (Amending Order 80-21, filed 11/13/80)

WAC 296-360-040 **NOTIFICATION OF ASSISTANT DIRECTOR'S DETERMINATION.** (1) RCW 49.17.160(3) provides that the assistant director is to notify a complainant within ninety days of the complaint of his determination whether prohibited discrimination has occurred. This ninety-day provision is directory, not mandatory. Although every effort will be made to notify complainants of the assistant director's determination within ninety days, there may be instances when it is not possible to do so.

(2) If a complainant receives a determination from the assistant director that prohibited discrimination has not occurred, the complainant may file a written request for review by the director within fifteen working days of receipt of the determination. The request for review must set forth the basis for the request. The request shall be filed by mailing or delivering the request to the Director of Labor and Industries, General Administration Building, Olympia, Washington 98504. Upon review the director may set aside the assistant director's determination, remand the matter for further investigation, or affirm the

determination of the assistant director. The director shall notify the complainant of the decision after review.

WSR 85-05-044
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Kitsap County, WAC 173-19-260;

that the agency will at 7:00 p.m., Thursday, April 4, 1985, in the Commissioners Chamber, Kitsap County Courthouse, 614 Division Street, Port Orchard, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 18, 1985.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 15, 1985.

Dated: February 20, 1985
 By: Glen H. Fiedler
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-260 Kitsap County.

Description of Purpose: Adoption of revised shoreline master programs into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendments adopt revisions to the shoreline master program for Kitsap County.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jeanne Holloman, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6287.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: On file at WDOE.

AMENDATORY SECTION (Amending Order DE 84-5, filed 4/2/84)

WAC 173-19-260 KITSAP COUNTY. Kitsap County Master Program approved April 30, 1976. Revision approved October 24, 1977. Revision approved December 22, 1981. Revision approved March 16, 1983. Revision approved March 22, 1984. Revision approved April 18, 1985.

WSR 85-05-045
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Winthrop, town of, WAC 173-19-3210;

that the agency will at 2:00 p.m., Thursday, March 28, 1985, in Room 273, WDOE Headquarters, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 25, 1985.

Dated: February 20, 1985
 By: Glen H. Fiedler
 Deputy Director

STATEMENT OF PURPOSE

Title: WAC 173-19-3210 Winthrop, town of.

Description of Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts revisions to the shoreline master program for the town of Winthrop.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jeanne Holloman, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6287.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: On file at WDOE.

AMENDATORY SECTION (Amending Order DE 85-04 [84-46], filed 2/1/85)

WAC 173-19-3210 WINTHROP, TOWN OF. Town of Winthrop master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved February 2, 1979. Revision approved November 23, 1981. Revision approved January 31, 1985. Revision approved March 28, 1985.

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

WSR 85-05-046
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Tacoma, city of, WAC 173-19-3514;

that the agency will at 2:00 p.m., Wednesday, March 27, 1985, in the City Council Chambers, Tacoma Municipal Building, 747 Market Street, Tacoma, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 18, 1985.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 1, 1985.

Dated: February 20, 1985

By: Glen H. Fiedler
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-3514 Tacoma, city of.

Description of Purpose: Adoption of revised shoreline master programs into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendments adopt revisions to the shoreline master program for the city of Tacoma.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jeanne Holloman, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6287.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: On file at WDOE.

AMENDATORY SECTION (Amending Order DE 84-16, filed 5/9/84)

WAC 173-19-3514 TACOMA, CITY OF. City of Tacoma master program approved April 5, 1977. Revision approved December 5, 1979. Revision approved March 17, 1981. Revision approved November 23, 1981. Revision approved May 24, 1983. (~~Revision approved March 1, 1984.~~) Revision approved March 1, 1984. Revision approved May 9, 1984. Revision approved April 18, 1985.

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

WSR 85-05-047
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning the regulation of certain wastes associated with transformers and capacitors which contain polychlorinated biphenyls (PCB);

that the agency will at 7:00 p.m., Tuesday, April 2, 1985, in the Port of Seattle, Commissioners Chamber, 2201 Alaskan Way South, Seattle, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 15, 1985.

The authority under which these rules are proposed is chapter 70.105 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 5, 1985.

Dated: February 20, 1985

By: Glen H. Fiedler
 Acting Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 173-303 WAC, Dangerous waste regulation.

Statutory Authority: Chapter 70.105 RCW (chapter 65, Laws of 1983 1st ex. sess.).

Summary of Rule: The proposed actions amend chapter 173-303 WAC in the following areas: Exclusions, WAC 173-303-071, clarifications are made to the household waste and domestic sewage exclusions, the exclusion for polychlorinated biphenyls is more concise, and the respiratory carcinogens exclusion is corrected to reference the proper federal regulations; and Sources list of dangerous wastes, WAC 173-303-9904, some corrections are made to this list to remain consistent with federal regulations, and two additions are made for: Certain wastes associated with the production of aliphatic hydrocarbons, and certain wastes associated with the salvaging, rebuilding and discarding of transformers and capacitors which contain polychlorinated biphenyls.

Agency Personnel Responsible for Drafting: Ross Potter, Department of Ecology, mailstop PV-11, phone 459-6303; and Implementation: Tom Cook, Department of Ecology, mailstop PV-11, phone 459-6301.

Person or Organization Proposing Rule: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Some changes are necessary as a result of federal RCRA requirements: Household waste; domestic sewage; and aliphatic hydrocarbon listing.

Small Business Economic Impact Statement: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the business in any one industry be reviewed and altered to minimize

their impact upon small businesses. I have reviewed the proposed amendments to the regulation referenced above in light of that requirement.

While these changes do add a few items to the previous list of wastes and waste-containing products (notably certain cleaning agents and PCB-containing transformers), the bulk of the changes appear to be aimed at bringing Washington's regulatory structure into conformance with federal regulatory requirements. Thus, in my judgment the changes being proposed here would have no significant impacts upon small versus large businesses above and beyond those already implied by the existing state regulation, or which would not occur in any event under application of federal regulations.

Note: These same remarks would apply under a more general economic impact review as required by chapter 43.21H RCW (the State Economic Policy Act). Therefore, this statement is also submitted in satisfaction of the requirements imposed by that statute.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-071 EXCLUDED CATEGORIES OF WASTE.
 (1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not dangerous waste, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter shall comply with the applicable requirements of WAC 173-303-072. No waste class will be excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050:

(a) Domestic sewage, and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works (POTW) for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment;

(c) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes which are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas);

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) Spent pickle liquor which is reused in wastewater treatment at a facility holding a national pollutant discharge elimination system (NPDES) permit, or which is being accumulated, stored, or treated before such reuse;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Waste wood or wood products treated with preservatives if the waste is generated by persons who utilize the treated wood or wood products for these materials' intended end use;

(h) Irrigation return flows;

(i) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction;

(j) Mining overburden returned to the mining site;
 (k) Polychlorinated biphenyl (PCB) wastes whose disposal is regulated by EPA under 40 CFR ((Part 761 (Toxic Substances Control Act regulation))) 761.60; and

(l) Asbestos wastes or asbestos containing wastes which would be designated only ((for carcinogenicity)) as respiratory carcinogens by WAC 173-303-084 or 173-303-103, and any other inorganic wastes which are designated only under WAC 173-303-084 or 173-303-103 because they are respiratory carcinogens, if these wastes are managed in compliance with or in a manner equivalent to the asbestos management procedures of 40 CFR Part 61 ((Subpart M)).

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-9904 DANGEROUS WASTE SOURCES LIST.

DANGEROUS WASTE SOURCES LIST

| Dangerous Waste No. | Sources |
|---------------------|--|
| | Nonspecific Sources |
| Generic: | |
| F001 | The following spent halogenated solvents used in degreasing: ((Tetrachloroethylene)) Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and ((the)) chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations. (See footnote 1, below.) |
| F002 | The following spent halogenated solvents: ((Tetrachloroethylene)) Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ((o-dichlorobenzene)) ortho-dichlorobenzene, and trichlorofluoromethane; and the still bottoms from the recovery of these solvents. (See footnote 1, below.) |
| F003 | The following spent nonhalogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents. |
| F004 | The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene; and the still bottoms from the recovery of these solvents. |
| F005 | The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine; and the still bottoms from the recovery of these solvents. |
| F006 | Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. |
| F019 | Wastewater treatment sludges from the chemical conversion coating of aluminum. |
| F007 | Spent cyanide plating bath solutions from electroplating operations ((except for precious metals electroplating spent cyanide plating bath solutions)). |
| F008 | Plating bath ((sludges)) residues from the bottom of plating baths from electroplating operations where cyanides are used in the process ((except for precious metals electroplating bath sludges)). |
| F009 | Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process ((except for precious metals electroplating spent stripping and cleaning bath solutions)). |
| F010 | Quenching bath ((sludge)) residues from oil baths from metal heat treating operations where cyanides are used in |

| Dangerous Waste No. | Sources |
|---------------------|--|
| | the process ((except for precious metals heat-treating quenching bath sludges)). |
| F011 | Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations ((except for precious metals heat-treating spent cyanide solutions from salt bath pot cleaning)). |
| F012 | Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process ((except for precious metals heat-treating quenching wastewater treatment sludges)). |
| <u>F020</u> | <u>Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)</u> |
| <u>F021</u> | <u>Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.</u> |
| <u>F022</u> | <u>Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.</u> |
| <u>F023</u> | <u>Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol.)</u> |
| <u>F026</u> | <u>Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.</u> |
| <u>F027</u> | <u>Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing Hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)</u> |
| <u>F028</u> | <u>Residues resulting from the incineration or thermal treatment of soil contaminated with Nonspecific Sources wastes F020, F021, F022, F023, F026 and F027.</u> |
| <u>F024</u> | <u>Wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (See footnote 1, below.) (This listing does not include light ends, spent filters and filter aids, spent dissicants, wastewater, wastewater treatment sludges, spent catalysts, and wastes listed under Specific Sources, below.)</u> |
| 1 | Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste F001 or F002 contains greater than one percent of these listed halogenated solvents to designate their waste EHW. |

| Dangerous Waste No. | Sources |
|---------------------|--|
| | Specific Sources |
| | Wood Preservation: |
| K001 | Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. (See footnote 2, below.) |
| | Inorganic Pigments: |
| K002 | Wastewater treatment sludge from the production of chrome yellow and orange pigments. |
| K003 | Wastewater treatment sludge from the production of molybdate orange pigments. |
| K004 | Wastewater treatment sludge from the production of zinc yellow pigments |
| K005 | Wastewater treatment sludge from the production of chrome green pigments. |
| K006 | Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated). |
| K007 | Wastewater treatment sludge from the production of iron blue pigments. |
| K008 | Oven residue from the production of chrome oxide green pigments. |
| | Organic Chemicals: |
| K009 | Distillation bottoms from the production of acetaldehyde from ethylene. |
| K010 | Distillation side cuts from the production of acetaldehyde from ethylene. |
| K011 | Bottom stream from the wastewater stripper in the production of acrylonitrile. |
| K013 | Bottom stream from the acetonitrile column in the production of acrylonitrile. |
| K014 | Bottoms from the acetonitrile purification column in the production of acrylonitrile. |
| K015 | Still bottoms from the distillation of benzyl chloride. (See footnote 2, below.) |
| K016 | Heavy ends or distillation residues from the production of carbon tetrachloride. (See footnote 2, below.) |
| K017 | Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (See footnote 2, below.) |
| K018 | Heavy ends from the fractionation column in ethyl chloride production. (See footnote 2, below.) |
| K019 | Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (See footnote 2, below.) |
| K020 | Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (See footnote 2, below.) |
| K021 | Aqueous spent antimony catalyst waste from fluoromethanes production. (See footnote 2, below.) |
| K022 | Distillation bottom tars from the production of phenol/acetone from cumene. |
| K023 | Distillation light ends from the production of phthalic anhydride from naphthalene. |
| K024 | Distillation bottoms from the production of phthalic anhydride from naphthalene. |
| K093 | Distillation light ends from the production of phthalic anhydride from ortho-xylene. |
| K094 | Distillation bottoms from the production of phthalic anhydride from ortho-xylene. |

| Dangerous Waste No. | Sources | Dangerous Waste No. | Sources |
|-----------------------------|---|------------------------------------|--|
| K025 | Distillation bottoms from the production of nitrobenzene by the nitration of benzene. | Iron and Steel: | |
| K026 | Stripping still tails from the production of methyl ethyl pyridines. | K061 | Emission control dust/sludge from the primary production of steel in electric furnaces. |
| K027 | Centrifuge and distillation residues from toluene diisocyanate production. | K062 | Spent pickle liquor from steel finishing operations. |
| K028 | Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (See footnote 2, below.) | Pesticides: | |
| K029 | Waste from the product steam stripper in the production of 1,1,1-trichloroethane. (See footnote 2, below.) | K031 | Byproduct salts generated in the production of MSMA and cacodylic acid. |
| K095 | Distillation bottoms from the production of 1,1,1-trichloroethane. (See footnote 2, below.) | K032 | Wastewater treatment sludge from the production of chlordane. (See footnote 3, below.) |
| K096 | Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (See footnote 2, below.) | K033 | Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (See footnote 3, below.) |
| K030 | Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (See footnote 2, below.) | K034 | Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (See footnote 3, below.) |
| K083 | Distillation bottoms from aniline production. | K097 | Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (See footnote 3, below.) |
| K103 | Process residues from aniline extraction from the production of aniline. | K035 | Wastewater treatment sludges generated in the production of creosote. |
| K104 | Combined wastewater streams generated from nitrobenzene/aniline production. | K036 | Still bottoms from toluene reclamation distillation in the production of disulfoton. |
| K085 | Distillation of fractionation column bottoms from the production of chlorobenzenes. (See footnote 2, below.) | K037 | Wastewater treatment sludges from the production of disulfoton. |
| K105 | Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (See footnote 2, below.) | K038 | Wastewater from the washing and stripping of phorate production. (See footnote 3, below.) |
| Explosives: | | K039 | Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (See footnote 3, below.) |
| K044 | Wastewater treatment sludges from the manufacturing and processing of explosives. | K040 | Wastewater treatment sludge from the production of phorate. (See footnote 3, below.) |
| K045 | Spent carbon from the treatment of wastewater containing explosives. | K041 | Wastewater treatment sludge from the production of toxaphene. (See footnote 3, below.) |
| K046 | Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. | K098 | Untreated process wastewater from the production of toxaphene. (See footnote 3, below.) |
| K047 | Pink/red water from TNT operations. | K042 | Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (See footnote 2, below.) |
| Inorganic Chemicals: | | K043 | 2,6-Dichlorophenol waste from the production of 2,4-D. (See footnote 2, below.) |
| K071 | Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. | K099 | Untreated wastewater from the production of 2,4-D. (See footnote 2, below.) |
| K073 | Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (See footnote 2, below.) | Secondary Lead: | |
| K106 | Wastewater treatment sludge from the mercury cell process in chlorine production. | K069 | Emission control dust/sludge from secondary lead smelting. |
| Petroleum Refining: | | K100 | Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. |
| K048 | Dissolved air flotation (DAF) float from the petroleum refining industry. | Veterinary Pharmaceuticals: | |
| K049 | Slop oil emulsion solids from the petroleum refining industry. | K084 | Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. |
| K050 | Heat exchanger bundle cleaning sludge from the petroleum refining industry. | K101 | Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. |
| K051 | API separator sludge from the petroleum refining industry. | K102 | Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. |
| K052 | Tank bottoms (lead) from the petroleum refining industry. | | |

| Dangerous Waste No. | Sources |
|---------------------|---------|
|---------------------|---------|

Ink Formulation:

- K086 Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Coking:

- K060 Ammonia still-lime sludge from coking operations.
- K087 Decanter tank tar sludge from coking operations.
- 2 These wastes contain or may contain halogenated hydrocarbons. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than one percent of these listed halogenated hydrocarbons to designate their waste EHW.
- 3 These wastes contain or may contain X Category toxic constituents. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than 0.1 percent of these listed toxic constituents to designate their waste EHW.

State Sources

- W001 The following wastes generated from the salvaging, rebuilding, or discarding of transformers or capacitors which contain polychlorinated biphenyls (PCB): Cooling and insulating fluids; cores, including core papers; transformers and capacitors which have not been triple rinsed; and, rinsate from the rinsing of transformers and capacitors.

WSR 85-05-048**PROPOSED RULES****DEPARTMENT OF CORRECTIONS**

[Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning serious infractions, amending WAC 137-28-030.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 1, 1985.

The authority under which these rules are proposed is RCW 72.01.090.

The specific statute these rules are intended to implement is RCW 72.09.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 26, 1985.

Dated: February 15, 1985

By: Amos E. Reed
Secretary**STATEMENT OF PURPOSE**

Title and Number of Rule: Amending WAC 137-28-030 Serious infractions.

Statutory Authority: RCW 72.01.090.

Summary and Purpose: The purpose of this amendment is to remove the refusal to submit to a blood test

from the list of serious infractions, and to permit an authorized staff member to order a urinalysis.

Agency Personnel Responsible for Drafting and Adoption: Robert W. Sampson, Administrator, Office of Contracts and Regulations, Division of Management and Budget, mailstop FN-61, scan 234-5770; Implementation and Enforcement: Walter L. Kautzky, Director, Division of Prisons, Department of Corrections, mailstop FN-61, scan 234-1502.

No other person or organization other than the Department of Corrections is proposing these rules.

These rules are not necessary to comply with a federal law or a federal or state court decision.

These rules do not have an impact on small businesses.

AMENDATORY SECTION (Amending Order 84-13, filed 8/14/84, effective 10/10/84)

WAC 137-28-030 SERIOUS INFRACTIONS. Any of the following types of behavior shall constitute a serious infraction:

- 501 - Committing homicide;
- 502 - Assaulting any person;
- 503 - Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing;
- 504 - Engaging in sexual acts with others, with the exception of conjugal visits authorized by the superintendent;
- 505 - Fighting with any person except in self-defense;
- 506 - Threatening another with bodily harm or with any offense against his/her person;
- 507 - Committing an act not otherwise proscribed by these regulations which constitutes a felony or misdemeanor under state or federal law;
- 508 - Throwing objects or material at staff members, institution visitors, or other inmates;
- 521 - Holding a person hostage;
- 525 - Violation of conditions of furlough;
- 550 - Escape or attempted escape;
- 551 - Lying to the disciplinary hearing committee or hearing officer;
- 552 - Lying to a staff member with the intention of causing an innocent person to be penalized or proceeded against;
- 553 - Intentionally or recklessly setting a fire;
- 554 - Intentionally or recklessly destroying or damaging state property, or the property of another person in excess of five dollars;
- 555 - Stealing (theft) or knowing possession of stolen property;
- 556 - Refusing to submit to a body search when lawfully ordered to do so by a staff member;
- 557 - Refusing and/or failing to work or attend other regularly scheduled assignments;
- 558 - Intentionally interfering with a staff member in the performance of his/her duties;
- 559 - Gambling;
- 600 - Tampering with or blocking any locking device or seal;
- 601 - Possession or introduction of an explosive, poison, or any ammunition or components thereof;
- 602 - Possession or introduction of any gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool or components thereof;
- 603 - Possession, introduction, transfer, or use of any narcotics, controlled substance, or related paraphernalia; possession, transfer, or use of any intoxicant or drug not prescribed or authorized for the inmate or for the inmate to whom transferred, if applicable, by the medical staff; or being intoxicated, or under the influence of an unauthorized drug, narcotic, controlled substance, or other intoxicant;
- 605 - Unauthorized possession of any officer's or staff's clothing;
- 607 - Refusing to submit to a urinalysis ((or blood test under medically acceptable conditions;)) when ((requested in writing to do so by a supervisory employee of the rank of

~~shift commander or above, by licensed medical staff, or by others designated by the superintendent)) ordered to do so by an authorized staff member;~~

- 608 - Refusing to submit to a breathalyzer or other standard sobriety test;
- 650 - Rioting;
- 651 - Inciting others to riot;
- 652 - Engaging in or inciting a prohibited group demonstration;
- 653 - Intentionally interfering with the taking of count;
- 654 - Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper;
- 655 - Making intoxicants, controlled substances, narcotics;
- 656 - Giving or offering any official or staff member or a volunteer a bribe or anything of value for a favor or unauthorized service;
- 657 - Four or more general infractions arising out of separate incidents, all of which occur within the previous six-month period, and which have been reported in writing;
- 658 - Intentional failure to perform according to an administrative action taken pursuant to WAC 137-28-050(2), or resisting posthearing sanctions as provided for in WAC 137-28-105;
- 660 - Unauthorized possession of money or other negotiable instruments of five dollars or more;
- 661 - Performing or taking part in performing a marriage in the institution buildings or on the institutional grounds, except when such marriage was approved by the superintendent of the institution, which may, in appropriate cases, also be deemed a violation of a visiting rule that can subject an inmate to the sanction contained in WAC 137-28-105 (1)(d), as well as other sanctions available for serious infractions;
- 662 - Solicitation of goods and/or services for which the provider would expect payment when the inmate knows or should have known he/she has no funds available to pay for such goods or services;
- 700 - Attempting to commit or aiding another person to commit a serious infraction as enumerated in this rule, and such action shall be considered the same as commission of the offense itself; or
- 701 - Commission of any general infraction as enumerated in WAC 137-28-025 or any local rule denominated as a general infraction in such a manner as likely to result in danger to life or limb or to create a risk to the orderly operation of the institution or the health and safety of its inmates, staff, or visitors shall be considered a serious infraction, provided there is substantial evidence which establishes there was such a danger.

WSR 85-05-049
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

- New WAC 232-12-018 Conditions for issuance of authorization for scientific research on deleterious exotic wildlife.
- Amd WAC 232-12-017 Deleterious exotic wildlife.
- Amd WAC 232-12-091 Commercial buying and processing of anadromous game fish or roe;

that the agency will at 9:00 a.m., Monday, April 1, 1985, in the Thunderbird Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 1, 1985.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 1, 1985.

Dated: February 20, 1985
 By: Sam Wright, Divisional Administrator
 Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-018 Conditions for issuance of authorization for scientific research on deleterious exotic wildlife; 232-12-017 Deleterious exotic wildlife; and 232-12-091 Commercial buying and processing of anadromous game fish or roe.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule(s) is Intended to Implement: RCW 77.12.040.

Summary of the Rule: WAC 232-12-091, changes the word "permit" to "license" and changes the term of validity of the license from May 1 to April 30 to January 1 to December 31; 232-12-018, this provides the conditions under which authorization for conducting research on deleterious exotic wildlife will or will not be approved; and 232-12-017, this gives the director the authority to allow research on deleterious exotic wildlife.

Reasons Supporting the Proposed Rule(s): WAC 232-12-091, the proposed changes will accommodate the provisions of RCW 77.32.211 and 77.32.250; 232-12-018 and 232-12-017, the department needs to maintain a list of exotic species that the general public can not possess. However, it is recognized that important medical or environmental research, for example, could not take place on deleterious exotic wildlife as WAC 232-12-017 is currently written. In some cases, the research may be too important to disallow.

Agency Personnel Responsible for Drafting and Implementation: Sam Wright, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5713; and Enforcement: Robert B. Rasmussen, Divisional Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

These rules are not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rules or Their Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-12-018 CONDITIONS FOR ISSUANCE OF AUTHORIZATION FOR SCIENTIFIC RESEARCH ON DELETERIOUS EXOTIC WILDLIFE. (1) Request for authorization must be submitted to the department ninety days prior to the date research is to begin. However, research can not begin until written authorization is obtained from the department.

(2) Each request must provide the following information:

- (a) Qualifications of the person requesting the authorization;
- (b) Objective(s) for the proposed project including definition or conclusion toward which efforts are to be directed;
- (c) Identification of the user(s) of the information and how the findings will be implemented;
- (d) A plan of action, the organizational framework and logical sequence of events that will lead to attainment of the study objective;
- (e) A location of the study areas;
- (f) A description of safeguards taken to prevent escape of the exotic species from the study area; and
- (g) A plan for safe disposal of the exotic species upon completion of research.

(3) A final report must be submitted to the department upon completion of the research. Interim reports may be required.

(4) Authorization will not be granted for research which in the opinion of the department causes unnecessary duplication of previous or ongoing research, produces conflicts with ongoing research or management projects or does not provide for adequate protection of the resource.

(5) Continuing research may be extended annually by concurrence of the director.

(6) It is unlawful for the individual, group or agency reviewing authorization to fail to comply with the conditions of the authorization.

AMENDATORY SECTION (Amending Order 165 [174], filed 6/1/81 [10/22/81])

WAC 232-12-017 DELETERIOUS EXOTIC WILDLIFE. Deleterious exotic wildlife includes:

- (1) Walking catfish, *Clarias batrachus*
- (2) Mongoose, all forms of the genus *Herpestes*
- (3) Grass carp, *Ctenopharyngodon idella*
- (4) African clawed frog, *Xenopus laevis*
- (5) Wild boar, *Sus scrofa* and hybrids involving the species *Sus scrofa*
- (6) Collared peccary (javelina), *Dicotyles tajacu*

It is unlawful to import or possess live specimens of deleterious exotic wildlife except for purposes of scientific research as authorized by the director in accordance with WAC 232-12-018.

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

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-091 COMMERCIAL BUYING AND PROCESSING OF ANADROMOUS GAME FISH OR ROE. (1) It is unlawful to buy, sell or possess with intent to sell anadromous game fish or roe, without having in possession a valid department fish buyer's ((permit)) license and comply with the following provisions:

(a) A department fish buyer's ((permit)) license is valid for a year (~~((May 1 to April 30))~~ January 1 to December 31).

(b) Fish buyer's ((permits)) licenses must be obtained by applying to the Department of Game, 600 North Capitol Way, Olympia, Washington 98504.

(c) The fish buyer's ((permit)) license, or a copy, must be in possession of a person buying anadromous game fish or roe.

(d) Fish buyer's ((permits)) licenses are not transferable.

(e) Fish buyer's ((permits)) licenses authorize a person to buy only anadromous game fish or roe taken by treaty Indians possessing valid federal or tribal fishing identification cards during lawful open seasons.

(2) It is unlawful for a person possessing or buying anadromous game fish or roe from a treaty Indian to not comply with the following:

- (a) Fill out a department steelhead receiving ticket including name of seller, tribal affiliation, treaty fishing identification card number,

numbers of fish or skeins of roe, marine area or river where caught, and signature of the person directly receiving the fish.

(b) Transmit the fish tickets daily to the department.

(c) Retain a copy of the steelhead receiving ticket with the anadromous game fish or roe as long as the fish are in possession.

(3) Transactions involving the possession or sale of treaty caught anadromous game fish between two or more licensed buyers, the recipients of said fish must possess a copy of the original fish receiving ticket and sales invoice.

(4) This section does not apply to a person who buys lawfully caught treaty Indian anadromous game fish for personal consumption.

WSR 85-05-050**EMERGENCY RULES****DEPARTMENT OF GAME****(Game Commission)**

[Order 263—Filed February 20, 1985]

Be it resolved by the Washington State Game Commission, acting at Olympia, that it does adopt the annexed rules relating to regulation change for sport fishing on the Skagit River, WAC 232-28-61410.

We, the Washington State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the total wild steelhead allocation is projected to be taken by the end of February. All further catch must be limited to hatchery-origin steelhead.

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

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

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

APPROVED AND ADOPTED February 19, 1985.

By Jack S. Wayland
Director

NEW SECTION

WAC 232-28-61410 REGULATION CHANGE FOR SPORT FISHING ON THE SKAGIT RIVER. *Notwithstanding the provisions of WAC 232-28-614 on the Skagit River, only steelhead with dorsal fins equal to or less than 2.0" in height, as measured while fully extended, or with missing adipose or ventral fins may be reduced to possession. It is unlawful to possess a steelhead with a dorsal fin measuring greater than 2.0" in height or to possess a steelhead with a freshly cut or mutilated fin effective March 1, 1985.*

WSR 85-05-051
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)

[Order 242—Filed February 20, 1985]

Be it resolved by the State Game Commission, acting at Cavanaugh's Inn, 1101 Columbia Center Boulevard, Kennewick, WA 99336, that it does adopt the annexed rules relating to:

New WAC 232-28-707 1985 Spring bear and turkey seasons.
 Rep WAC 232-28-706 1984 Spring bear and turkey seasons.

This action is taken pursuant to Notice No. WSR 84-23-068 filed with the code reviser on November 21, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED January 7, 1985.

By Jack S. Wayland
 for Vern E. Ziegler
 Chairman, Game Commission

NEW SECTION

WAC 232-28-707 1985 SPRING BEAR AND TURKEY SEASONS.

Reviser's note: The text and accompanying pamphlet comprising the 1985 Spring bear and turkey seasons adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

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

WAC 232-28-706 1984 SPRING BEAR AND TURKEY SEASONS

WSR 85-05-052
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)

[Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning

holding live wildlife in captivity, amending WAC 232-12-064;

that the agency will at 9:00 a.m., Monday, April 1, 1985, in the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 1, 1985.

The authority under which these rules are proposed is RCW 77.16.040.

The specific statute these rules are intended to implement is RCW 77.16.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 29, 1985.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Judy Hildebrandt
 600 North Capitol Way
 Olympia, WA 98504
 (206) 753-5710

Dated: February 19, 1985

By: Richard J. Poelker, Administrator
 Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-064
Holding live wildlife in captivity.

Statutory Authority: RCW 77.16.040.

Specific Statute that Rule is Intended to Implement: RCW 77.16.040.

Summary of the Rule: Provides criteria for holding wild animals, wild birds, or game fish in captivity.

Reasons Supporting the Proposed Rule: Provides criteria for holding wild animals, wild birds, or game fish in captivity.

Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Division Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 224, filed April 16, 1984)

WAC 232-12-064 HOLDING LIVE WILDLIFE IN CAPTIVITY. It is unlawful to take from the wild, hold in captivity, or possess live wild animals, wild birds, or game fish unless: ~~((such capture, holding or possession is authorized by a license or permit issued by the department, except it is lawful to keep game fish alive on stringers, in live wells or other containers while fishing.))~~

~~((1) Application for a permit to hold live wild animals, wild birds, or game fish in captivity will be made on a form to be provided by the department.))~~

~~(1) Such wild animal, wild bird, or game fish was lawfully acquired. Proof of such lawful acquisition shall be made available to the Department upon request of a Wildlife Agent, except:~~

~~(a) No deleterious exotic wildlife shall be held in captivity.~~

~~(b) That all federally endangered and threatened species shall be held in captivity only under conditions as expressed in appropriate laws and regulations, and the permit processes of the U.S. Fish and Wildlife Service in cooperation with the Department.~~

~~(c) That lawful acquisition of state endangered and threatened species shall be as governed by appropriate RCW and WAC provision pertaining to such species.~~

~~(d) That no diseased wildlife shall be held in captivity unless on the premises of and under the professional care of a licensed veterinarian. If such disease presents a threat to the wildlife of the state, the Director may order such actions as necessary including quarantine or destructions of stock, sterilization of enclosures and facilities, cessation of activities, and disposal of wildlife in a manner satisfactory to the Department.~~

~~(e) No live wildlife shall be brought into the state without first presenting veterinarian certification 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 the state.~~

~~((2) The Director or his designee may issue a permit if, after investigation, the applicant meets the following criteria:~~

~~(a) The holding facilities are adequate to prevent the egress of wildlife subject to the application permit:~~

~~(b) Operating conditions are clean and humane:~~

~~(c) No hazards to state wildlife exist from the holding of wildlife subject to the application permit:~~

~~(d) The permit covers the immediate premises and areas described on the permit where wildlife subject to the application will be held:~~

~~(e) Existing conditions ensure the continued health and safety of the wildlife subject to the application:~~

~~(f) That holding of wildlife subject to the application will not adversely affect the Department's obligation to preserve, protect and perpetuate the state's wildlife.))~~

~~(2) That there is no violation of other existing state or federal law, or local ordinance.~~

~~(3) That such wildlife, progeny or parts thereof, e.g., antlers, bodily organs, skins or furs, shall not be sold or otherwise commercialized upon EXCEPT as authorized by WAC 232-12-027.~~

~~(4) That such holding of wildlife in captivity be found not to be in conflict with the Department's responsibility to preserve, protect and perpetuate wildlife in Washington.~~

~~((3)) (5) All wildlife and the area where held must be open to inspection by a wildlife agent at reasonable times.~~

~~((4) The holders of a permit to hold live wild animals, wild birds, or game fish in captivity shall make an annual report to the director on a form to be provided by the department.))~~

~~(6) No wildlife shall be released from captivity except as provided under WAC 232-12-271.~~

(7) No wildlife held in captivity shall be publicly displayed or exhibited except as provided under WAC 232-12-274.

WSR 85-05-053
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning Lower Crab Creek Game Reserve, amending WAC 232-16-670;

that the agency will at 9:00 a.m., Monday, April 1, 1985, in the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 1, 1985.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 29, 1985.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Judy Hildebrandt
600 North Capitol Way
Olympia, WA 98504
(206) 753-5710

Dated: February 19, 1985

By: Richard J. Poelker, Administrator
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-16-670
Lower Crab Creek Game Reserve.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Removes from game reserve 80 acres of private property which was erroneously included in the original boundary.

Reasons Supporting the Proposed Rule: Removes from game reserve 80 acres of private property with was erroneously included in the original boundary.

Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Division Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 217, filed 9/1/83)

WAC 232-16-670 LOWER CRAB CREEK GAME RESERVE. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: T16N, R25E; (~~that part of SE 1/4 Section 30 east of Midway Coulee transmission line and south of wooden pole powerline;~~) SW 1/4 of Section 29; that part of the SE 1/4 of Section 30 east of Bonneville Power Administration transmission line; (~~that part of Section 31 east of Midway Coulee transmission line and north of Smyrna-Beverly Road; and that part of NW 1/4 Section 32 north of Smyrna-Beverly Road. 480 acres;~~) the NE 1/4 of Section 31; the North 1/2 of the Northwest 1/4 of Section 32.

WSR 85-05-054
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning Captive propagation of raptors—Sale, records, reports and inspection, adopting WAC 232-12-129;

that the agency will at 9:00 a.m., Monday, April 1, 1985, in the Thunderbird Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 1, 1985.

The authority under which these rules are proposed is RCW 77.12.030, 77.12.090, 77.12.105 and 77.32.070.

The specific statute these rules are intended to implement is RCW 77.12.030, 77.12.090, 77.12.105 and 77.32.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 29, 1985.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Judy Hildebrandt
 600 North Capitol Way
 Olympia, WA 98504
 (206) 753-5710

Dated: February 19, 1985

By: Richard J. Poelker, Administrator
 Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-129
 Captive propagation of raptors—Sale, records, reports and inspection.

Statutory Authority: RCW 77.12.030, 77.12.090, 77.12.105 and 77.32.070.

Specific Statute that Rule is Intended to Implement: RCW 77.12.030, 77.12.090, 77.12.105 and 77.32.070.

Summary of the Rule: These rules permit qualified propagators of birds of prey to sell offspring of their captive held birds. The rules also require propagators to maintain specific records of breeding activities.

Reasons Supporting the Proposed Rule: The U.S. Fish and Wildlife Service now allows sale of captive bred raptors, if the state so permits. These rules will allow sale, but will be more restrictive than the federal rules regarding reporting requirements.

Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Division Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-12-129 CAPTIVE PROPAGATION OF RAPTORS—SALE, RECORDS, REPORTS AND INSPECTION. (1) Anyone holding a valid raptor propagation permit may offer for sale, sell, or trade any captive bred raptor, wearing a seamless U.S. Fish and Wildlife Service band, to anyone holding a permit authorizing possession of said raptor.

(2) Anyone holding a valid raptor propagation permit, falconry permit, or other permit authorizing possession may purchase said captive bred raptor.

(3) Sale of a captive bred raptor is unlawful if it is not accompanied by an invoice. The raptor propagator must retain a copy of the invoice for two years and must send to the Department a copy or a listing of the transfers in an annual report.

(4) Anyone holding a valid raptor propagation permit must keep record of the date each clutch is initiated, the onset of incubation and the date of hatching of each chick. The initiation of each clutch of eggs must be reported to the Department within 72 hours. These records must be up to date and the breeding facilities and records open for inspection by a Wildlife Agent at reasonable times.

(5) Anyone holding a valid raptor propagation permit must submit to the Department before January 31 of each year a report summarizing the year's activities.

WSR 85-05-055
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning Deer Park State Game Reserve, repealing WAC 232-16-120;

that the agency will at 9:00 a.m., Monday, April 1, 1985, in the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 1, 1985.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 29, 1985.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Judy Hildebrandt
 600 North Capitol Way
 Olympia, WA 98504
 (206) 753-5710

Dated: February 19, 1985

By: Richard J. Poelker, Administrator
 Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-16-120
 Deer Park State Game Reserve.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement:
 RCW 77.12.040.

Summary of the Rule: This is no longer a game farm reserve.

Reasons Supporting the Proposed Rule: Property has been sold.

Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Division Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

REPEALER

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

WAC 232-16-120 Deer Park State Game Reserve

WSR 85-05-056
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning 1985 fall opening dates, adopting WAC 232-28-209;

that the agency will at 9:00 a.m., Monday, April 1, 1985, in the Thunderbird Motor Inn, 1225 North

Wenatchee Avenue, Wenatchee, WA 98801, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 1, 1985.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 29, 1985.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Judy Hildebrandt
600 North Capitol Way
Olympia, WA 98504
(206) 753-5710

Dated: February 19, 1985

By: Richard J. Poelker, Administrator
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-209
1985 fall opening dates.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement:
RCW 77.12.040.

Summary of the Rule: Adopts 1985 fall opening dates.

Reasons Supporting the Proposed Rule: Resource management.

Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Division Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-209

1985 Fall Opening Dates

OPENING DATES:

August 1

Westside black bear (except early buck area)
Westside pursuit only for cougar, bobcat and raccoon (except early buck area and unit closures)
Northeastern pursuit only for bear and cougar in Units 100 through 124

September 1

Statewide forest grouse (blue, ruffed, spruce)
Westside rabbits and hares

September 4

Westside early archery deer and elk
Eastside bear (except Walla Walla and Columbia counties)
Eastside pursuit only for cougar, bobcat, and raccoon (except for unit closures)

September 15

Early buck
Cougar in early buck areas

September 28

Eastside early archery deer and elk
Muzzleloader early deer
Early western Washington pheasant

October 5

Muzzleloader early elk

October 12

General buck deer, statewide
Pheasant, Quail, Partridge
Cougar, bobcat, raccoon
Bear (in Walla Walla and Columbia counties outside of Umatilla National Forest)
Eastside cottontail, snowshoe, white hare and whitetailed jackrabbits

October 27

Colockum modern firearm elk

October 30

Blue Mountains modern firearm elk

November 5

Yakima modern firearm elk

November 6

Western Washington modern firearm elk

November 27

Northeast Washington late buck

November 30

Western Washington late buck

December 15

Late cougar, bobcat

January 15, 1986

Pursuit only bobcat and raccoon in Units 352, 356, 364 and 368

February 1, 1986

Pursuit only bobcat and raccoon in Units 121, 148 and 154

WSR 85-05-057
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning:

- New WAC 232-28-807 1985 Mountain goat, sheep and moose hunting seasons.
- Rep WAC 232-28-806 1984 Mountain goat, sheep and moose hunting seasons;

that the agency will at 9:00 a.m., Monday, April 1, 1985, in the Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA 98801, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 1, 1985.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 29, 1985.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Judy Hildebrandt
 600 North Capitol Way
 Olympia, WA 98504
 (206) 753-5710

Dated: February 19, 1985

By: Richard J. Poelker, Administrator
 Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-807.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Adopts rules and regulations relating to the 1985 Mountain goat, sheep, and moose hunting seasons.

Reasons Supporting the Proposed Rule: Resource management.

Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Division Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-807 1985 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASONS.

Reviser's note: The text and accompanying pamphlet comprising the 1985 Mountain goat, sheep and moose hunting seasons proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-806 1984 Mountain Goat, Sheep, and Moose Hunting Seasons

WSR 85-05-058
PROPOSED RULES
LOTTERY COMMISSION
 [Filed February 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery intends to adopt, amend, or repeal rules concerning:

- Amd WAC 315-04-010 Licensed agents.
- Amd WAC 315-04-040 General license.
- Amd WAC 315-04-060 Provisional license.
- Amd WAC 315-04-070 License fees.
- Amd WAC 315-04-110 Duplicate licenses.
- Amd WAC 315-04-125 Change of name or location.
- Amd WAC 315-04-130 Death or incapacity of licensee.

| | | |
|-----|----------------|--|
| Amd | WAC 315-04-132 | Change of business structure, ownership, or officers. |
| Amd | WAC 315-04-140 | License not a vested right. |
| Amd | WAC 315-04-200 | Denial, suspension or revocation of a license. |
| Amd | WAC 315-10-030 | Instant games criteria. |
| Amd | WAC 315-10-060 | Official end of game. |
| Amd | WAC 315-30-020 | Definitions. |
| Amd | WAC 315-30-060 | Payment of prizes by on-line agents. |
| Amd | WAC 315-30-080 | On-line agent selection criteria. |
| Amd | WAC 315-30-090 | On-line agent credit criteria. |
| New | WAC 315-06-035 | Instant ticket purchase price and conditions. |
| New | WAC 315-11-150 | Definitions for Instant Game Number 15 ("Joker's Wild"). |
| New | WAC 315-11-151 | Criteria for Instant Game Number 15. |
| New | WAC 315-11-152 | Ticket validation requirements for Instant Game Number 15. |
| Rep | WAC 315-04-133 | Change of ownership. |
| Rep | WAC 315-04-134 | Change of officers; |

that the agency will at 10:00 a.m., Thursday, April 4, 1985, in the Conference Room, Educational Service District No. 113, 601 McPhee Road S.W., Olympia, WA 98502, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 4, 1985.

Dated: February 20, 1985

By: Elwin Hart
Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s):
See above.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rules are Intended to Implement: RCW 67.70.040.

Summary of the Rule(s): WAC 315-04-010 deletes the requirement for licensed agents to enter into a contract with the lottery; 315-04-040 deletes the requirement for annual renewal of a general license; 315-04-060 deletes references to renewal of a general license; 315-04-070 eliminates fees for license renewal; 315-04-110 removes the fee for issuance of a duplicate license; 315-04-125 eliminates the fee for change of name or location; 315-04-130 deletes references to renewal of a license and removes the fee for transfer of a license; 315-04-132 adds requirements for changes of ownership or officers; 315-04-133 is no longer required; 315-04-134 is no longer required; 315-04-140 deletes the requirement for licensed agents to enter into a contract with the lottery; 315-04-200 adds "failure to pay to the lottery any obligation when due" as a reason for suspension or revocation of a license; 315-06-035 establishes the purchase price and conditions for instant lottery tickets; 315-10-030 clarifies the time period when licensed agents may sell tickets for each instant game; 315-10-060 deletes reference to a licensed agent contract; 315-11-150 provides definitions of the terms used

in Instant Game Number 15 rules; 315-11-151 sets forth criteria for Instant Game Number 15; 315-11-152 states the ticket validation requirements for Instant Game Number 15; 315-30-020 establishes that on-line agents must sell all lottery games offered by the lottery; 315-30-060 sets forth criteria for payment of prizes by on-line agents; 315-30-080 deletes references to the licensed agent contract and contract addendum; and 315-30-090 deletes references to the licensed agent contract and contract addendum.

Reasons Supporting the Proposed Rule(s): WAC 315-04-010, 315-04-040, 315-04-060, 315-04-070, 315-04-110, 315-04-125, 315-04-130, 315-04-132, 315-04-133, 315-04-134, 315-04-140, 315-04-200, 315-06-035, 315-10-030 and 315-10-060, these amendments and rules are necessary to implement a realignment of the lottery's license process; 315-11-150, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-151 and 315-11-152; 315-11-151, licensed agents and players of Instant Game Number 14 [15] need to know how the game will function. Specifying the criteria which apply to Instant Game 14 [15] will provide this information; 315-11-152, tickets for Instant Game Number 14 [15] which are found to be counterfeit or tampered with will be declared void by the lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the lottery from paying out prize money on invalid tickets; and 315-30-020, 315-30-060, 315-30-080 and 315-30-090, these amendments and rules are necessary to implement a realignment of the lottery's license process.

Agency Personnel Responsible for Drafting: Frank Edmondson/Duane Kovacevich, Contracts Specialist 2, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 754-1482, 754-1088; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, WA 98504, (206) 753-1412, Mary G. Faulk, Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3330, Elwin Hart, Deputy Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3334, William Robinson, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-1414, and Jamie Bailey, Assistant Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3384.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing this Rule: Washington State Lottery Commission.

Agency Comments or Recommendations, if any, Regarding the Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with federal law or a federal state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: The Office of the Director, Washington State Lottery, has

reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses large and small, which voluntarily apply to be licensed agents for the sale of lottery tickets or contractors who provide other services to the Office of the Director, Washington State Lottery or who voluntarily interact with the Office of the Director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to or interact with the Office of the Director, Washington State Lottery.

AMENDATORY SECTION (Amending Order 41, filed 12/8/83)

WAC 315-04-010 LICENSED AGENTS. The director shall license as licensed agents such persons who will best serve the public interest and convenience, promote the sale of tickets and meet the eligibility criteria for application and licensure. Said licensed agents shall be authorized to sell such tickets as in the director's opinion will promote the best interests of the commission and produce maximum revenue, but a licensed agent need not be authorized to sell tickets for all games operated by the director. ~~((Each licensed agent shall enter into a contract with the lottery containing such terms and conditions as the director may require prior to being authorized to sell tickets for any game operated by the director.))~~ A licensed agent may ~~((also))~~ be required to post a bond or cash in lieu of a bond in such terms and conditions as the director may require.

AMENDATORY SECTION (Amending Order 14, filed 2/10/83)

WAC 315-04-040 GENERAL LICENSE. The director may issue a general license to an applicant who qualifies for licensure. The general license shall authorize the licensed agent to conduct the routine sale of tickets at the location specified on the general license. An addendum to the general or provisional license may be obtained as provided for in WAC 315-04-220, permitting the licensed agent to sell tickets in locations other than that specified on its license. The general license shall be valid ~~((for one year after the date of issuance, except as provided in WAC 315-04-100))~~ until terminated by the lottery or the licensed agent, provided, the licensed agent shall provide periodic updates of license information as required by the director.

AMENDATORY SECTION (Amending Order 68, filed 11/7/84)

WAC 315-04-060 PROVISIONAL LICENSE. (1) The director may issue a provisional license to an applicant for a general license after receipt of a person's fully completed licensed agent's application, the authorization of a complete personal background check, and completion of a preliminary background check. The provisional license shall expire at the time of issuance of the general license or ninety days from the date the provisional license is issued, whichever occurs first. The provisional license may be extended by the director for one additional ninety-day period of time.

~~((2) ((The director may issue a provisional license to an applicant for renewal of a general license when he or she determines it necessary to authorize a licensed agent to sell tickets pending approval of the application for general license renewal. The provisional license shall expire at the time of the issuance of the general license renewal or ninety days from the date the provisional license is issued, whichever occurs first.~~

~~((3))~~ If the ownership of an existing licensed agent location changes, the director may issue a provisional license to the new owner. The provisional license shall expire twenty working days from the date of issuance if the director has not received the new owner's fully completed licensed agent's application and authorization of a complete personal background check. If the required materials have been timely received by the director and a preliminary background check has been completed, the provisional license shall expire at the time of issuance of the general license or ninety days from the date the provisional license is issued, whichever occurs first.

AMENDATORY SECTION (Amending Order 58, filed 6/4/84)

WAC 315-04-070 LICENSE FEES. (1) The fee for a license application shall be \$15.00.

~~((2) ((The fee for renewal of a license shall be \$15.00.~~

~~((3) The fee for late renewal of a license shall be \$10.00 for each licensed location in addition to the renewal fee of \$15.00.~~

~~((4))~~ The fee for a background check shall be \$10.00 regardless of the number of individuals listed on the license application for whom background checks are required. A background check will be required and this fee will be charged when an application for a license ~~((or renewal thereof))~~ lists an individual who does not have on file with the lottery a current ~~((criminal history statement or current renewal affidavit - criminal history))~~ personal information form."

~~((5))~~ (3) All fees established in this section or other sections of this title are not refundable with the exception of the fees in subsection(s) (1) ~~((and (2)))~~ of this section which may be refunded if a license is not issued ~~((or renewed.~~

~~((6) The fees in subsections (1) and (2) of this section may be pro-rated for staggered license renewal periods as provided in WAC 315-04-100).~~

AMENDATORY SECTION (Amending Order 4, filed 10/15/82)

WAC 315-04-110 DUPLICATE LICENSES. Upon the loss, mutilation or destruction of any license issued by the director, application for a duplicate must be made on a form approved by the director. A statement signed by the licensed agent which details the circumstances under which the license was lost, mutilated, or destroyed and certifies that such license was, in fact, lost, mutilated or destroyed, shall accompany such application. ~~((The fee for the duplicate of a license shall be \$10.00.))~~ A mutilated license shall be surrendered to the director upon issuance or denial of a duplicate license. A lost license, when found, must be immediately surrendered to the director.

AMENDATORY SECTION (Amending Order 41, filed 12/8/83)

WAC 315-04-125 CHANGE OF NAME OR LOCATION. Every change of business name or change of location without a change of ownership of a licensed agent must be reported to the lottery prior to the change. The lottery shall review the change considering standard licensing criteria. Upon the lottery's approval ~~((and receipt of a \$10.00 change of name/location fee)),~~ the lottery shall issue a license in the new name or with the new location address.

AMENDATORY SECTION (Amending Order 4, filed 10/15/82)

WAC 315-04-130 DEATH OR INCAPACITY OF LICENSEE.

(1) In the event of the proven incapacity, death, receivership, bankruptcy or assignment for benefit of creditors of any licensed agent, upon approval of the director, the license may be transferred to a court appointed or court confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of creditors, who may continue to operate the activity under the license, subject to the provisions of chapter 7, Laws of 1982 2nd ex. sess. and these rules.

(2) The person to whom a license is transferred hereunder must be otherwise qualified to hold a license.

(3) The license following transfer shall be ~~((subject to regular renewal based upon its original expiration date and shall be))~~ void upon that person ceasing to hold such a court appointed or court confirmed position.

(4) The director may condition the transfer of any license under this section upon the posting of a bond in such terms and conditions as the director may require.

~~((5) The fee for transfer of the license under this rule shall be \$10.00.))~~

AMENDATORY SECTION (Amending Order 58, filed 6/4/84)

WAC 315-04-132 CHANGE OF BUSINESS STRUCTURE, OWNERSHIP, OR OFFICERS. (1) Every change of business structure of a person to whom a license has been issued must be reported to the lottery prior to the change. A change of business structure shall mean the change from one form of business organization to another, such as from sole proprietorship to partnership or corporation.

~~((+))~~ (2) Every substantial change of ownership of a person to whom a license has been issued must be reported to the lottery prior to the change. A substantial change of ownership shall mean the transfer of ten percent or more equity.

(3) Every change of officers of a person to whom a license has been issued must be reported to the lottery not later than ten days following the effective day of the change.

(4) If such change involves the addition or deletion of one or more owners or officers, ~~((the license shall terminate and be void and tickets shall not be sold. In the event the new person wishes to become a licensed agent, that person shall submit a license application and fees which the lottery will process in accordance with these rules.~~

(2) If such change does not involve the addition of one or more owners or officers, the license shall not be terminated. No fee will be required; however,)) the licensed agent shall submit a license application reflecting the change(s) and any other documentation the director may require.

(5) If such change involves the addition of one or more owners or officers who does not have on file with the lottery a current "personal information form," each such owner or officer shall submit a "personal information form." The lottery shall assess a fee for a background check pursuant to WAC 315-04-070.

AMENDATORY SECTION (Amending Order 41, filed 12/8/83)

WAC 315-04-140 LICENSE NOT A VESTED RIGHT. (1) The possession of a license issued by the director to any person to act as a licensed agent in any capacity is a privilege personal to that person and is not a legal right.

(2) The possession of a license issued by the director to any person to act as a licensed agent in any capacity does not entitle that person to sell tickets or obtain materials for any particular game.

~~((3) Every licensed agent shall enter into a contract with the lottery containing such terms and conditions as the director may require prior to being authorized to sell tickets for any particular game. If for any reason the contract is terminated or suspended, the authorization to sell tickets shall also be terminated or suspended.))~~

AMENDATORY SECTION (Amending Order 17, filed 3/11/83)

WAC 315-04-200 DENIAL, SUSPENSION OR REVOCATION OF A LICENSE. The director may deny an application for or suspend or revoke any license issued pursuant to these rules for one or more of the following reasons:

(1) Failure to meet or maintain the eligibility criteria for license application and issuance established by chapter 7, Laws of 1982 2nd ex. sess., or these rules;

(2) Failure to account for lottery tickets received or the proceeds of the sale of tickets or to post a bond if required by the director or to comply with the instructions of the director concerning the licensed activity;

(3) Failure to pay to the lottery any obligation when due;

(4) Violating any of the provisions of chapter 7, Laws of 1982 2nd ex. sess., or these rules;

~~((4))~~ (5) Failure to file any return or report or to keep records required by the director or by these rules;

~~((5))~~ (6) Failure to pay any federal, state or local tax or indebtedness;

~~((6))~~ (7) Fraud, deceit, misrepresentation or conduct prejudicial to public confidence in the lottery;

~~((7))~~ (8) If public convenience is adequately served by other licensees;

~~((8))~~ (9) Failure to sell a sufficient number of tickets to meet administrative costs;

~~((9))~~ (10) If there is a history of thefts or other forms of losses of tickets or revenue therefrom;

~~((10))~~ (11) If there is a delay in accounting or depositing in the designated depository the revenues from the ticket sales;

~~((11))~~ (12) Has violated, failed or refused to comply with any of the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW (Gambling Act), or chapter 7, Laws of 1982 2nd ex. sess., or when a violation of any provisions of chapter 7, Laws of 1982 2nd ex. sess., has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

~~((12))~~ (13) Knowingly causes, aids, abets or conspires with another to cause any person to violate any of the laws of this state;

~~((13))~~ (14) Has obtained a license by fraud, misrepresentation, concealment or through inadvertence or mistake;

~~((14))~~ (15) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor, involving any gambling activity or physical harm to individuals or involving moral turpitude;

~~((15))~~ (16) Makes a misrepresentation of, or fails to disclose, a material fact to the commission or director on any report, record, application form or questionnaire required to be submitted to the commission or director;

~~((16))~~ (17) Denies the commission or director or their authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted, or fails to promptly produce for inspection or audit any book, record, document or item required by law or these rules;

~~((17))~~ (18) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses indicated under subsection ~~((14))~~ (15) of this section: PROVIDED, That at the request of an applicant for an original license, the director may defer decision upon the application during the pendency of such prosecution or appeal;

~~((18))~~ (19) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in lottery or gambling or related activities would be inimical to the proper operation of an authorized lottery or gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

~~((19))~~ (20) Is a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates probable cause to believe that the association is of such a nature as to be inimical to the policy of this state or to the proper operation of the authorized lottery or gambling or related activities in this state. For the purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations of the public policy of this state. A career offender cartel shall be defined as any group of persons who operate together as career offenders;

~~((20))~~ (21) Failure to follow the instructions of the director for the conduct of any particular game or special event;

~~((21))~~ (22) Failure to follow security procedures of the director for the handling of tickets or for the conduct of any particular game or special event; or

~~((22))~~ (23) Makes a misrepresentation of fact to the purchaser, or prospective purchaser, of a ticket, or to the general public with respect to the conduct of a particular game or special event.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 315-04-133 CHANGE OF OWNERSHIP.

WAC 315-04-134 CHANGE OF OFFICERS.

AMENDATORY SECTION (Amending Order 51, filed 2/7/84)

WAC 315-10-030 INSTANT GAMES CRITERIA. (1) The price of an instant game ticket shall not be less than \$1.00 and not more than \$5.00.

(2) Winners of an instant game are determined by the matching or specified alignment of the play numbers on the tickets. The ticket bearer must notify the lottery of the win and submit the winning ticket to the lottery as specified by the director. The winning ticket must be validated by the lottery through use of the validation number and/or any other means as specified by the director.

(3) The total of all prizes available to be won in an instant game shall not be less than forty-five percent of the instant game's projected revenue.

(4) The instant game shall pay out both lower tier prizes and higher tier prizes. Lower tier prizes are of less than \$25.00. Higher tier prizes

are of \$25.00 or more. The director shall determine the number of lower and higher tier prizes.

(5) The length of operation of an instant game shall not exceed fifteen weeks. The start date and closing date of the instant game shall be publicly announced. Licensed agents shall not sell any tickets prior to the start date of a game unless expressly authorized by the director. Licensed agents may continue to sell tickets for each instant game for up to fourteen days after the official end of game as authorized by WAC 315-10-060.

(6) There is no required frequency of drawing or method of selection of a winner in an instant game.

(7) At the director's discretion, an instant game may include a grand prize drawing(s). The criteria for the grand prize drawing shall be as follows:

(a) Finalists for a grand prize drawing shall be selected in an elimination drawing(s) from redeemed tickets meeting the criteria stated in specific game rules as determined by the director. Participation in the elimination drawing(s) shall be limited to such tickets which are actually received and validated by the director on or before a date to be announced by the director. The director may reserve the right to place any semi-finalist whose entry was not entered in the elimination drawing(s) and who is subsequently determined to have been entitled to such entry into an elimination drawing of a subsequent instant game, and the determination of the director shall be final.

(b) The number of prizes and the amount of each prize in the grand prize drawing(s) shall be determined by the director to correspond with the size and length of the instant game and to comply with subsection (3) of this section.

(c) The dates and times as well as the procedures for conducting the elimination drawing and grand prize drawing shall be determined by the director.

(8) Procedures for claiming instant game prizes are as follows:

(a) To claim an instant game prize of less than \$25.00, the claimant shall present the winning ticket to the licensed agent from whom the ticket was purchased. The licensed agent shall verify the claim and, if acceptable, make payment of the amount due the claimant. In the event the licensed agent cannot verify the claim, the claimant shall fill out a claim form, as provided in WAC 315-06-120, which shall be obtained from the licensed agent and present the completed form, together with the disputed ticket to the director. If the claim is validated by the director, a check shall be forwarded to the claimant in payment of the amount due. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(b) To claim an instant prize of \$25.00 or more, the claimant shall complete a claim form, as provided in WAC 315-06-120, which is obtained from the licensed agent or the director and mail the completed form together with the winning ticket to the director. Upon validation by the director, a check shall be forwarded to the claimant in payment of the amount due, less any applicable federal income tax withholding. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(c) Any ticket not passing all the validation checks specified by the director is invalid and ineligible for any prize and shall not be paid. However, the director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current game). In the event a defective ticket is purchased, the only responsibility or liability of the director shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current game).

AMENDATORY SECTION (Amending Order 51, filed 2/7/84)

WAC 315-10-060 OFFICIAL END OF GAME. (1) The director shall announce the official end of each instant game. A player may submit a low-tier winning ticket to the licensed agent from whom the ticket was purchased or the lottery and a high-tier winning ticket to the lottery for prize payment up to one hundred and eighty days after the official end of game. In order to participate in a grand prize drawing a player must redeem a ticket which qualifies for entry into that grand prize drawing within the time limits set forth in chapter 315-11 WAC governing the conduct of that specific game.

(2) A licensed agent may continue to sell tickets for each instant game up to fourteen days after the official end of that game.

(3) A licensed agent must return to the lottery unsold lottery tickets for each game within thirty days of the official end of that game in order to receive credit from the lottery as provided for in ~~((the))~~ director's instructions to licensed agents ((contract)) or the interlocal

cooperative agreement between the lottery and the state liquor control board. The lottery has no obligation to grant credit for tickets returned more than thirty days after the official end of game.

AMENDATORY SECTION (Amending Order 64, filed 9/17/84)

WAC 315-30-020 DEFINITIONS. (1) On-line game. A lottery game in which a player pays a fee to a lottery agent and selects a combination of digits, numbers, or symbols; type and amount of play; and drawing date and receives a computer generated ticket with those selections printed on it. The lottery will conduct a drawing to determine the winning combination(s) in accordance with the rules of the specific game being played. Each ticket bearer whose valid ticket includes a winning combination shall be entitled to a prize if claim is submitted within the specified time period.

(2) On-line agent. A licensed agent authorized by the lottery to sell on-line tickets. On-line agents shall sell all lottery games including but not limited to instant game tickets offered by the lottery.

(3) On-line ticket. A computer-generated ticket issued by an on-line agent to a player as a receipt for the combination a player has selected. That ticket shall be the only acceptable evidence of the combination of digits, numbers, or symbols selected. On-line tickets may be purchased only from on-line agents.

(4) Ticket distribution machine (TDM). The computer hardware through which an on-line agent enters the combination selected by a player and by which on-line tickets are generated and claims are validated.

(5) Drawing. The procedure determined by the director by which the lottery selects the winning combination in accordance with the rules of the game.

(6) Certified drawing. A drawing about which the lottery and an independent certified public accountant attest that the drawing equipment functioned properly and that a random selection of a winning combination occurred.

(7) Winning combination. One or more digits, numbers, or symbols randomly selected by the lottery in a drawing which has been certified.

(8) Validation. The process of determining whether an on-line ticket presented for payment is a winning ticket.

(9) Validation number. The twelve-digit number printed on the front of each on-line ticket which is used for validation.

(10) Ticket bearer. The person who has signed the on-line ticket or who has possession of an unsigned ticket.

(11) Metropolitan area. Benton, Clark, Franklin, King, Kitsap, Pierce, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties. (These geographic areas have been identified as the metropolitan statistical areas in the state of Washington by the Federal Committee on Standard Metropolitan Statistical Areas of the Office of Management and Budget.)

AMENDATORY SECTION (Amending Order 44, filed 12/8/83)

WAC 315-30-060 PAYMENT OF PRIZES BY ON-LINE AGENTS. (1) An on-line agent shall pay to the ticket bearer on-line game prizes of \$600.00 or less for any validated claims presented within thirty days of the drawing to that on-line agent regardless of where the on-line ticket was purchased. These prizes shall be paid during all normal business hours of that on-line agent, provided, the on-line system is operational and claims can be validated. The on-line agent shall not charge the claimant any fee for payment of the prize or for cashing a business check drawn on the licensed agent's account.

(2) An on-line agent may pay prizes in cash or by business check, certified check, or money order. An on-line agent that pays a prize with a check which is dishonored may be subject to suspension or revocation of its license, pursuant to WAC 315-04-200.

AMENDATORY SECTION (Amending Order 66, filed 10/5/84)

WAC 315-30-080 ON-LINE AGENT SELECTION CRITERIA. (1) The selection and distribution of on-line agents throughout the state will be based on:

(a) The number of licensed agents in each of the regions identified in WAC 315-12-030, and then;

(b) The potential for revenue generation, demographics, and public accessibility within that region.

(2) An on-line license endorsement shall be issued only to a person who possesses a valid general license, provided, the director may issue an on-line endorsement to an agent who possesses a valid provisional

license if that agent is a new owner of a previously established on-line location.

(3) In addition, the director shall consider the following factors in the selection of on-line agents.

(a) Business and security considerations which include but are not limited to: (i) Instant game accounts receivable record, (ii) criminal history of owners and officers, (iii) history of criminal activity at the business establishment, (iv) past security problems, (v) credit rating as defined in WAC 315-30-090, (vi) licensing requirements, and (vii) history of administrative or regulatory actions.

(b) Marketing considerations which include but are not limited to: (i) Customer traffic and sales volume, (ii) lottery-oriented consumers, (iii) market potential, and (iv) management commitment to lottery products.

(4) The lottery will install approximately five hundred TDMs initially with approximately fifty TDMs added each month for the first twelve months and approximately twenty-five TDMs per month thereafter. The director shall determine the total number of TDM's to be installed throughout the state. In determining the order in which TDMs will be installed within a given geographic area, the following factors will be considered:

- (a) Demonstrated high-volume instant ticket sales;
- (b) High customer traffic;
- (c) Easy in and out access;
- (d) Management commitment to lottery products; and
- (e) Store traffic patterns relative to TDM placement.

(5) The director may, after a TDM has been in operation for six months, order the removal of a TDM from an on-line agent location after considering marketing factors which include but are not limited to:

- (a) Accessibility of the on-line agent's place of business to the public;
- (b) Sufficiency of TDMs in the geographic area to provide public accessibility; and
- (c) A nonmetropolitan area on-line agent's average on-line sales volume over four consecutive weeks; or
- (d) A metropolitan area on-line agent's failure to meet the average on-line minimum sales volume requirement of two thousand five hundred dollars per week over four consecutive weeks.

(6) The director may immediately discontinue a TDM's operation, order removal of a TDM from an on-line agent location, or take any other action authorized under WAC 315-04-200 in the event that the on-line agent:

- (a) Fails to comply with any rule established by the commission, any instruction issued by the director (~~or any terms of the licensed agent contract or on-line agent contract addendum~~);
- (b) Tamper with or attempts to tamper with the TDM or on-line system;
- (c) Fails to make payment of a prize; or
- (d) Makes payment with a business check and the check is dishonored for any reason.

AMENDATORY SECTION (Amending Order 51, filed 2/7/84)

WAC 315-30-090 ON-LINE AGENT CREDIT CRITERIA.

(1) The director shall deny an on-line license endorsement (~~and on-line contract addendum~~) to any applicant whose credit is rated as poor or marginal as defined in this section.

(2) The director shall require on-line applicants whose credit is rated as minimum as defined in this section to obtain a surety bond or post cash in lieu of a bond under terms and conditions established by the director prior to issuance of the on-line license endorsement (~~and on-line contract addendum~~). Such surety bond must be secured from a company licensed to do business in the state of Washington. The bond or cash shall be in the amount of seven thousand five hundred dollars unless the director determines a higher amount is required.

(3) In the event the agent's credit is rated as poor or marginal subsequent to the issuance of the license endorsement (~~and contract addendum~~) the director may:

- (a) Revoke or suspend an agent's on-line license endorsement (~~and/or terminate an agent's on-line contract addendum~~) and/or;
- (b) Require such an agent to secure a surety bond from a company licensed to do business in the state of Washington or post cash in lieu of a bond under terms and conditions established by the director. The surety bond or cash shall be in the amount of seven thousand five hundred dollars unless the director determines, based on sales volume and financial solvency of the agent, a higher amount is required.

(4) Credit ratings are defined as follows:

(a) Business credit – includes currently reporting accounts payable and payment records up to six months prior to the lottery's credit check request. Accounts are evaluated by the percentage of the balance outstanding in each of the following categories: Zero to thirty days, thirty-one to sixty days, sixty-one to ninety days, and ninety-one plus days.

(i) A "poor" credit rating indicates that at least half of the accounts are in the sixty-one days and over categories.

(ii) A "marginal" credit rating indicates that at least half of the accounts are in the thirty-one days and over categories.

(iii) A "minimum" credit rating indicates the information is insufficient for evaluation.

(iv) An "acceptable" credit rating indicates that the majority of current accounts are in the zero to thirty days payment category.

(b) Personal credit – includes current reporting personal accounts payable, including public financial record information up to seven years prior to the lottery's credit check request. A significant incident shall be defined as public record information which includes any lien, judgment, or bankruptcy or any similar incident which is publicly recorded and reflects on the individuals willingness and ability to pay creditors. A numerical rating of "one" represents excellent credit. A numerical rating of "nine" represents involuntary collection.

(i) A "poor" credit rating indicates at least half of the accounts are rated over "five", and/or the public record information indicates three or more significant incidents within the past three years.

(ii) A "marginal" credit rating indicates that at least half of the accounts are rated over "three", and/or the public record information indicates one or more significant incidents within the past three years.

(iii) A "minimum" credit rating indicates the information is insufficient for evaluation.

(iv) An "acceptable" credit rating indicates that the majority of the reporting accounts are rated under "three" and that there have been no significant incidents in the public record within the past three years.

NEW SECTION

WAC 315-06-035 INSTANT TICKET PURCHASE PRICE AND CONDITIONS. (1) The licensed agent's purchase price for each pack of instant tickets shall be the retail price of the pack less the value of the pack's low-tier prizes less the agent discount authorized pursuant to WAC 315-04-190. Licensed agents shall reimburse the lottery for each low-tier prize payment made by the lottery for winning tickets purchased from the licensed agent.

(2) Licensed agents shall make payment to the lottery by business check, cashier's check, certified check, or money order. The director may designate the form of payment.

(3) The director shall establish payment terms for purchase of instant tickets and shall issue instructions for such payments to licensed agents.

NEW SECTION

WAC 315-11-150 DEFINITIONS FOR INSTANT GAME NUMBER 15 ("JOKERS WILD"). (1) Play symbols: The following are the "play symbols:" "9," "10," "J," "Q," "K," "A," and "●." One of these play symbols appears under each of the six rub-off spots on the front of the ticket.

(2) Validation number: The unique nine-digit number on the lower right portion of the front of the ticket. The number is covered by latex which is overprinted "VOID IF REMOVED".

(3) Pack-ticket number: The ten-digit number of the form 5000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 15 constitute the "pack number" which starts at 5000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 15, the captions which correspond with and verify the play symbols are:

| PLAY SYMBOL | CAPTION |
|-------------|---------|
| 9 | NINE |
| 10 | TEN |
| J | JACK |
| Q | QUEEN |
| K | KING |
| A | ACE |
| | JOKER |

(5) Agent verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify instant winners below \$25. For Instant Game Number 15, the agent verification code is a three-letter code, with each letter appearing in a varying three of five locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes used by the licensed agent to verify lower tier prizes are:

| VERIFICATION CODE | PRIZE |
|-------------------|-------------|
| TIC | FREE TICKET |
| TWO | \$2.00 |
| FIV | \$5.00 |

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

NEW SECTION

WAC 315-11-151 CRITERIA FOR INSTANT GAME NUMBER 15. (1) The price of each instant game ticket shall be \$1.00.

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

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

| | | |
|------------------------------|---|---------------------|
| Three 9s or two 9s and one | - | Win one free ticket |
| Three 10s or two 10s and one | - | Win \$2.00 |
| Three Js or two Js and one | - | Win \$5.00 |
| Three Qs or two Qs and one | - | Win \$50.00 |
| Three Ks or two Ks and one | - | Win \$1,000 |
| Three As or two As and one | - | Win \$50,000 |

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

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 15 set forth in WAC 315-11-152, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Instant prize winning tickets shall be redeemed in the manner set out on the back of the ticket and in the player's brochure.

(6) Grand prize drawing for Instant Game Number 15: The grand prize drawing process shall be conducted as follows:

(a) There will be preliminary drawings from entries containing five valid nonwinning "JOKER'S WILD" tickets conducted at dates, times, places, and in a manner to be announced by the director.

(b) The director shall establish the procedure for the conduct of the preliminary drawings and the grand prize drawing.

(c) Fifty names will be selected in each of five preliminary drawings. In each drawing, one will be named a finalist in the grand prize drawing and forty-nine will receive a prize of \$1,000.

(d) To be eligible for entry into a preliminary drawing, an entrant must:

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

(ii) Collect five valid nonwinning "JOKER'S WILD" instant game tickets. A valid nonwinning ticket is a ticket which meets all the requirements of these rules and regulations but which does not otherwise qualify for any other prize established in this section.

(iii) Write or print legibly, the entrant's name and address on the back of at least one of the five tickets or on a separate sheet of paper. An entry containing more than one name and/or address shall be disqualified.

(iv) Place the five tickets in a single envelope. An envelope which contains extraneous material or which has had the exterior altered for

the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("JOKER'S WILD" Grand Prize Drawing, Tacoma, WA 98450), or deliver it in person during normal business hours to:

Office of the Director
 Washington State Lottery
 600 Park Village Plaza
 1200 Cooper Point Road SW
 Olympia, WA

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

(f) Entries received by the lottery by 9:00 a.m. local time on the day of a preliminary drawing shall be entitled to participation in that drawing; except for the final preliminary drawing for which entries must be received no later than fourteen days after the announced end of game. The director reserves the right to place an entry which was entitled to, but which was not entered into a drawing, into a subsequent preliminary drawing. The deadline for entry and the date of preliminary drawings may vary at the discretion of the director.

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

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

(i) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "JOKER'S WILD" grand prize drawing. All mail not drawn will be incinerated unopened.

(7) There will be one grand prize drawing for Instant Game Number 15. It will be conducted at a time and place and pursuant to procedures to be established and announced by the director. The prizes awarded at the grand prize drawing will be: First prize, \$50,000 a year for life, with the prize payment starting at age eighteen or older, and with a minimum of \$1,000,000 guaranteed; second prize, \$50,000; third prize \$25,000; fourth and fifth prizes, \$10,000 each. In the event that an entry is not included in the preliminary grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent preliminary grand prize drawing process.

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

- (a) Vary the length of Instant Game Number 15 and/or
- (b) Vary the number of tickets sold in Instant Game Number 15 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-152 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 15. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 15 all of the following validation requirements apply.

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

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

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

| | |
|-------------------------|-----------------------------|
| Play Symbol | Mead 20 Point Crew font |
| Captions | Mead 5 x 11 Matrix font |
| Pack-Ticket Number | OCR-A Size 1 Condensed font |
| Validation Number | OCR-A Size 1 Condensed font |
| Agent Verification Code | Mead 7 x 12 Matrix font |

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

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-150(1) and each of the captions must be exactly one of those described in WAC 315-11-150(4).

(2) Removal of part or all of the latex overprinted "VOID IF REMOVED" covering of the validation number will not invalidate an otherwise valid ticket.

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

WSR 85-05-059
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed February 20, 1985]

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

that the agency will at 10:00 a.m., Wednesday, March 27, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 3, 1985.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 27, 1985.

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

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

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by March 13, 1985. The meeting site is in a location which is barrier free.

Dated: February 20, 1985

By: David A. Hogan, Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-54-675, Work registration—Voluntary quit.

The Purpose of the Rule Changes: To increase the number of referrals to food stamp job search. Voluntary quit is amended to include recipients.

The Reason These Rules are Necessary: Changes are required by federal regulation.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Changes: Single parents with children six and above will be referred to job search.

(The age of the children was twelve.) Failure to comply with Title IV-A work requirement shall be considered failure to comply with food stamp job search. Sanctions for voluntarily quitting a job are extended to recipient households. Individuals striking against government entities will be considered to have quit a job without good cause.

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

These rules are necessary as a result of federal law, amendments to 7 CFR 272 and 273 published in the Federal Register on October 3, 1984, beginning on page 39035.

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

WAC 388-54-675 WORK REGISTRATION ((REQUIREMENT)) AND JOB SEARCH. (1) Each individual between the ages of eighteen and sixty is required to register for employment ((prior to)) at certification((:)) and once every ((six)) twelve months ((after initial)) thereafter. A child reaching age eighteen during a certification period shall be registered for work during the next recertification process.

(2) The following people are exempt from work registration((: except)):

(a) A person physically or mentally unfit for employment;
 (b) A parent((:)) or other member of the household((:)) having responsibility for the care of a dependent child under ((twelve)) six years of age or of an incapacitated person((:)).

If the child has his or her ((twelfth)) sixth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work registration requirement ((as part of)) at the next ((scheduled)) recertification ((process)), unless the individual qualifies for another exemption.

(c) ~~((A parent, or other caretaker, of a child under eighteen years of age in a household where another able-bodied parent is registered for work or is exempt as a result of employment;~~

~~((d)) A person receiving unemployment compensation (UC), or a person ((who has applied)) applying for((:)) but not yet ((begun to receive)) receiving unemployment compensation((, but has registered for work as a requirement for receiving unemployment compensation));~~

~~((fe)) (d) A household member subject to and participating in the work incentive program (WIN), community work and training program (CWEP), or employment and training (E&T) programs;~~

~~((Household members required to register for work under WIN or unemployment compensation and fail to comply with the work registration requirements of those programs, shall not be denied food stamp benefits solely for this failure. These members lose their exemption and must register for work if they fail to qualify for WIN exemption under other conditions in subsection (1) of this section.))~~

~~((ff)) (e) A person employed((:)) or self-employed((:)) at least thirty hours per week, or receiving weekly earnings equal to the federal minimum wage, multiplied by thirty ((hours));~~

~~((fg)) (f) A student enrolled at least half time in any recognized school, training program or institution of higher education provided ((that)) those students enrolled in higher education have met the eligibility conditions in WAC 388-54-670;~~

~~((fh)) (g) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;~~

~~((fi) A child having his or her eighteenth birthday within the certification period. This child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the child qualifies for another exemption;~~

~~((fj)) (h) A person complying with work requirements imposed as a participant in any refugee ((resettlement)) program ((including but not limited to the Indochinese refugee assistance program or the E&T program, when approved by FNS. The program must demonstrate that work registration requirements are at least equivalent to food stamp requirements, activities are monitored, and that all other household members not exempt are registered for work));~~

~~((*) (i) A migrant or seasonal farmworker under contract or similar agreement with an employer to begin employment within thirty days;~~

~~((†) The department shall verify any claim for exemption it determines to be questionable.))~~

~~((2)) (3) The department shall provide work registration forms to the applicant for each household member required to register ((for employment)). Household members are registered when a completed work registration form is submitted to the department. ((The department shall forward the completed form to the state employment service.))~~

~~((3)) (4) The applicant's statement concerning the employability of each member of the household shall be accepted unless the information is questionable. The department shall verify any claim for exemption it determines questionable.~~

~~(5) Persons required to register for work are subject to job search. Persons subject to job search are required to:~~

~~(a) Contact as required by the job service center (JSC) up to twenty-four prospective employers during an eight-week or two four-week period or periods of mandatory job search each time they are entered into the food stamp program or each twelve months, whichever occurs sooner;~~

~~(b) Report at a prescheduled time to the JSC on the result of all job contacts twice during the eight-week period;~~

~~(c) Comply with JSC follow-up interviews.~~

~~((4)) (6) Each member required to register for employment shall also be required to:~~

~~(a) Report for an interview to the ((office where he or she is registered upon reasonable request)) JSC;~~

~~(b) Respond to a request from the ((employment service office)) JSC requiring supplemental information regarding employment status or availability for work;~~

~~(c) Report to an employer to whom ((he or she has been)) referred by ((such office)) the JSC, if the potential employment is suitable;~~

~~(d) Accept a bona fide offer of suitable employment to which ((he or she is)) referred by ((such office)) the JSC;~~

~~(e) Continue suitable employment to which ((the registrant was)) referred ((by such office until the employment is no longer considered suitable, the registrant becomes exempt, or is terminated from employment due to circumstances beyond the registrant's control)). Suitability of employment shall be determined by the JSC.~~

~~((5)) (7) If ((the department finds)) a household member ((refused)) refuses or ((failed)) fails to comply with the work registration or job search requirements without good cause, the household shall be ineligible for participation in the program, until the member ((complies)) moves from the household, becomes exempt, or, for two months, whichever is earlier. Any new household containing this member shall be disqualified.~~

~~((6) In determining whether good cause existed for failure to comply, facts and circumstances shall be considered including information submitted by the employment office, the household member, and the employer. "Good cause" includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member sufficiently serious to require the presence of the household member, unavailability of transportation, and unanticipated emergency. Problems caused by inability of the work registrant to speak or write English could constitute good cause or the lack of adequate child care for children having reached age six but are under age twelve.~~

~~(7) Employment will be considered unsuitable if:~~

~~(a) The wages offered are less than the highest amount of the standard following:~~

~~(i) The applicable state or federal minimum wage;~~

~~(ii) Eighty percent of the federal minimum wage;~~

~~(b) The employment offered is on a piece-rate basis and the average hourly yield the employee can reasonably be expected to earn is less than the hourly wages specified in subsection (7)(a) of this section;~~

~~(c) The registrant, as a condition of employment or continuing employment, is required to join, resign from or refrain from joining any legitimate labor organization; or~~

~~(d) The work offered is at a site subject to a strike or a lockout at the time of the offer, unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (commonly known as the Taft-Hartley Act) or unless an injunction has been issued under Section 10 of the Railway Labor Act.))~~

~~(a) The JSC shall determine whether good cause existed for failure to comply. Facts and circumstances considered include information~~

from the household member, employer, and the JSC. Good cause includes circumstances beyond the member's control, such as but not limited to, illness, illness of another household member requiring the presence of the member, a household emergency, unavailability of transportation, or the lack of adequate child care for children having reached age six but under age twelve.

(b) A household member exempt from work registration because he or she was registered for work under WIN, E&T, CWEP, or UC and failing to comply with a WIN, E&T, CWEP, or UC requirement comparable to a food stamp work registration or job search requirement shall be treated as though the member had failed to comply with the corresponding food stamp requirements.

(c) When the CSO learns a household member has refused or failed without good cause to comply with such a requirement, the CSO shall determine whether the requirement was comparable. The WIN, E&T, CWEP, or UC requirement shall not be considered comparable if it places responsibilities on the household exceeding those imposed by the food stamp work registration requirements.

(d) When the CSO determines the requirement is comparable, the entire household shall be disqualified. A household shall not be disqualified from participation if the noncomplying member meets one of the work registration exemptions. Household members failing to comply with a noncomparable WIN, CWEP, E&T, or UC requirement shall lose their exemption and must register for work.

(8) ((Employment shall be considered suitable unless the household member can demonstrate or the department otherwise becomes aware that:

(a) The degree of risk to the registrant's health and safety is unreasonable;

(b) The registrant is not physically or mentally fit to perform the employment offered, as documented by medical evidence or reliable information obtained from other sources;

(c) The employment offered is outside the registrant's major field of experience unless, after a period of thirty days following registration, job opportunities in his or her major field have not been offered;

(d) The distance from the member's home to the place of employment is unreasonable considering the expected wages and the time and cost of commuting;

(e) If daily commuting time, not including the transporting of a child to and from a child care facility, exceeds two hours or if the place of employment is too far to walk to and neither private nor public transportation is available to the client;

(f) The working hours or nature of the employment interferes with the member's religious observances, convictions or beliefs;

(g) In the case of students, the employment is offered during class hours or is more than twenty hours a week;

(9) Households with striking members shall be ineligible to participate in the food stamp program unless the household was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. Such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member or members of the household;

A striker shall be anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee affected by a lockout, however, shall not be deemed to be a striker. Further, an individual who goes on strike who is exempt from work registration the day prior to the strike, other than those exempt solely on the grounds they are employed, shall not be deemed to be a striker.

(a) Prestrike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur;

(b) Eligibility at the time of application shall be determined by comparing the striking member's income before the strike to the striker's current income and adding the higher of the two to the current income of nonstriking members during the month of application;

(c) To determine benefits, deductions shall be calculated for the month of application as for any other household;

(d) Whether the striker's prestrike earnings are used or his or her current income is used, the earnings deduction shall be allowed if appropriate. Strikers whose households are eligible shall be subject to the work registration requirements unless exempt)) Each household has a right to a fair hearing to appeal a denial, reduction, or termination of

benefits due to a determination of nonexempt status or failure to comply with work registration and job search requirements for determination of noncompliance with a comparable WIN, CWEP, E&T, or UC work requirement.

Within ten days of receipt of notice of failure to comply, provide the household with notice of adverse action. The notice shall contain the proposed period of disqualification and shall specify the household may reapply at the end of the disqualification period.

~~((+θ))~~ (9) At the end of the two-month disqualification period, a household may apply to reestablish eligibility. Eligibility may be reestablished during the disqualification period if the reason for disqualification is corrected.

~~((+H))~~ (10) A registrant moving out of the jurisdiction of the ~~((department of employment security (DES)))~~ JSC office with which he or she is registered must reregister at his or her new location.

~~((+2))~~ (11) Persons losing exemption status due to any change of circumstance:

(a) Subject to reporting requirements shall register for work; the work registration report form shall be completed and returned within ten calendar days of the date the department hands or mails the form to the household member reporting the change. Failure to complete and return the form within that period shall result in termination of the household;

(b) Not subject to reporting requirements shall register for employment at the household's next recertification.

~~((+3))~~ (12) The household shall be held liable for any overissuances ~~((which result))~~ resulting from erroneous information given by the household member or the household's authorized representative.

AMENDATORY SECTION (Amending Order 1558, filed 10/20/80)

WAC 388-54-677 ~~((WORK REGISTRATION))~~ VOLUNTARY QUIT. No applicant or recipient household whose primary wage earner voluntarily quit ~~((his/her))~~ his or her most recent job without good cause shall be eligible for participation in the program ~~((as specified below))~~:

(1) ~~((When a household files an application, the department shall determine:~~

~~((a))~~ Voluntary quit applies if any currently unemployed household member ~~((who is))~~ required to register for full-time work has quit ~~((his/her))~~ his or her most recent job without good cause within the last sixty days ~~((:))~~ and the employment involved twenty hours or more weekly or provided weekly earnings equal to federal minimum wage multiplied by twenty.

~~((a))~~ An employee of the federal, state, or local government participating in a strike against such government and dismissed from that job because of participation in a strike, shall be considered to have voluntarily quit a job without good cause.

~~((b))~~ Changes in employment status ~~((that result))~~ resulting from reducing hours of employment, while working for the same employer, terminating a self-employment enterprise, or resigning from a job at the demand of the employer will not be considered as a voluntary quit for purpose of this subsection.

~~((b))~~ (2) ~~((F))~~ Voluntary quit applies to ~~((that member is))~~ the household's primary wage earner. The primary wage earner shall be that household member age eighteen or over ~~((who was))~~ acquiring the greatest amount of earned financial support for the household at the time of the quit ~~((:))~~.

~~((c))~~ (3) The CSO determines if the voluntary quit was ~~((with or))~~ without good cause. See WAC 388-54-675(8) for explanation of good cause.

~~((2))~~ (4) If the quit is without good cause, the household's application ~~((for participation))~~ shall be denied for a period of ~~((two months))~~ ninety days beginning with the ~~((month of quit))~~ day of application:

~~((a))~~ The household shall be advised of the reason for the denial ~~((and of its))~~, period of disqualification, rights to reapply ~~((and/or))~~, and right to request a fair hearing ~~((:))~~.

(5) If the quit without good cause occurs in a participating household, provide notice of adverse action to the household within ten days of the determination of voluntary quit. A participating household shall be disqualified for three months. Those households leaving the program before the sanction can be imposed shall receive the sanction when the household reapplies. The adverse action notice shall be the same as for an applicant household. If a participating household requests a fair hearing to appeal the sanction and the CSO is upheld, the sanction will begin the first of the month after the hearing decision is rendered.

~~((b))~~ (6) If an application for participation in the food stamp program is filed in the ~~((second))~~ third month of disqualification, the department shall use the same application for the denial of benefits in the remaining month of disqualification and certification for any subsequent ~~((month(s))~~ month or months if all other eligibility criteria are met.

~~((3))~~ Persons are exempt from voluntary quit provisions in the following circumstances:

(a) Primary wage earners in households certified for the program at the time of the quit, and

(b) Persons exempt from the full-time work registration provisions:

~~((4))~~ Good cause for leaving employment includes the good cause provisions found in WAC 388-54-675(5) and resigning from a job that does not meet the suitability criteria specified in WAC 388-54-675(7). Good cause for leaving employment shall also include:

(a) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs;

(b) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;

(c) Acceptance by the primary wage earner of employment, or enrollment of at least half-time in any recognized school, training program or institution of higher education including fulfillment of the provisions in WAC 388-54-670(2), that requires the primary wage earner to leave employment;

(d) Acceptance by any other household member of employment or enrollment at least half-time in any recognized school, training program or institution of higher education in another county or similar political subdivision which requires the household to move thereby requiring the primary wage earner to leave employment;

(e) Resignations by persons under the age of sixty which are recognized by the employer as retirement;

(f) Employment which becomes unsuitable by not meeting the criteria specified in WAC 388-54-675(7) after the acceptance of such employment;

(g) Acceptance of a bona fide offer of employment of more than twenty hours a week or in which the weekly earnings are equivalent to the federal minimum wage multiplied by twenty hours which, because of circumstances beyond the control of the primary wage earner, subsequently either does not materialize or results in employment of less than twenty hours a week or weekly earnings of less than the federal minimum wage multiplied by twenty hours; and

(h) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for food stamp benefits between jobs particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually begun, the quitting of the previous employment shall be considered as with good cause if part of the pattern of that type of employment.

~~((5))~~ (7) The department shall request verification of the household's statements only to the extent ~~((that))~~ the information given by the household is questionable:

(a) The primary responsibility for providing verification rests with the household;

(b) If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the department shall offer assistance to the household to obtain the needed verification;

(c) Acceptable sources of verification include but are not limited to the previous employer, employee association, union representatives and grievance committees or organizations;

(d) ~~((Whenever documentary evidence cannot be obtained, the department shall substitute a collateral contact;~~

~~((e))~~ The department is responsible for obtaining verification from acceptable collateral contacts provided by the household;

~~((f))~~ (e) If the household and department are unable to obtain requested verification ~~((from these or other sources))~~ because the cause for the quit resulted from circumstances that for good reason cannot be verified ~~((, such as a resignation from employment due to discrimination practices or unreasonable demands by an employer, or because the employer cannot be located))~~, the household will not be denied access to the program.

NEW SECTION

WAC 388-54-679 STRIKERS. (1) A striker shall be anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining

agreement) and any concerted slowdown or other concerted interruption of operations by employees. Any employee affected by a lockout shall not be deemed to be a striker. An individual going on strike who is exempt from work registration the day prior to the strike, other than those exempt solely on the grounds they are employed, shall not be deemed to be a striker. Examples of nonstrikers are:

(a) Employees whose workplace is closed by an employer in order to resist demands of employees (e.g., a lockout).

(b) Employees unable to work as a result of striking employees (e.g., truck drivers not working because striking newspaper pressmen prevent newspapers from being printed); and

(c) Employees not part of the bargaining unit on strike not wanting to cross a picket line due to fear of personal injury or death.

(2) Households with striking members shall be ineligible to participate in the food stamp program unless the household was eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. However, such a household shall not receive an increased allotment as the result of a decrease in the income of the striking member or members of the household.

(3) Prestrike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur.

(4) Eligibility at the time of application shall be determined by comparing the striking member's income before the strike to the striker's current income and adding the higher of the two to the current income of nonstriking members during the month of application.

To determine benefits, deductions shall be calculated for the month of application as for any other household.

Whether the striker's prestrike earnings are used or his or her current income is used, the earnings deduction shall be allowed if appropriate. Strikers whose households are eligible shall be subject to the work registration requirements unless exempt.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-54-678 JOB SEARCH REQUIREMENT.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- REP = Repeal of existing section
- READOPT = Readoption of existing section
- REAFF = Order assuming and reaffirming rules
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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| 4-25-140 | AMD-P | 85-02-066 | 106-120-010 | REP-P | 85-03-086 | 132E-116-032 | REP | 85-04-003 |
| 4-25-260 | REP-P | 85-02-066 | 106-120-011 | REP-P | 85-03-086 | 132E-116-036 | REP | 85-04-003 |
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| 16-231-413 | NEW-P | 85-03-101 | 106-120-020 | REP-P | 85-03-086 | 132E-116-044 | REP | 85-04-003 |
| 16-231-613 | NEW-P | 85-03-101 | 106-120-021 | NEW-P | 85-03-086 | 132E-116-048 | REP | 85-04-003 |
| 16-231-615 | AMD-P | 85-03-101 | 106-120-022 | NEW-P | 85-03-086 | 132E-116-052 | REP | 85-04-003 |
| 16-400-007 | NEW-P | 85-03-089 | 106-120-023 | NEW-P | 85-03-086 | 132E-116-056 | REP | 85-04-003 |
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| 67-25-257 | NEW-P | 85-03-081 | 106-120-131 | NEW-P | 85-03-086 | 132R-128-090 | REP-P | 85-05-007 |
| 67-25-420 | AMD-P | 85-03-081 | 106-120-132 | NEW-P | 85-03-086 | 132R-128-100 | REP-P | 85-05-007 |
| 100-100-010 | NEW | 85-03-011 | 106-120-143 | NEW-P | 85-03-086 | 132R-128-110 | REP-P | 85-05-007 |
| 100-100-020 | NEW | 85-03-011 | 106-120-200 | REP-P | 85-03-086 | 132R-128-120 | REP-P | 85-05-007 |
| 100-100-030 | NEW | 85-03-011 | 106-120-210 | REP-P | 85-03-086 | 132R-128-121 | REP-P | 85-05-007 |
| 100-100-040 | NEW | 85-03-011 | 106-120-220 | REP-P | 85-03-086 | 132R-128-122 | REP-P | 85-05-007 |
| 100-100-050 | NEW | 85-03-011 | 106-120-230 | REP-P | 85-03-086 | 132R-128-130 | REP-P | 85-05-007 |
| 100-100-060 | NEW | 85-03-011 | 106-120-240 | REP-P | 85-03-086 | 132R-180-010 | REP-P | 85-05-007 |
| 100-100-070 | NEW | 85-03-011 | 106-120-250 | REP-P | 85-03-086 | 132R-180-020 | REP-P | 85-05-007 |
| 100-100-070 | AMD-P | 85-04-063 | 106-120-700 | REP-P | 85-03-086 | 132R-180-030 | REP-P | 85-05-007 |
| 100-100-080 | NEW | 85-03-011 | 106-120-800 | REP-P | 85-03-086 | 132R-180-040 | REP-P | 85-05-007 |
| 100-100-090 | NEW | 85-03-011 | 106-120-900 | REP-P | 85-03-086 | 132R-180-050 | REP-P | 85-05-007 |
| 100-100-100 | NEW | 85-03-011 | 132B-122-010 | NEW-P | 85-04-051 | 132R-180-060 | REP-P | 85-05-007 |
| 100-100-100 | AMD-P | 85-04-063 | 132E-116-001 | REP | 85-04-003 | 132R-180-070 | REP-P | 85-05-007 |
| 106-120 | AMD-P | 85-03-086 | 132E-116-004 | REP | 85-04-003 | 132R-180-080 | REP-P | 85-05-007 |
| 106-120-001 | REP-P | 85-03-086 | 132E-116-008 | REP | 85-04-003 | 132R-180-090 | REP-P | 85-05-007 |
| 106-120-003 | NEW-P | 85-03-086 | 132E-116-012 | REP | 85-04-003 | 137-28-030 | AMD-P | 85-05-048 |
| 106-120-004 | NEW-P | 85-03-086 | 132E-116-016 | REP | 85-04-003 | 137-52-005 | NEW-P | 85-03-104 |
| 106-120-005 | NEW-P | 85-03-086 | 132E-116-020 | REP | 85-04-003 | 137-52-010 | NEW-P | 85-03-104 |
| 106-120-006 | NEW-P | 85-03-086 | 132E-116-024 | REP | 85-04-003 | 137-52-015 | NEW-P | 85-03-104 |

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| 137-52-020 | NEW-P | 85-03-104 | 140-09-150 | NEW | 85-03-004 | 220-56-198 | REP-P | 85-03-110 |
| 137-52-025 | NEW-P | 85-03-104 | 140-09-155 | NEW | 85-03-004 | 220-56-199 | NEW-P | 85-03-110 |
| 137-52-030 | NEW-P | 85-03-104 | 140-09-160 | NEW | 85-03-004 | 220-56-201 | REP-P | 85-03-110 |
| 137-52-035 | NEW-P | 85-03-104 | 140-09-173 | NEW | 85-03-004 | 220-56-235 | AMD-P | 85-03-110 |
| 137-52-040 | NEW-P | 85-03-104 | 140-09-175 | NEW | 85-03-004 | 220-56-240 | AMD-P | 85-03-110 |
| 137-52-045 | NEW-P | 85-03-104 | 140-09-180 | NEW | 85-03-004 | 220-56-320 | AMD-P | 85-03-110 |
| 137-52-050 | NEW-P | 85-03-104 | 140-09-185 | NEW | 85-03-004 | 220-56-330 | AMD-P | 85-03-110 |
| 137-54-010 | NEW-P | 85-02-067 | 140-09-200 | NEW | 85-03-004 | 220-56-335 | AMD-P | 85-03-109 |
| 137-54-010 | NEW | 85-05-019 | 140-09-220 | NEW | 85-03-004 | 220-56-36000H | NEW-E | 85-04-064 |
| 137-54-020 | NEW-P | 85-02-067 | 140-09-230 | NEW | 85-03-004 | 220-56-400 | AMD-P | 85-03-110 |
| 137-54-020 | NEW | 85-05-019 | 173-19-260 | AMD-P | 85-05-044 | 220-57-130 | AMD-P | 85-03-110 |
| 137-54-030 | NEW-P | 85-02-067 | 173-19-3210 | AMD | 85-04-039 | 220-57-160 | AMD-P | 85-03-110 |
| 137-54-030 | NEW | 85-05-019 | 173-19-3210 | AMD-P | 85-05-045 | 220-57-175 | AMD-P | 85-03-110 |
| 137-54-040 | NEW-P | 85-02-067 | 173-19-3514 | AMD-P | 85-05-046 | 220-57-215 | AMD-P | 85-03-110 |
| 137-54-040 | NEW | 85-05-019 | 173-19-450 | AMD-C | 85-03-046 | 220-57-28000F | REP-E | 85-03-074 |
| 137-60-020 | AMD | 85-04-015 | 173-19-450 | AMD | 85-04-040 | 220-57-310 | AMD-P | 85-03-110 |
| 137-70-060 | AMD-P | 85-03-103 | 173-144-010 | NEW-E | 85-03-075 | 220-57-335 | AMD-P | 85-03-110 |
| 137-70-070 | AMD-P | 85-03-103 | 173-144-020 | NEW-E | 85-03-075 | 220-57-350 | AMD-P | 85-03-110 |
| 139-04-010 | AMD-P | 85-03-076 | 173-144-030 | NEW-E | 85-03-075 | 220-57-400 | AMD-P | 85-03-110 |
| 139-08-005 | AMD-P | 85-03-077 | 173-144-040 | NEW-E | 85-03-075 | 220-57-425 | AMD-P | 85-03-110 |
| 139-08-010 | REP-P | 85-03-077 | 173-144-050 | NEW-E | 85-03-075 | 220-57-465 | AMD-P | 85-03-110 |
| 139-08-020 | REP-P | 85-03-077 | 173-144-060 | NEW-E | 85-03-075 | 220-57-495 | AMD-P | 85-03-110 |
| 139-08-030 | REP-P | 85-03-077 | 173-144-070 | NEW-E | 85-03-075 | 220-57-502 | NEW-P | 85-03-110 |
| 139-08-040 | AMD-P | 85-03-077 | 173-144-080 | NEW-E | 85-03-075 | 220-57-505 | AMD-P | 85-03-110 |
| 139-08-060 | REP-P | 85-03-077 | 173-144-090 | NEW-E | 85-03-075 | 220-57-510 | AMD-P | 85-03-110 |
| 139-08-090 | AMD-P | 85-03-077 | 173-216-050 | AMD | 85-04-006 | 220-57-52000F | REP-E | 85-03-074 |
| 139-08-130 | AMD-P | 85-03-077 | 173-303-071 | AMD-P | 85-05-047 | 220-57-52500F | REP-E | 85-03-074 |
| 139-08-150 | AMD-P | 85-03-077 | 173-303-9904 | AMD-P | 85-05-047 | 220-57A-010 | AMD-P | 85-03-110 |
| 139-08-240 | AMD-P | 85-03-077 | 174-116-040 | AMD | 85-03-048 | 220-57A-012 | AMD-P | 85-03-110 |
| 139-08-270 | AMD-P | 85-03-077 | 180-27-053 | NEW | 85-04-008 | 220-57A-037 | AMD-P | 85-03-110 |
| 139-08-280 | AMD-P | 85-03-077 | 180-27-054 | NEW | 85-04-008 | 220-57A-040 | AMD-P | 85-03-110 |
| 139-08-290 | AMD-P | 85-03-077 | 180-27-055 | REP | 85-04-008 | 220-57A-080 | AMD-P | 85-03-110 |
| 139-08-320 | AMD-P | 85-03-077 | 180-27-056 | NEW | 85-04-008 | 220-57A-112 | AMD-P | 85-03-110 |
| 139-08-330 | AMD-P | 85-03-077 | 180-27-058 | NEW | 85-04-008 | 220-57A-152 | AMD-P | 85-03-110 |
| 139-08-350 | AMD-P | 85-03-077 | 180-40-215 | AMD | 85-04-009 | 220-57A-185 | AMD-P | 85-03-110 |
| 139-08-360 | AMD-P | 85-03-077 | 180-40-227 | NEW | 85-04-009 | 220-57A-190 | AMD-P | 85-03-110 |
| 139-08-370 | AMD-P | 85-03-077 | 180-50-120 | AMD | 85-04-007 | 220-95-012 | AMD-P | 85-04-043 |
| 139-08-390 | REP-P | 85-03-077 | 180-78-050 | AMD | 85-04-010 | 220-95-01200A | NEW-E | 85-03-053 |
| 139-08-400 | REP-P | 85-03-077 | 196-04-030 | NEW | 85-04-030 | 220-130-010 | NEW | 85-04-045 |
| 139-08-410 | REP-P | 85-03-077 | 196-04-040 | NEW | 85-04-030 | 220-130-020 | NEW | 85-04-045 |
| 139-08-420 | REP-P | 85-03-077 | 220-12-020 | AMD-P | 85-03-110 | 220-130-030 | NEW | 85-04-045 |
| 139-08-430 | REP-P | 85-03-077 | 220-16-340 | AMD-P | 85-03-110 | 220-130-040 | NEW | 85-04-045 |
| 139-08-440 | REP-P | 85-03-077 | 220-20-010 | AMD-P | 85-03-110 | 220-130-050 | NEW | 85-04-045 |
| 139-08-450 | REP-P | 85-03-077 | 220-20-010 | AMD-P | 85-04-065 | 220-130-060 | NEW | 85-04-045 |
| 139-08-460 | REP-P | 85-03-077 | 220-20-021 | AMD-P | 85-04-065 | 230-02-020 | AMD | 85-03-026 |
| 139-08-470 | REP-P | 85-03-077 | 220-28-440 | REP-E | 85-03-037 | 230-04-201 | AMD | 85-03-024 |
| 139-08-480 | REP-P | 85-03-077 | 220-32-02200M | NEW-E | 85-04-012 | 230-04-201 | AMD-E | 85-03-028 |
| 139-08-490 | REP-P | 85-03-077 | 220-32-02200M | REP-E | 85-04-049 | 230-04-230 | AMD | 85-03-026 |
| 139-08-510 | REP-P | 85-03-077 | 220-32-02200N | NEW-E | 85-04-049 | 230-04-325 | AMD | 85-03-026 |
| 139-08-570 | AMD-P | 85-03-077 | 220-32-03000P | NEW-E | 85-05-035 | 230-08-095 | AMD | 85-03-026 |
| 139-08-600 | NEW-P | 85-03-077 | 220-32-04200F | NEW-E | 85-03-044 | 230-08-120 | AMD | 85-03-026 |
| 140-08-010 | REP | 85-03-004 | 220-36-03001 | AMD-C | 85-04-005 | 230-08-260 | AMD | 85-03-025 |
| 140-08-020 | REP | 85-03-004 | 220-36-031 | NEW-C | 85-04-005 | 230-08-260 | AMD-E | 85-03-029 |
| 140-08-030 | REP | 85-03-004 | 220-40-030 | AMD-C | 85-04-005 | 230-12-020 | AMD | 85-03-026 |
| 140-08-040 | REP | 85-03-004 | 220-40-031 | NEW-C | 85-04-005 | 230-25-065 | AMD | 85-03-025 |
| 140-08-050 | REP | 85-03-004 | 220-44-020 | AMD-P | 85-04-065 | 230-25-065 | AMD-E | 85-03-029 |
| 140-08-060 | REP | 85-03-004 | 220-44-050 | AMD-P | 85-04-035 | 230-25-120 | AMD | 85-03-059 |
| 140-08-070 | REP | 85-03-004 | 220-44-080 | NEW-P | 85-04-065 | 230-30-070 | AMD | 85-03-024 |
| 140-08-080 | REP | 85-03-004 | 220-47-930 | REP-E | 85-03-036 | 230-30-070 | AMD-E | 85-03-028 |
| 140-08-090 | REP | 85-03-004 | 220-47-931 | NEW-E | 85-03-036 | 230-30-102 | AMD | 85-03-024 |
| 140-08-100 | REP | 85-03-004 | 220-48-005 | AMD-P | 85-04-065 | 230-30-102 | AMD-E | 85-03-028 |
| 140-08-110 | REP | 85-03-004 | 220-48-011 | AMD-P | 85-04-065 | 230-30-104 | AMD | 85-03-024 |
| 140-09-010 | NEW | 85-03-004 | 220-48-013 | NEW-P | 85-04-065 | 230-30-104 | AMD-E | 85-03-028 |
| 140-09-020 | NEW | 85-03-004 | 220-48-015 | AMD-P | 85-04-065 | 230-30-999 | NEW | 85-03-024 |
| 140-09-030 | NEW | 85-03-004 | 220-48-01500M | NEW-E | 85-04-044 | 230-30-999 | NEW-E | 85-03-028 |
| 140-09-040 | NEW | 85-03-004 | 220-56-100 | AMD-P | 85-03-110 | 230-40-030 | AMD | 85-03-025 |
| 140-09-050 | NEW | 85-03-004 | 220-56-105 | AMD-P | 85-03-110 | 230-40-030 | AMD-E | 85-03-029 |
| 140-09-058 | NEW | 85-03-004 | 220-56-115 | AMD-P | 85-03-110 | 230-40-050 | AMD | 85-03-026 |
| 140-09-065 | NEW | 85-03-004 | 220-56-116 | AMD-P | 85-03-110 | 230-40-055 | NEW | 85-03-026 |
| 140-09-080 | NEW | 85-03-004 | 220-56-126 | NEW-P | 85-03-110 | 230-60-015 | AMD-P | 85-03-058 |
| 140-09-090 | NEW | 85-03-004 | 220-56-128 | AMD-P | 85-03-110 | 232-12-017 | AMD-P | 85-05-049 |
| 140-09-100 | NEW | 85-03-004 | 220-56-156 | NEW-P | 85-03-110 | 232-12-018 | NEW-P | 85-05-049 |
| 140-09-110 | NEW | 85-03-004 | 220-56-180 | AMD-P | 85-03-110 | 232-12-025 | AMD | 85-04-042 |
| 140-09-120 | NEW | 85-03-004 | 220-56-185 | AMD-P | 85-03-110 | 232-12-04503 | NEW-E | 85-02-057 |
| 140-09-128 | NEW | 85-03-004 | 220-56-190 | AMD-P | 85-03-110 | 232-12-04504 | NEW-E | 85-03-056 |
| 140-09-130 | NEW | 85-03-004 | 220-56-195 | AMD-P | 85-03-110 | 232-12-064 | AMD-P | 85-05-052 |
| 140-09-140 | NEW | 85-03-004 | 220-56-197 | NEW-P | 85-03-110 | 232-12-091 | AMD-P | 85-05-049 |

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| 296-17-655 | AMD-P 85-02-052 | 296-18-350 | AMD-P 85-03-019 | 296-150A-100 | AMD 85-05-026 |
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| (See FISHERIES, DEPARTMENT OF) | | | |

